

State of Rhode Island and Providence Plantations

Journal of the Senate

JANUARY SESSION of the General Assembly begun and held at the State House in the City of Providence on Tuesday, the sixth day of January in the year of Our Lord two thousand and nine.

Volume 136, No.25

Thursday, March 12, 2009

Twenty-fifth Legislative Day

The Senate meets pursuant to adjournment and is called to order by the Honorable M. Teresa Paiva Weed, Madam President of the Senate, at 4:10 o'clock P.M.

The roll is called and a quorum is declared present with 36 Senators present and 2 Senators absent as follows:

PRESENT – 36: The Honorable President Paiva Weed and Senators Algieri, Bates, Blais, Ciccone, Connors, Cote, Crowley, DaPonte, Devall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Jabour, Lanzi, Lenihan, Levesque, Lynch, Maher, Maselli, McBurney, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Pinga, Ruggerio, Sosnowski, Tassoni, Walaska.

ABSENT – 2: Senators Raptakis, Sheehan

INVOCATION

The Honorable President, by unanimous consent, presents Senator Tassoni, to deliver the invocation.

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

The Honorable Madam President, by unanimous consent, presents Senator Tassoni, to lead the Senate in the pledge of allegiance to the flag.

APPROVAL OF RECORD

The Senate Journal of the Twenty-fourth Legislative Day of the 2009 proceedings is read in part.

Upon suggestion of Senator Tassoni, and by unanimous consent, further reading of the Journal is dispensed with and the Journal approved as recorded.

COMMUNICATION

The Honorable President presents the following communication:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
STATE HOUSE

March 5, 2009

Honorable M. Teresa Paiva Weed
President of the Senate
318 State House
Providence, RI 02903

Dear Madam President:

I am writing to inform you that I will be absent from Legislative Session on Thursday, March 12, 2009, until Thursday, March 20, 2009. Please know I will be out of the Country.

Thank you.

Sincerely yours,

Leonidas P. Raptakis
Senator – District 33

Read and ordered to be placed on file.

Also:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
STATE HOUSE

March 11, 2009

Hon. Joseph R. Brady
Secretary of Senate
Room 318, State House
Providence, Rhode Island

Dear Mr. Brady:

As a primary sponsor of 2009 – S707, pursuant to Senate Rule 4.1, I am withdrawing the above legislation.

Thanking you for your consideration of this request.

Sincerely,

Joshua Miller

Read and ordered to be placed on file.

APPOINTMENTS BY THE GOVERNOR

The Honorable President presents the following communication from His Excellency, the Governor, transmitting the following appointments and requesting the advice and consent of the Senate thereto:

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
STATE HOUSE**

March 3, 2009

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 39-1-3 of the Rhode Island General Laws, I have made the following reappointment of Administrator to the Division of Public Utilities and Carriers:

Thomas F. Ahern of East Greenwich
(Administrator)

for a term expiring March 1, 2015.

To this reappointment, I request your advice and consent.

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Judiciary.

NEW BUSINESS**Senate Resolution No. 789**

BY Senators Connors, DaPonte, McBurney, Maselli, DiPalma

ENTITLED, SENATE RESOLUTION PROCLAIMING MARCH 12TH, 2009 AS "CATHOLIC SCHOOLS DAY" IN THE STATE OF RHODE ISLAND {LC2173/1}

Senator Connors requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Connors moves passage, seconded by Senator Algieri, Walaska, Pinga, Jabour and DiPalma.

The resolution is read and passed, upon a voice vote.

Also:

Senate Resolution No. 790**BY** Senator Tassoni**ENTITLED**, SENATE RESOLUTION PROCLAIMING MARCH 12, 2009 TO BE "HOBEY BAKER HIGH SCHOOL CHARACTER AWARDS DAY" IN RHODE ISLAND {LC2176/1}

Senator Tassoni requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Tassoni moves passage, seconded by Senators Algieri and Connors.

The resolution is read and passed, upon a voice vote.

GUESTS

Upon suggestion of Senator Tassoni and by unanimous consent, the Honorable President, welcomes to the Chamber recipients of the Hobey Baker High School Character Awards, Michael Murphy Barrington Boys, Kristina VonGerichten Barrington Girls, James Cavanagh Bishop Hendricken, John J. Hanley Burrillville Boys, Corinne Mattera Burrillville Girls, Justin Dimaio Cranston East, Brett Saquid Cranston West, Brittany Foster Cranston Girls, Matt Hayes Cumberland, John McCarthy E. Greenwich, Jesse Joy E. Providence, Aaron Broccoli Johnston, Frederick M Vicario LaSalle Boys, Kaitlin O'Donnell LaSalle Girls, Scott Boulis Lincoln, Eliza Jalbert Lincoln School, Ryan Hebel Middletown, Jason Perfetto Moses Brown, Craig Larisa Mt. Hope, Kyle Beauchamp Mt. St. Charles Boys, Kaeli Havunen Mt. St. Charles Girls, Reilly Loomis Narraganset, Evan Schwender North Kingstown, Matthew Rei North Providence, Peter Brissette North Smithfield Boys, Jocelyn Mandeville North Smithfield Girls, Kyle Maxfield Pilgrim, Colin Cunniff Ponaganset, Matt Chappell Portsmouth, Taylor Polhemus The Prout School, Patrick Rock Providence Country Day / Wheeler, Brad Jackson Rogers, Eric Papa Scituate, Cody Lange Smithfield, Dan Morrissey South Kingstown, Megan McGhie St. Mary / Bay Veiv Girls, Matthew Tougas St Raphael, Stephen Henn Toll Gate Boys, Megan Vittum Tolgate Girls, Kyle Treanor Tolman, Bob Colombi Warwick Vets Boys and Nicholas Leandro West Warwick.

