

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.28

Tuesday, March 20, 2012

Twenty-Eighth 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 4:31 o'clock P.M.

The roll is called and a quorum is declared present with 38 Senators present and 0 Senators absent as follows:

**PRESENT** – 38: 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, Miller, Moura Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Sheehan, Shibley, Sosnowski, Tassoni, Walaska.

**ABSENT** – 0:

**INVOCATION**

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

(See Appendix for Invocation)

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

**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 16, 2012

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-99-4 of the Rhode Island General Laws, I have made the following appointment to the Convention Center Authority:

**Paul A. MacDonald**

VICE  
David Gavitt

for a term expiring June 30, 2015.

To this appointment, I respectfully request your Advice & Consent.

Sincerely,

Lincoln D. Chafee  
Governor

Read and referred to the Committee on Corporations.

Also:

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

March 16, 2012

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-102-2 of the Rhode Island General Laws, I have made the following reappointment to the Rhode Island Human Resource Investment Council:

**George Nee of Cranston**  
(Representing Labor)

for a term expiring January 1, 2014.

To this reappointment, I request your advice and consent.

Sincerely,

Lincoln D. Chafee

Governor

Read and referred to the Committee on Corporations.

Also:

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

March 16, 2012

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-102-2 of the Rhode Island General Laws, I have made the following reappointment to the Rhode Island Human Resource Investment Council:

**Robin M. Coia of Cranston**  
(Representing Labor)

for a term expiring January 1, 2014.

To this appointment, I request your advice and consent.

Sincerely,

Lincoln D. Chafee  
Governor

Read and referred to the Committee on Corporations.

Also:

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

March 16, 2012

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-64.10-7 of the Rhode Island General Laws, I have made the following reappointment to the Quonset Development Corporation:

**Anthony Miccolis of North Kingstown**

for a term to expire January 1, 2015.

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

Sincerely,

Lincoln D. Chafee  
Governor

Read and referred to the Committee on Corporations.

Also:

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

March 16, 2012

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-64.10-7 of the Rhode Island General Laws, I have made the following reappointment to the Quonset Development Corporation:

**Robert H. Breslin, Jr. of North Kingstown**

for a term to expire January 1, 2015.

To this reappointment, I respectfully request your advice and consent.

Sincerely,

Lincoln D. Chafee  
Governor

Read and referred to the Committee on Corporations.

Also:

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

March 16, 2012

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-28.3-2 of the Rhode Island General Laws, I have made the following reappointment to the Fire Safety Code Board of Appeal and Review:

**Stuart Pearson of Mapleville**  
(Volunteer Fire Chief Representative)

for a term expiring March 1, 2018.

To this reappointment, I respectfully request your advice and consent.

Sincerely,

Lincoln D. Chafee  
Governor

Read and referred to the Committee on Housing and Municipal Government.

Also:

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

March 16, 2012

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-28.3-2 of the Rhode Island General Laws, I have made the following reappointment to the Fire Safety Code Board of Appeal and Review:

**Henry Richard, Jr. of Lincoln**  
(Representing Industry)

for a term expiring March 1, 2018.

To this reappointment, I respectfully request your advice and consent.

Sincerely,

Lincoln D. Chafee  
Governor

Read and referred to the Committee on Housing and Municipal Government.

Also:

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

March 16, 2012

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-28.3-2 of the Rhode Island General Laws, I have made the following reappointment to the Fire Safety Code Board of Appeal and Review:

**Frank M. Sylvester of Pawtucket**  
(Permanent Fire Chief Representative)

for a term expiring March 1, 2018.

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

Sincerely,

Lincoln D. Chafee  
Governor

Read and referred to the Committee on Housing and Municipal Government.

Also:

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

March 16, 2012

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 31-13-1 of the Rhode Island General Laws, I have made the following appointment to the State Traffic Commission:

**Chief Edward A. Mello**  
(representing the Rhode Island Police Chief's Association)

VICE  
Chief Thomas Tighe

to serve at the pleasure of the Governor.

