

**State of Rhode Island and Providence Plantations**

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**Journal of the Senate**

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**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.**

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Volume 136, No.43

Tuesday, May 12, 2009

Forty-third Legislative Day

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The Senate meets pursuant to adjournment and is called to order by the Honorable M. Teresa Paiva Weed, Madam President of the Senate, at 4:13 o'clock P.M.

The roll is called and a quorum is declared present with 37 Senators present and 1 Senators absent as follows:

**PRESENT** – 37: The Honorable President Paiva Weed and Senators Algieri, Bates, Blais, Ciccone, Connors, Cote, Crowley, DaPonte, Devall, Doyle, Felag, Fogarty, Gallo, Goodwin, Jabour, Lanzi, Lenihan, Levesque, Lynch, Maher, Maselli, McBurney, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

**ABSENT** – 1: Senator DiPalma

**INVOCATION**

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

(See Appendix for Invocation)

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

**COMMUNICATION**

The Honorable President presents the following communication:

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

May 7, 2009

Honorable M. Teresa Paiva-Weed  
Senate President  
Room 318,  
State House  
Providence, RI 02903

Dear Madam President:

Please be advised that I will be absent from the Senate session From May 12<sup>th</sup> to the 14<sup>th</sup>, 2009.

I would appreciate your recording my letter in the appropriate Senate Journal.

Thank you for your assistance.

Sincerely,

Louis P. DiPalma  
Senator District 12

Read and ordered to be placed on file.

### REPORTS OF COMMITTEES COMMITTEE ON JUDICIARY

Senator McCaffrey, from the Committee on Judiciary, reports back, with recommendation of passage of the following measures:

**Senate Bill No. 259** (by request)

**BY** Senator Cote

**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - PROCEDURE IN PARTICULAR ACTIONS - JOINT AND SEVERAL LIABILITY (would limit liability of a tortfeasor to only several damages if it is found that the defendant is no more than twenty-five percent (25%) liable) {LC1019/1}

Read and referred to be placed on the Calendar

Also:

**Senate Bill No. 269** SUB A

**BY** Senators Raptakis, Maselli, Blais, Tassoni, Doyle

**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- SUSPENSION OR REVOCATION OF LICENSES (would make it a felony to operate a motor vehicle when an individual's license to operate is suspended/ revoked/cancelled for operating under the influence or refusing to submit to a chemical test) {LC67/2/A}

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 764 SUB A****BY** Senators DiPalma, Picard, Pinga, O'Neill E, Tassoni**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - ADMINISTRATIVE PROCEDURES (would provide town clerks to receive notice of proposed state agent action and rule making electronically) {LC1102/2/A}

Read and ordered to be placed on the Calendar.

**NEW BUSINESS****Senate Resolution No. 909****BY** Senator Metts**ENTITLED**, SENATE RESOLUTION DESIGNATING THE MONTH OF MAY AS "RACIAL PROFILING AWARENESS MONTH" {LC2605/1}

Senator Metts requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Metts moves passage, seconded by Senators Connors, Algieri, Levesque, Ruggerio, Crowley, Tassoni, Pichardo and Jabour.

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

**CONSENT CALENDAR**

In order for the day is taken up as follows:

- 1 Nomination of Mia Caetano Johnson (reappointment), Representing Business of Warwick to the Rhode Island Human Resource Investment Council, for a term expiring January 1, 2011.**
- 2 Nomination of Frank Benell, Jr. (reappointment) of Providence to the Rhode Island Industrial Recreational Building Authority, for a term expiring February 1, 2013.**
- 3 Nomination of Christian J. Ladds, AIA (appointment) of Providence VICE Dana Newbrook to the Board of Examiners and Registration of Architects, for a term expiring April 1, 2010**
- 4 Nomination of Barbara Feibelman, AIA (reappointment) of Providence to the Board of Examination and Registration of Architects, for a term expiring April 1, 2014..**
- 5 Nomination of David R. Prengaman, AIA (appointment) of Riverside to the Board of Examiners and Registration of Architects, for a term expiring April 1, 2011.**
- 6 Nomination of John K. Grosvenor, AIA (appointment) of Newport VICE Joseph Cirillo to the Board of Examination and Registration of Architects, for a term**

expiring April 1, 2012.