NEW BUSINESS**Senate Resolution No. 791****BY** Senator Blais**ENTITLED**, SENATE RESOLUTION RECOGNIZING AND COMMENDING KEVIN HARRINGTON ON ACHIEVING SCOUTINGÆS MOST DISTINGUISHED HONOR, THE RANK OF EAGLE SCOUT {LC2186/1}

Senator Blais requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Blais moves passage, seconded by Senators Algieri and Connors.

The resolution is read and passed, upon a voice vote.

CALENDAR

IN ORDER FOR THURSDAY, MARCH 12, 2009:

1. **2009-S 493****BY Walaska****ENTITLED,** AN ACT RELATING TO WATERS AND NAVIGATION -
REGULATION OF BOATS

Committee on Environment & Agriculture recommends passage.

Senator Walaska moves passage, seconded by Senators Maselli, Felag and Sosnowski.

The act is read and passed, by unanimous consent, upon a roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 35: The Honorable President Paiva Weed and Senators Algieri, Bates, Blais, Ciccone, Connors, Cote, Crowley, DaPonte, Devall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Jabour, Lanzi, Lenihan, Levesque, Lynch, Maher, Maselli, McBurney, McCaffrey, Metts, Miller, O'Neill, Perry, Pichardo, Pinga, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS- 0:

2. **2009-S 378****BY Sosnowski****ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS -
REAL ESTATE SALES DISCLOSURES

Committee on Judiciary recommends passage.

Senator Sosnowski moves passage, seconded by Senators Felag, Perry, Pichardo, Jabour, Metts and Maher.

The act is read and passed, by unanimous consent, upon a roll call vote with 33 Senators voting in the affirmative and 0 Senators voting in the negative and 1 Senator abstaining as follows:

YEAS- 33: Senators Algieri, Bates, Blais, Ciccone, Connors, Cote, Crowley, DaPonte, Devall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Jabour, Lanzi, Levesque, Lynch, Maher, Maselli, McBurney, McCaffrey, Metts, Miller, O'Neill, Perry, Pichardo, Pinga, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS- 0:

ABSTAINED- 1: Senator Lenihan

3. 2009-S 561

BY Paiva-Weed

ENTITLED, AN ACT RELATING TO PROPERTY TAX RELIEF IN THE TOWN OF JAMESTOWN

Committee on Housing & Municipal Government recommends passage.

Senator Tassoni moves passage, seconded by Senators Connors, Levesque and Pichardo.

Senator Levesque seconded by Senator Connors, offers the following written motion to amend.

FLOOR AMENDMENT

2009 -- S 561

AN ACT RELATING TO PROPERTY TAX RELIEF IN THE TOWN OF JAMESTOWN

Madam President:

I hereby move to amend 2009 -- S 561, entitled "AN ACT RELATING TO PROPERTY TAX RELIEF IN THE TOWN OF JAMESTOWN", as follows:

By deleting all the language after the enactment clause and by inserting in place thereof the following language:

"SECTION 1. Section 1 of chapter 67 of the public laws of 1989, as amended, and as amended by Chapter 370 of the Public Laws of 2005 entitled "An Act Providing for Tax Relief for the Members of the Jamestown ~~Volunteer Ambulance Corps~~ Emergency Medical Services and Volunteer Fire Department" is hereby amended to read as follows:

The town council of Jamestown may, by ordinance, grant to every member of the Jamestown ~~Volunteer Ambulance Corps~~ Emergency Medical Services and the Jamestown Volunteer Fire Department, who is a citizen and resident of the town of Jamestown, and to the surviving spouse of any deceased member of the same, who is a citizen and resident of the town of Jamestown, on proper claim being made therefore, a property tax exemption abatement.

The town council of Jamestown may, from time to time, by ordinance, make such rules and regulations as they deem necessary to promote the purpose of this act.

The schedule of ~~exemptions abatements~~ shall be as follows: ~~An exemption~~ A property tax abatement in the amount of seven hundred dollars (\$700); not to exceed fifty thousand dollars (\$50,000) of the assessed valuation; and such ~~exemption abatement~~ shall be in addition to any other abatement or exemption to which said person shall be entitled. Provided, however, that he or she shall have presented to the assessor a true and exact account of his or her ratable estate as provided for in title 44, chapter 5, sections 15 and 16 of the general laws of 1956, as amended, for the year for which

~~exemption~~ the abatement is claimed together with due evidence that he or she is so entitled to such ~~exemption~~ abatement.