To this appointment I respectfully request your advice and consent.

Sincerely,

Lincoln D. Chafee  
Governor

Read and referred to the Committee on Corporations.

Also:

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

March 14, 2012

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 12-15-2 of the Rhode Island General Laws, I have made the following appointment as Public Defender:

**Mary S. McElroy of Coventry**

VICE  
John J. Hardiman

for a term of five years from the date of senate confirmation.

To this appointment, I request your advice and consent.

Sincerely,

Lincoln D. Chafee  
Governor

Read and referred to the Committee on Judiciary.

Also:

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

March 14, 2012

TO THE HONORABLE, THE SENATE:

Pursuant to P. L. 2007, ch. 73, art. 3, I hereby appoint John F. McBurney of Pawtucket to the position of magistrate for a ten (10) year term and for this appointment I seek the advice and consent of the Senate.

If there are any questions, I am available at your convenience.

Very truly yours,

Alice Bridget Gibney  
Presiding Justice

Read and referred to the Committee on Judiciary.

**COMMUNICATIONS**

The Honorable President presents the following communications:

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

March 9, 2012

Joseph Brady  
Secretary to the Senate  
State House Room 145  
Providence, RI 02903

Dear Mr. Brady,

Pursuant to Section 4.1 of the Senate Rules, I am respectfully requesting withdrawal of Senate Bill S- 2077.

Thank you for your prompt attention to this matter.

Sincerely,

Frank A. DeVall, Jr.  
State Senator—District 18

Read and ordered to be placed on file.

Also:

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

March 15, 2012

Joseph R. Brady

Secretary of the Senate  
Room 145, State House  
Providence, RI 02903

Dear Mr. Brady:

This is in further reference to my correspondence dated March 5, 2012, concerning my request for the withdrawal of four bills that I sponsored. At that writing I inadvertently failed to include the following for withdrawal:

Senate Bill No. 2604 – ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS – STATE DECLARED DISASTERS

{LC1862/1}

03/01/2012 Introduced, referred to Senate Corporations.

Your assistance and consideration in this matter is much appreciated.

Sincerely,

Paul W. Fogarty  
Senator – District 23

Read and ordered to be placed on file.

Also:

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

March 5, 2012

Joseph R. Brady  
Secretary of the Senate  
Room 145, State House  
Providence, RI 02903

Dear Mr. Brady:

Pursuant to the Rules of the Senate, Section 4.1, as Sponsor of the following legislation, I wish to withdraw the named bills:

Senate Bill No. 2047 - ENTITLED, AN ACT RELATING TO EDUCATION -- FOUNDATION LEVEL SCHOOL SUPPORT

{LC440/1}

01/11/2012 Introduced, referred to Senate Finance.

Senate Bill No. 2099 - ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - MOBILE AND MANUFACTURED HOMES

{LC441/1}

01/18/2012 Introduced, referred to Senate Finance.

Senate Bill No. 2259 - ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS - HOISTING ENGINEERS



{LC915/1}

01/26/2012 Introduced, referred to Senate Labor.

Senate Bill No. 2402 - ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - MOBILE AND MANUFACTURED HOMES

{LC1545/1}

02/15/2012 Introduced, referred to Senate Finance.

Thank you for your assistance and consideration in this matter.

Sincerely,

Paul W. Fogarty  
Chairman, Committee on Labor  
Senator – District 23

Read and ordered to be placed on file.

### NEW BUSINESS

#### Senate Resolution No. 2787

BY Tassoni

ENTITLED, SENATE RESOLUTION PROCLAIMING MARCH 20TH AS "PANDA GIRL RESPECT FOR LIVING THINGS DAY"

{LC2277/1}

Read and ordered to be placed on the Consent Calendar.

