

**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.48

Thursday, May 21, 2009

Forty-eighth 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 4:19 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, 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, Sheehan, Sosnowski, Tassoni, Walaska.

**ABSENT** – 2: Senators Crowley, Raptakis.

**INVOCATION**

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

(See Appendix for Invocation)

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

**APPROVAL OF RECORD**

The Senate Journal of the Forty-seventh Legislative Day of the 2009 proceedings is read in part.

Upon suggestion of Senator Connors 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**

May 21, 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 Tuesday, May 26, 2009. I will be out of state on business.

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

Thank you.

Sincerely yours,

Leonidas P. Raptakis  
Senator – District 33

**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 13, 2009

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 29-3.1-2.2 of the Rhode Island General Laws, I have made the following appointment to the Library Board of Rhode Island:

**Kenneth G. Findlay of Exeter**  
(Representing Librarians Serving Institutionalized Persons)

VICE  
Mary Cummings

for a term expiring December 31, 2010.

To this appointment, I respectfully request your advice & consent.

Sincerely,



Donald L. Carcieri  
Governor

Read and referred to the Committee on Education.

**REPORTS OF COMMITTEES  
COMMITTEE ON HEALTH AND HUMAN SERVICES**

Senator Perry from the Committee on Health and Human Services, reports back, with recommendation of passage of the following measures:

**Senate Bill No. 242 SUB A** as amended

**BY** Senators Perry, Miller, Sheehan, Crowley, Sosnowski

**ENTITLED**, AN ACT RELATING TO HUMAN SERVICES -- MEDICAL ASSISTANCE--LONG-TERM CARE AND FINANCE REFORM {LC1087/1/A}

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 290**

**BY** Senators Blais, Cote, Maselli, Walaska

**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - SMALL BUSINESS REGULATORY FAIRNESS IN ADMINISTRATIVE PROCEDURES

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 545** (Lieutenant Governor)

**BY** Senators Tassoni, DiPalma, Fogarty P, Picard

**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY ( would give authority to the director of health to certify out-of-state health care professionals in times of emergency.) {LC1383/1}

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 546** as amended

**BY** Senators Doyle

**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY - DEPARTMENT OF HEALTH ( would require the department of health to provide wallet license cards to health care professionals through its online license renewal service.) {LC1406/1}

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 552 SUB A**

**BY** Senators Perry, Miller, McCaffrey, McBurney, Picard

**ENTITLED**, AN ACT RELATING TO FOOD AND DRUGS -- UNIFORM CONTROLLED SUBSTANCES ACT ( would allow practitioners to write up to three (3) separate prescriptions in Schedule II for up to a one-month supply and allow for a ninety (90) day supply for prescriptions in Schedules IV and V.) {LC1470/1/A}

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 706**

**BY** Senators Gallo, Fogarty P, DeVall, Crowley

**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - RHODE ISLAND HEALTH CARE REFORM ACT OF 2004 {LC1989/1}

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 748 SUB A (Lieutenant Governor)**

**BY** Senators Lynch, Gallo, DiPalma, Miller, Levesque C

**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY - LONG TERM CARE COORDINATING COUNCIL (would change the composition of the long-term care coordinating council and would designate the lieutenant governor as its chairperson) {LC1760/3/A}

Read and ordered to be placed on the Calendar.

### NEW BUSINESS

**Senate Resolution No. 940**

**BY** Senators Doyle, Blais

**ENTITLED**, SENATE RESOLUTION EXPRESSING DEEPEST CONDOLENCES ON THE PASSING OF JAMES L. SOUTHWORTH {LC2655/1}

Senator Doyle requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Doyle moves passage, seconded by Senators Connors, McBurney, Maher, Blais and Lenihan.

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

Also:

**Senate Resolution No. 941**

**BY** Senators Fogarty P, Metts, Tassoni, Jabour

**ENTITLED**, SENATE RESOLUTION CONGRATULATING GEORGE M. JACQUES ON HIS RETIREMENT AFTER SERVING AS THE DIRECTOR OF CAMP RUGGLES FOR THIRTY-EIGHT YEARS AND FOR THE CREATION OF THE GEORGE M. JACQUES CAMPSHIP FUND {LC2593/1}

Senator Fogarty requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Fogarty moves passage, seconded by Senators Connors, Algieri and Metts.

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

**GUESTS**

Upon suggestion of Senator Fogarty and by unanimous consent, the Honorable President, welcomes to the Chamber George and Sandi Jacques, Nan Levine, Denise Panichas, Edward Queenan, Patrick Tracey, Jocelyn Feldman, Roger Peloquin Carmen Howard, Jack Kuney, John Walcott, James Field, Ethan Roe, June and Robert Ryone, Carl and Jeanie Buckley, Roland and Susan Ohsberg, Vincent and Margaret Spremulli, Christopher Caluori, David Chase, Barbara Fell, Chip and Susan Andrews, Michael Barnes, Bruce Jacques and Nadine Palumbo, Allen and Rosemary Huetis, Charles Richardson, Elna Bingham and Mike Ferns.