SECTION 2. Any ordinance or amendment to any ordinance passed by the town council of Jamestown to provide tax relief for the surviving spouses of deceased members of the Jamestown ~~Volunteer Ambulance Corps~~ Emergency Medical Services and/or the Jamestown Volunteer Fire Department shall become effective upon passage; provided, however, that said ordinance shall provide tax relief only for taxes assessed December 31, 1990, and thereafter; and further provided that such ordinance shall be preceded by a public hearing to be advertised.

SECTION 3. The question of the acceptance or rejection of this act shall submitted to the qualified electors of said town, entitled to vote upon a proposition to impose tax or for the expenditure of money, at any special or regular financial town meeting to be held after the passage of the act, and no other action shall be taken under the authority of this act unless a majority of said electors voting on said question at said town meeting vote to accept this act.

However, any action taken in the year ~~2002~~ 2009 by the town meeting shall be as valid and effective as if this act were in effect at the time of issue, posting and publication of the warrant for such meeting and at the time of the taking such action.

The town clerk of the town of Jamestown shall forthwith after said town meeting certify to the secretary of state the result of this vote upon the question at the ~~2002~~ 2009 or a subsequent financial town meeting; any ordinance passed by the town council of Jamestown to provide tax relief for the spouses of deceased members of the Jamestown ~~Volunteer Ambulance Corps~~ Emergency Medical Services and Jamestown Volunteer Fire Department shall become effective upon passage, provided, however, that such ordinance adoption shall be preceded by a public hearing.

SECTION 4. This section and section 3 of this act shall take effect upon passage, and the remaining sections shall take effect if and when the electors of the town of Jamestown qualified to vote upon a proposition to impose a tax or for the expenditure of money vote to accept this act."

Respectfully submitted,
SENATOR LEVESQUE

The motion to amend prevails upon a roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 35: The Honorable President Paiva Weed and Senators Algieri, Bates, Blais, Ciccone, Connors, Cote, Crowley, DaPonte, Devall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Jabour, Lanzi, Lenihan, Levesque, Lynch, Maher, Maselli, McBurney, McCaffrey, Metts, Miller, O'Neill, Perry, Pichardo, Pinga, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator Tassoni moves passage of the act, as amended, seconded by Senator Connors.

The act is read and passed, by unanimous consent, as amended, upon a roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 35: The Honorable President Paiva Weed and Senators Algieri, Bates, Blais, Ciccone, Connors, Cote, Crowley, DaPonte, Devall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Jabour, Lanzi, Lenihan, Levesque, Lynch, Maher, Maselli, McBurney, McCaffrey, Metts, Miller, O'Neill, Perry, Pichardo, Pinga, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS- 0:

TRANSMITTAL

By unanimous consent, all matters on the Secretary's desk are ordered to be transmitted to His Excellency, the Governor, the Honorable Secretary of State or to the Honorable House of Representatives forthwith.

GUESTS

Upon suggestion of Senator Jabour announces the birth of James Liam Sheehan and would like to extend the Senate's Congratulations to Senator Sheehan and his wife Meredith.

Upon suggestion of Senator DaPonte and by unanimous consent, the Honorable President, welcomes to the Chamber Engineer Jose Antonio Brum, Deputy Mayor of Ribeira Grande, Sao Miguel, Acores, Portugal and Jose H. Andrade, President of Amigos de Rabo de Peixe, USA.

ANNOUNCEMENTS

Senator Felag announces that the Committee on Finance will meet on Tuesday March 17, 2009, at 2:00 o'clock P.M. in Room 211 of the State House.

Senator Levesque announces that the Committee on Judiciary will meet tomorrow, at the rise of the Senate, in Room 313 of the State House.

ADJOURNMENT

Upon motion of Senator Doyle, seconded by Senator Connors, the Senate adjourns at 4:32 o'clock P.M.

JOSEPH R. BRADY
Secretary of the Senate

Appendix

INVOCATION

SENATOR JOHN J. TASSONI, JR.

Guide us, Lord, towards a deeper understanding of the needs of the people of our State; may we be instrumental in serving those needs. Let us work to improve the lives of those who have no voice in their government. Amen.

Appendix**CALENDAR****IN ORDER FOR TUESDAY, MARCH 17, 2009:****1. 2009-S 373 as amended****BY Lynch****ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES --
ACCIDENTS AND ACCIDENT REPORTS**

Committee on Judiciary recommends passage as amended.

2. 2009-S 591 SUB A**BY Bates****ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - CHILD
RESTRAINTS**

Committee on Judiciary recommends indefinite postponement of the original bill and passage of Substitute A.

3. 2009-H 5112 SUB B**BY Costantino****ENTITLED, AN ACT RELATING TO CENTERS FOR MEDICARE AND
MEDICAID SERVICES WAIVER AND EXPENDITURE
AUTHORITY**

Committee on Finance recommends indefinite postponement of the original bill and the Substitute A and passage of Substitute B.

Joseph R. Brady
Secretary of the Senate