### CONSENT CALENDAR

In order for the day is taken up as follows:

1. **2012-S 2648**  
BY DiPalma  
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES
2. **2012-S 2654**  
BY Maher  
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES
3. **2012-S 2683**  
BY DiPalma  
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Upon motion of Senator Ruggiero, seconded by Senator Algieri, the measures on today's Consent Calendar, by unanimous consent, are read and passed, upon a roll call vote with 38 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 38: 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, Miller, Moura, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Sheehan, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

### CALENDAR

#### IN ORDER FOR TUESDAY, MARCH 20, 2012:

**1. 2012-S 2157**

**BY** Tassoni

**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -  
ADVICE AND CONSENT OF THE SENATE

Committee on Judiciary recommends passage.

Senator Tassoni moves passage, seconded by Senators Lynch, McCaffrey, Doyle and Metts.

The act is read and passed, by unanimous consent, upon a roll call vote with 38 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 38: 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, Miller, Moura, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Sheehan, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

**2. 2012-S 2334**

**BY** Doyle

**ENTITLED**, AN ACT RELATING TO GENERAL ASSEMBLY - LOBBYING

Committee on Judiciary recommends passage.

Senator Doyle moves passage, seconded by Senator McCaffrey.

The act is read and passed, by unanimous consent, as amended, in concurrence, upon a roll call vote with 38 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 38: 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, Miller, Moura, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Sheehan,

Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

- 3. 2012-S 2419**  
**BY** Ciccone  
**ENTITLED**, AN ACT RELATING TO PUBLIC RECORDS - CUSTODY AND PROTECTION

Committee on Judiciary recommends passage.

Upon suggestion of Senator Ciccone and without objection, ordered to be placed on the Calendar for Thursday, March 22, 2012.

- 4. 2012-S 2644**  
**BY** McCaffrey  
**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - PROCEDURE GENERALLY

Committee on Judiciary recommends passage.

Senator McCaffrey moves passage, seconded by Senators Lynch, Walaska, Sheehan, Nesselbush and Ruggerio.

The act is read and passed, by unanimous consent, as amended, in concurrence, upon a roll call vote with 38 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 38: 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, Miller, Moura, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Sheehan, Shibley, 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.

**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 Felag announces that the Committee on Finance will meet on Thursday, March 22, 2012, at 2:00 o'clock P.M. 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 Room 212 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 the Senate Lounge of the State House.

Senator Jabour announces that the Committee on Judiciary will meet on Thursday, March 22, 2012, 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 the Senate Lounge of the State House.

**ADJOURNMENT**

Upon motion of Senator Goodwin seconded by Senator Algieri the Senate adjourns at 4:40 o'clock P.M.

JOSEPH R. BRADY  
Secretary of the Senate

**Appendix**

**INVOCATION**

**SENATOR RHODA E. PERRY**

Dear God, May all Beings be peaceful, be happy, be safe, awaken to the light of their true nature and be free Amen

**Appendix**

**CONSENT CALENDAR**

**IN ORDER FOR WEDNESDAY, MARCH 21, 2012:**

1. **2012-S 2787**

**BY** Tassoni

**ENTITLED**, SENATE RESOLUTION PROCLAIMING MARCH 20TH AS “PANDA GIRL RESPECT FOR LIVING THINGS DAY”;

Ordered on the Consent Calendar.

**Appendix**

**CALENDAR**

**IN ORDER FOR WEDNESDAY, MARCH 21, 2012:**

1. **2012-S 2381**  
**BY** Lanzi  
**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -  
REGISTRATION OF VEHICLES

Committee on Special Legislation and Veterans Affairs recommends passage.

2. **2012-S 2697**  
**BY** DiPalma  
**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -  
COURTESY PLATES

Committee on Special Legislation and Veterans Affairs recommends passage.

**IN ORDER FOR THURSDAY, MARCH 22, 2012:**

1. **2012-S 2419**  
**BY** Ciccone  
**ENTITLED**, AN ACT RELATING TO PUBLIC RECORDS - CUSTODY AND  
PROTECTION

Committee on Judiciary recommends passage.