**FROM THE HOUSE OF REPRESENTATIVES**

A message from the House of Representatives transmits with announcement of passage, of the following measure:

**House Bill No. 6202**

**BY** Diaz, Williams, Almeida, Slater

**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC2670/1}

Senator McCaffrey requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator McCaffrey moves passage, seconded by Senator Connors.

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, DaPonte, Devall, DiPalma, Doyle, Fogarty, Gallo, Goodwin, Jabour, Lanzi, Lenihan, Levesque,

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

NAYS- 0:

### CALENDAR

#### IN ORDER FOR THURSDAY, MAY 21, 2009:

**1 2009-S 732 SUB A as amended**

**BY Sosnowski**

**ENTITLED, AN ACT RELATING TO WATERS AND NAVIGATION - THE  
WATER USE AND GOVERNMENT EFFICIENCY ACT OF 2009**

Committee on Environment & Agriculture recommends indefinite postponement of the original bill and passage of Substitute A as amended.

Senator Sosnowski seconded by Senators McCaffrey, Bates and Walaska, offers the following written motion to amend.

#### FLOOR AMENDMENT

2009 -- S 732 SUBSTITUTE A, AS AMENDED

AN ACT RELATING TO WATERS AND NAVIGATION - THE WATER USE AND GOVERNMENT EFFICIENCY  
ACT OF 2009

Madam President:

I hereby move to amend 2009 -- S 732 SUBSTITUTE A, AS AMENDED, entitled "AN ACT RELATING TO WATERS AND NAVIGATION - THE WATER USE AND GOVERNMENT EFFICIENCY ACT OF 2009", as follows:

1. On page 1, line 8, by deleting the word "Manage" and inserting in place thereof the word "Managing".
2. On page 1, line 9, by deleting the word "Invest" and inserting in place thereof the word "Investing".
3. On page 1, line 10, by deleting the word "Recover" and inserting in place thereof the word "Recovering".
4. On page 1, line 12, by deleting the word "Establish" and inserting in place thereof the word "Establishing".
5. On page 3, line 4, after the word "shall", by inserting the language ", in the absence of other sufficient funds available for similar purposes,".
6. On page 3, line 5, by inserting the language "as part of their next general rate filing before the commission", after the word "establish".
7. On page 5, line 27, by deleting the word "or" following the word "safety" and inserting in place thereof the word

"of".

8. On page 6, line 26, after the words "shall", by inserting the language ", in the absence of other sufficient funds available for similar purposes,".

9. On page 6, line 26, by inserting the language "as part of their next rate adjustment", after the word "establish".

10. On page 13, line 9, by deleting the word "as" following the word "manner".

11. On page 17, line 7, following the language "performance of," by inserting the language "and compliance with,".

12. On page 17, line 8, by deleting the language "and compliance with,".

13. On page 17, line 8, by deleting the language "government, and" and inserting in place thereof the language "governmental,".

14. On page 17, line 10, following the first appearance of the word "use" by inserting a semicolon ";".

15. On page 21, line 30, by deleting the numeral "2012" and inserting in place thereof the numeral "2013".

Respectfully submitted,  
SENATOR SOSNOWSKI

The motion to amend prevails upon a roll call vote with 34 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 34: The Honorable President Paiva Weed and Senators Algieri, Bates, Blais, Ciccone, Connors, Cote, DaPonte, Devall, DiPalma, Doyle, Fogarty, Gallo, Goodwin, Jabour, Lanzi, Lenihan, Levesque, Lynch, Maher, Maselli, McBurney, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Pinga, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator Sosnowski moves passage of the act, as amended, seconded by Senators McCaffrey, Bates, Cote, Picard, Walaska, Maher and Algieri.

Senator Cote discusses the act.

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, DaPonte, Devall, DiPalma, Doyle, Fogarty, Gallo, Goodwin, Jabour, Lanzi, Lenihan, Levesque, Lynch, Maher, Maselli, McBurney, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Pinga, Ruggerio, Sheehan, 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 McBurney and by unanimous consent, the Honorable President, welcomes to the Chamber the family of Senator Doyle, wife Jaclyn Doyle, son James E. Doyle III, daughter Paige Elliot Doyle, and family friend Deborah Southworth.

Upon suggestion of Senator Blais and by unanimous consent, the Honorable President, welcomes to the Chamber the Director of DEM, W. Michael Sullivan.

### ANNOUNCEMENTS

Senator DeVall announces that the Committee on Housing and Municipal Government will meet today, at the rise of the Senate, in Room 310 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.

### RECESS

Upon motion of Senator Connors, seconded by Senator Algieri, the Senate stands at recess at 4:40 o'clock P.M. in memory of James L. Southworth.

### CALLED TO ORDER

The Senate is called to order by the Honorable M. Teresa Paiva Weed, President of the Senate, on Tuesday, May 26, 2009, at 4:19 o'clock P.M.

