

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 third day of January in the year of Our Lord two thousand and twelve.

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Volume 139, No.25

Tuesday, March 13, 2012

Twenty-fifth Legislative Day

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The Senate meets pursuant to adjournment and is called to order by the Honorable M. Teresa Paiva Weed, President of the Senate, at 4:21 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, Ciccone, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Metts, Moura, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Shibley, Sosnowski, Tassoni, Walaska.

**ABSENT** – 2: Senators Miller, Sheehan.

**INVOCATION**

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

(See Appendix for Invocation)

**PLEDGE OF ALLEGIANCE TO THE FLAG**

The Honorable President, by unanimous consent, presents Senator Maher 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 2012 proceedings is read in part.

Upon suggestion of Senator Pichardo 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 13, 2012

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

Dear Madam President:

Please be advise that I will be absent from the Senate session today, Tuesday, March 13, 2012 due to a death in the family.

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

Thank you for your assistance.

Sincerely,

James C. Sheehan  
RI State Senator- District 36

Read and ordered to be placed on file.

## NEW BUSINESS

**Senate Resolution No. 2780**

**BY** Nesselbush

**ENTITLED**, SENATE RESOLUTION DECLARING 2012 AS THE YEAR OF THE GIRL AND CELEBRATING 100 YEARS OF GIRL SCOUTING {LC2194/1}

Senator Nesselbush requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Nesselbush moves passage, seconded by Senators Crowley, Lynch, Perry, Sosnowski, Lanzi, Moura and Gallo.

The act is read and passed, by unanimous consent, 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, Cote, Crowley, DeVall, DiPalma, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo,

Lynch, Maher, McCaffrey, Metts, Moura, Nesselbush, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

### GUESTS

Upon suggestion of Senator Nesselbush and by unanimous consent, the Honorable President, welcomes to the Chamber Girl Scouts from Troop 336 Donna Eichenfeldt, Kelsea Eichenfeldt, Samantha Jackson, Jordan Hutnak along with Pat Smith, Kathy Gann, Meghan McBurney and Mackenzie McBurney.

Upon suggestion of Senator Sosnowski and by unanimous consent, the Honorable President, welcomes to the Chamber Girl Scouts from Troop 554 Tina Craig, Julia Craig, Ashely Allbee, Elizabeth Congdon, Emily Sprague and from Troop 678 Joyelle Hardy, Erica Manchester, Victoria Hardy and Sydney Baker.

Upon suggestion of Senator Gallo and by unanimous consent, the Honorable President, welcomes to the Chamber granddaughters of Senator Crowley Mackenzie and Gabriella DeFaria.

Upon suggestion of Senator Walaska and by unanimous consent, the Honorable President, welcomes to the Chamber Leslie Walaska Baxter, Melissa Truelow, Katherine Baxter, Grace Truelow, Piper Smith, Gabriella Childs and Victoria Walsh.

Upon suggestion of Senator Perry and by unanimous consent, the Honorable President, welcomes to the Chamber Girl Scouts from Troop 47 Mirrah Feleciano, Amelia O'Rourke, Ariana Leo, Aiko Chapman and Leilani Feleciano.

Upon suggestion of Senator Moura and by unanimous consent, the Honorable President, welcomes to the Chamber Girl Scouts from Troop 170 Donna Caccia, Sandanie Ambalangodage, Carissa Caccia and Ashley Freeza.

Upon suggestion of Senator Lanzi and by unanimous consent, the Honorable President, welcomes to the Chamber Girl Scouts from Troop 182 Victoria Magiera, Gianna Plante, Kelly Gallagher, Julia Tweedie, Brooke Mattos and Erin Quarters.

### NEW BUSINESS

#### **Senate Resolution No. 2779**

**BY** Gallo, Lanzi, Miller, Pichardo, Walaska

**ENTITLED**, SENATE RESOLUTION EXPRESSING CONDOLENCES ON THE PASSING OF RALPH RAFAELIAN {LC2152/1}

Senator Gallo requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Gallo moves passage, seconded by Senators Ruggerio, Walaska and O'Neill.

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

### CONSENT CALENDAR

In order for the day is taken up as follows:

1. **2012-S 2777**  
**BY** Sosnowski  
**ENTITLED**, SENATE RESOLUTION CONGRATULATING ROBERT M. BEAGLE ON THE OCCASION OF HIS RETIREMENT AS VICE PRESIDENT FOR ADVANCEMENT AT THE UNIVERSITY OF RHODE ISLAND
2. **2012-S 2778**  
**BY** Nesselbush  
**ENTITLED**, SENATE RESOLUTION HONORING ROBERT P. VENTURINI ON HIS SERVICE TO THE CITIZENS OF THE STATE OF RHODE ISLAND

Upon motion of Senator Ruggerio, seconded by Senator Algieri, the measures on today's Consent Calendar, by unanimous consent, are read and passed, 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, Ciccone, Cote, Crowley, DaPonte, DeVall, DiPalma, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Metts, Moura, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

### CALENDAR

#### IN ORDER FOR TUESDAY, MARCH 13, 2012:

1. **2012-S 2278**  
**BY** Walaska  
**ENTITLED**, AN ACT RELATING TO WATERS AND NAVIGATION - PUBLIC DRINKING WATER SUPPLY

Committee on Environment & Agriculture recommends passage.