- 7 **Nomination of Wilbur E. Yoder, PE (reappointment) of East Greenwich to the Board of Examination and Registration of Architects, for a term expiring April 1, 2013.**
- 8 **Nomination of Jacob Harpootian, expertise in the field of commercial real estate development (reappointment) of East Providence to the East Providence Waterfront District Commission, for a term expiring March 31, 2012.**
- 9 **Nomination of James B. Jackson, Labor Representative (reappointment) of West Warwick to the Fire Safety Code Board of Appeals, for a term expiring March 1, 2014.**
- 10 **Nomination of Jose V. Monteiro, Jr. (reappointment) of Pawtucket to the Rhode Island Housing and Mortgage Finance Corporation, for a term expiring July 1, 2011.**
- 11 **Nomination of Denise A. Barge (reappointment) of Cranston to the Rhode Island Housing and Mortgage Finance Corporation, for a term expiring July 1, 2012.**
- 12 **Nomination of Bruce L. Davey (reappointment) (Representing structural engineers) of Warwick to the State Building Codes Standards Committee, for a term expiring May 1, 2012.**
- 13 **Nomination of Donald Gagnon (reappointment) (Representing Minimum Housing Inspectors) of Woonsocket to the State Building Codes Standards Committee, for a term expiring May 1, 2011.**
- 14 **Nomination of Paul M. DePace, P.E.(reappointment) (Representing persons with disabilities) of East Greenwich to the State Building Codes Standards Committee, for a term expiring May 1, 2012.**
- 15 **Nomination of Robert E. DeBlois, Jr. (reappointment) (Representing Builders) of Warwick to the State Building Codes Standards Committee, for a term expiring May 1, 2011.**
- 16 **Nomination of Robert M. Stillings (reappointment) (Representing architects) of Barrington to the State Building Codes Standards Committee, for a term expiring May 1, 2012.**
- 17 **Nomination of Allen P. Durand (reappointment) (Representing Rhode Island Building Trades Council) of Fiskville to the State Building Codes Standards Committee, for a term expiring May 1, 2011.**
- 18 **Nomination of Russell Brown (reappointment) (Representing Building Officials from Municipality of 20,000 - 60,000) of Wakefield to the State Building Codes Standards Committee, for a term expiring May 1, 2011.**

**19. 2009-S 854****BY Sosnowski****ENTITLED,** JOINT RESOLUTION RESPECTFULLY REQUESTING THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT TO DEVELOP RECOMMENDATIONS FOR ESTABLISHING A COMPREHENSIVE PRODUCT STEWARDSHIP APPROACH TO REDUCING ENVIRONMENTAL AND HEALTH RISKS POSED BY THE USE OR DISPOSAL OF PRODUCTS**20. 2009-S 856****BY Walaska****ENTITLED,** SENATE RESOLUTION RESPECTFULLY REQUESTING THAT THE GOVERNOR PRESERVE MATCHING FUNDS ALLOCATED FOR BRUSH NECK COVE DREDGING AND HABITAT RESTORATION IN THE CITY OF WARWICK**21. 2009-S 857****BY Levesque C****ENTITLED,** SENATE RESOLUTION SUPPORTING THE INCREASED AWARENESS AND USE OF ADVANCE MEDICAL DIRECTIVES

Upon motion of Senator Connors, seconded by Senator Algieri, the following measures on today's Consent Calendar, by unanimous consent, are read and passed, upon a roll call vote with 32 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 32: The Honorable President Paiva Weed and Senators Algieri, Bates, Blais, Connors, Cote, Crowley, DaPonte, Devall, Doyle, Felag, Fogarty, Gallo, Goodwin, Jabour, Lanzi, Lenihan, Lynch, Maher, Maselli, McBurney, McCaffrey, Miller, O'Neill, Perry, Picard, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni.

NAYS- 0:

**CALENDAR****IN ORDER FOR TUESDAY, MAY 12, 2009:****1. 2009-S 107****BY Jabour****ENTITLED,** AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS - LOCATION OF GAS REGULATORS AND GAS METERS

Committee on Corporations recommends passage.

Senator Jabour moves passage, seconded by Senators Connors and Algieri

Senator Jabour seconded by Senators Connors and Algieri, offers the following written motion to amend.

**F L O O R   A M E N D M E N T**

2009 -- S 107

**AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS - LOCATION OF GAS REGULATORS AND GAS METERS**

Madam President:

I hereby move to amend 2009 -- S 107, entitled "AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS - LOCATION OF GAS REGULATORS AND GAS METERS", as follows:

1. On page 2, lines 17 through 33 inclusive, by deleting all the language therein.
2. On page 2, line 34, by deleting the numeral "3" and inserting in place thereof the numeral "2".
3. On page 3, line 7, by deleting the numeral "4" and inserting in place thereof the numeral "3".
4. On page 5, line 16, by deleting the numeral "5" and inserting in place thereof the numeral "4".

Respectfully submitted,  
SENATOR JABOUR

The motion to amend prevails upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

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

NAYS- 0:

Senator Jabour moves passage of the act, as amended, seconded by Senators Pichardo Ciccone, Picard, Pinga, O'Neill, Goodwin, Miller, Sheehan, Crowley and Perry.