### COMMITTEE ON LABOR

Senator Connors, from the Committee on Labor, reports back, with recommendation of passage of the following measures:

**Senate Bill No. 440** (Labor & Training)

**BY** Senator Blais

**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- HOISTING ENGINEERS ( would provide for a uniform appointing authority for all members of the board of 1 examiners for hoisting engineers and would add the director of the department of labor and training to the board) {LC1429/1}

Read and ordered to be placed on the Calendar

Also:



**Senate Bill No. 441 (Labor & Training)****BY** Senator Blais**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS (amend the hearings mechanism for boiler/pressure vessel violations by repealing the provisions for hearings before compensated arbitration panels/permitting hearings before the Occupational Safety and Health Review Board) {LC1433/1}

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 641****BY** Senators Ruggerio, Miller, Goodwin, Gallo, Tassoni**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- LABOR AND PAYMENT OF DEBTS BY CONTRACTORS

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 659****BY** Senators Raptakis, Connors, Ruggerio, Tassoni, Ciccone**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- MINIMUM WAGES

Read and ordered to be placed on the Calendar.

**COMMITTEE ON GOVERNMENT OVERSIGHT**

Senator Lenihan from the Committee on Government Oversight, reports back, with recommendation of passage of the following measures:

**Senate Bill No. 865****BY** Senators Ciccone, Sheehan, Lenihan, Sosnowski, Levesque C**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- STATE PURCHASES ( would amend certain provisions relative to the competitive sealed bidding process.) {LC2471/1}

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 924 as amended****BY** Senator Lenihan**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- STATE PURCHASES {LC2635/1}

Read and ordered to be placed on the Calendar.

**ADJOURNMENT**

Upon motion of Senator Connors, seconded by Senator Algieri, the Senate adjourns at 4:20 o'clock P.M.

JOSEPH R. BRADY  
Secretary of the Senate

**Appendix**

**INVOCATION**

**SENATOR DANIEL P. CONNORS**

Gracious God, on this Memorial Day weekend, may we remember and give thanks for those men and women who have served our country. May we especially remember those who made the ultimate sacrifice. Amen.

**Appendix****CALENDAR****IN ORDER FOR TUESDAY, MAY 26, 2009:****1. 2009-S 614****BY McCaffrey****ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -  
MOTOR VEHICLE OFFENSES**

Committee on Judiciary recommends passage.

**2. 2009-S 828 as amended****BY Levesque C****ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -  
STATE PURCHASES**

Committee on Government Oversight recommends passage as amended.

**3. 2009-S 472****BY Blais****ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -  
REGULATORY POWERS OF ADMINISTRATION**

Committee on Corporations recommends passage.

**IN ORDER FOR WEDNESDAY, MAY 27, 2009:****1. 2009-S 865****BY Ciccone****ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS --  
STATE PURCHASES**

Committee on Government Oversight recommends passage.

**2. 2009-S 924 as amended****BY Lenihan****ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS --  
STATE PURCHASES**

Committee on Government Oversight recommends passage as amended.

**3. 2009-S 242 SUB A as amended****BY Perry****ENTITLED, AN ACT RELATING TO HUMAN SERVICES -- MEDICAL**

## ASSISTANCE--LONG-TERM CARE AND FINANCE REFORM

Committee on Health & Human Services recommends indefinite postponement of the original bill and passage of Substitute A as amended.

4. **2009-S 390 SUB A**

**BY Lynch**

**ENTITLED,** AN ACT RELATING TO INSURANCE - DENTAL SERVICE CORPORATIONS

Committee on Health & Human Services recommends indefinite postponement of the original bill and passage of Substitute A.

5. **2009-S 545**

**BY Tassoni**

**ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY

Committee on Health & Human Services recommends passage.

6. **2009-S 546 as amended**

**BY Doyle**

**ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY - DEPARTMENT OF HEALTH

Committee on Health & Human Services recommends passage as amended.

7. **2009-S 552 SUB A**

**BY Perry**

**ENTITLED,** AN ACT RELATING TO FOOD AND DRUGS -- UNIFORM CONTROLLED SUBSTANCES ACT

Committee on Health & Human Services recommends indefinite postponement of the original bill and passage of Substitute A.

8. **2009-S 706**

**BY Gallo**

**ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - RHODE ISLAND HEALTH CARE REFORM ACT OF 2004

Committee on Health & Human Services recommends passage.

9. **2009-S 748 SUB A**

**BY Lynch**

**ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY - LONG TERM CARE COORDINATING COUNCIL

Committee on Health & Human Services recommends indefinite postponement of the original bill and passage of Substitute A.

10. **2009-S 440**

**BY Blais**

**ENTITLED,** AN ACT RELATING TO LABOR AND LABOR RELATIONS --  
HOISTING ENGINEERS

Committee on Labor recommends passage.

11. **2009-S 441**

**BY Blais**

**ENTITLED,** AN ACT RELATING TO LABOR AND LABOR RELATIONS

Committee on Labor recommends passage.

12. **2009-S 641**

**BY Ruggiero**

**ENTITLED,** AN ACT RELATING TO PUBLIC PROPERTY AND WORKS --  
LABOR AND PAYMENT OF DEBTS BY CONTRACTORS

Committee on Labor recommends passage.

13. **2009-S 659**

**BY Raptakis**

**ENTITLED,** AN ACT RELATING TO LABOR AND LABOR RELATIONS --  
MINIMUM WAGES

Committee on Labor recommends passage.