Senator Walaska moves passage, seconded by Senators Lynch and Sosnowski.

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 as follows:

YEAS- 33: The Honorable President Paiva Weed and Senators Algiere, Ciccone, Cote, Crowley, DaPonte, DeVall, DiPalma, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, McCaffrey, Metts, Moura, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

**2. 2012-S 2322**

**BY** Perry

**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- TANNING FACILITY SAFETY STANDARDS

Committee on Health & Human Services recommends passage.

Senator Perry moves passage, seconded by Senators Crowley, Sosnowski and Ottiano.

The act is read and passed, upon a roll call vote with 26 Senators voting in the affirmative and 8 Senators voting in the negative as follows:

YEAS- 26: The Honorable President Paiva Weed and Senators Algiere, Bates, Crowley, DaPonte, DeVall, DiPalma, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Lanzi, Lynch, McCaffrey, Metts, Nesselbush, O'Neill, Ottiano, Perry, Pichardo, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS- 8: Senators Ciccone, Cote, Kettle, Maher, Moura, Picard, Pinga, Shibley.

**3. 2012-S 2502**

**BY** Doyle

**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES - PAWTUCKET MUNICIPAL HOUSING COURT

Committee on Judiciary recommends passage.

Upon suggestion of Senator McCaffrey and without objection, ordered to be recommitted to the committee on Judiciary.

**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.

(See Appendix for List)

**GUESTS**

Upon suggestion of Senator Ruggerio and by unanimous consent, the Honorable President, welcomes to the Chamber Kevin Flaherty, a senate page who received the Saint Timothy Award.

**ANNOUNCEMENTS**

Senator Picard announces that the Committee on Corporations will meet today, at the rise of the Senate, in Room 212 of the State House.

Senator DaPonte announces that the Committee on Finance will meet today, at the rise of the Senate, in Room 211 of the State House.

Senator DaPonte announces that the Committee on Finance will meet tomorrow, at 2:00 o'clock P.M. in Room 211 of the State House.

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

Senator Lombardo announces that the Committee on Labor will meet tomorrow, at the rise of the Senate, in Room 211 of the State House.

Senator Lynch announces that the Committee on Special Legislation and Veterans' Affairs will meet tomorrow, at the rise of the Senate, in the Senate Lounge of the State House.

**ADJOURNMENT**

Upon motion of Senator Goodwin seconded by Senator Algieri and upon suggestion of Senator Gallo the Senate adjourns at 4:55 o'clock P.M. in memory of Ralph Rafaelian.

JOSEPH R. BRADY  
Secretary of the Senate

**Appendix**

**INVOCATION**

**SENATOR FRANCIS T. MAHER JR.**

Dear Lord, We thank you for giving us the opportunity and privilege of being the voice of our constituents in their government. Help us to make the right and just choices in our decisions to improve the lives of all our citizens. Amen.

## Appendix

## CALENDAR

## IN ORDER FOR WEDNESDAY, MARCH 14, 2012:

1. **2012-S 2391**  
**BY** Goodwin  
**ENTITLED**, AN ACT IN AMENDMENT OF AN ACT RELATING TO JOHNSON & WALES UNIVERSITY  
  
Committee on Corporations recommends passage.
2. **2012-S 2446**  
**BY** Gallo  
**ENTITLED**, AN ACT RELATING TO EDUCATION -- CHILDREN WITH DISABILITIES  
  
Committee on Education recommends passage.
3. **2012-S 2547 as amended**  
**BY** Sosnowski  
**ENTITLED**, SENATE RESOLUTION RESPECTFULLY REQUESTING THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT TO DEVELOP COMPREHENSIVE PAIR - TRAWL REGULATIONS IN THE STATE OF RHODE ISLAND  
  
Committee on Environment & Agriculture recommends passage as amended.
4. **2012-S 2611**  
**BY** Sosnowski  
**ENTITLED**, AN ACT RELATING TO AGRICULTURE AND FORESTRY - THE RHODE ISLAND LOCAL AGRICULTURE AND SEAFOOD ACT  
  
Committee on Environment & Agriculture recommends passage.
5. **2012-S 2618**  
**BY** Sosnowski  
**ENTITLED**, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY - LIVESTOCK - WELFARE OF LIVESTOCK  
  
Committee on Environment & Agriculture recommends passage.
6. **2012-S 2379**  
**BY** Tassoni  
**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES - RETAIL LICENSES  
  
Committee on Special Legislation and Veterans Affairs recommends passage.