Senators Perry and Pichardo discuss the act.

The act is read and passed, by unanimous consent, as amended, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 36: The Honorable President Paiva Weed and Senators Algieri, Bates, Blais, Ciccone, Connors, Cote, Crowley, DaPonte, Devall, Doyle, Felag, Fogarty, Gallo, Goodwin, Jabour, Lanzi, Lenihan,

Levesque, Lynch, Maher, Maselli, McBurney, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni.

NAYS- 0:

**2. 2009-S 247**

**BY Crowley**

**ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- SEWER CHARGES**

Committee on Housing & Municipal Government recommends passage.

Senator Crowley moves passage, seconded by Senator Tassoni.

The act is read and passed, by unanimous consent, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

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

NAYS- 0:

**3. 2009-S 583 SUB A**

**BY Miller**

**ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --  
DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES--FOSTER  
PARENTS BILL OF RIGHTS**

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

Senator Miller moves passage, seconded by Senator Levesque

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

**FLOOR AMENDMENT**

2009 -- S 583 SUBSTITUTE A

AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES--FOSTER PARENTS BILL OF RIGHTS

Madam President:

I hereby move to amend 2009 -- S 583 SUBSTITUTE A, entitled "AN ACT RELATING TO STATE AFFAIRS

AND GOVERNMENT -- DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES--FOSTER PARENTS BILL OF RIGHTS", as follows:

1. On page 1, line 16, by deleting the word "all".

2. On page 1, line 17, after the word "parent" by adding the following language: ", where the information could reasonably be expected to impact the care provided to the child and/or the health and safety of the child and/or a foster family member".

Respectfully submitted,  
SENATOR MILLER

Senators Blais, Levesque, Metts and Miller discuss the amendment.

The motion to amend prevails upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

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

NAYS- 0:

Senator Miller moves passage of the act, as amended, seconded by Senators Perry, Sosnowski, Levesque, Crowley, Lynch and Maher.

The act is read and passed, by unanimous consent, as amended, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

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

NAYS- 0:

**4. 2009-S 811**

**BY Tassoni**

**ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- GENERAL POWERS**

Committee on Housing & Municipal Government recommends passage.

Upon suggestion of Senator Ruggerio and without objection, ordered to be recommitted to the committee on Housing and Municipal Government.



**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.

**ANNOUNCEMENTS**

Senator Gallo announces that the Committee on Education will meet tomorrow, at the rise of the Senate, in Room 212 of the State House.

Senator Felag announces that the Committee on Environment and Agriculture will meet tomorrow, at the rise of the Senate, in Room 211 of the State House.

Senator Sheehan announces that the Committee on Health and Human Services will meet tomorrow, at the rise of the Senate, in the Senate Lounge of the State House.

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

**ADJOURNMENT**

Upon motion of Senator Doyle, seconded by Senator Algieri and Connors and upon suggestion of Senator Fogarty, the Senate adjourns at 4:46 o'clock P.M. in memory of Alice M. Campbell.

JOSEPH R. BRADY  
Secretary of the Senate

**Appendix**

**INVOCATION**

**SENATOR LEONIDAS P. RAPTAKIS**

Father in heaven, enlighten our minds and touch our hearts so that we may carry on the best traditions of our Senate's history. Remembering always that it is the people's government, made by the people and accountable to the people. Amen.

**Appendix****CALENDAR****IN ORDER FOR WEDNESDAY, MAY 13, 2009:****1. 2009-S 218****BY McBurney****ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURES --  
PROCEDURES GENERALLY -- PROPERTY -- EXEMPTIONS**

Committee on Judiciary recommends passage.

**2. 2009-S 346****BY Sheehan****ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -  
REGISTRATION OF VEHICLES**

Committee on Constitutional &amp; Regulatory Issues recommends passage.

**3. 2009-S 324****BY Maselli****ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- ACTIONS BY  
AND AGAINST TOWNS**

Committee on Judiciary recommends passage.

**4. 2009-S 430****BY Metts****ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE -- SENTENCE  
AND EXECUTION**

Committee on Judiciary recommends passage.

**5. 2009-S 598****BY Jabour****ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE --  
PROCEDURE GENERALLY**

Committee on Judiciary recommends passage.

**IN ORDER FOR THURSDAY, MAY 14, 2009:****1. 2009-S 256****BY McCaffrey****ENTITLED, AN ACT RELATING TO PROPERTY -- RECORDING OF  
INSTRUMENTS**

Committee on Judiciary recommends passage.

2. **2009-S 269 SUB A**

**BY Raptakis**

**ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES --  
SUSPENSION OR REVOCATION OF LICENSES**

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

3. **2009-S 764 SUB A**

**BY DiPalma**

**ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -  
ADMINISTRATIVE PROCEDURES**

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