

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 fourth day of January in the year of Our Lord two thousand.

Volume 127, No. 25 Wednesday, March 15, 2000 Twenty-fifth Day

The Senate meets pursuant to adjournment and is called to order by His Honor, the Lieutenant Governor, Charles J. Fogarty, at 4:10 o'clock P.M.

The roll is called and a quorum is declared present with 49 Senators present and 1 Senator absent as follows:

PRESENT - 49: Senators Algiere, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Flynn, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Igliozi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Oster, Paiva Weed, Parella, Patterson, Perry, Raptakis, Roberts, Roney, Ruggerio, Sasso, Sosnowski, Tocco, Walaska, Walsh, Walton.

ABSENT - 1: Senator Revens.

INVOCATION

His Honor, the Lieutenant Governor, by unanimous consent, presents Senator Connors, to deliver the invocation.

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

His Honor, the Lieutenant Governor, 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 Tuesday, March 14, 2000 proceedings is read in part.

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

GUESTS

Upon suggestion of Senator Kelly, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber members of Teen Pact, a non-profit organization that helps young people develop a passion for citizenship and

justice. Leading the group is Executive Director John Legg, Staff Supervisor Brenda Conrad, Staff Members Ashley Conrad, Grant Callen, Hanna Clarkin and Laura Inglis, along with many students who are seated in the gallery.

Upon suggestion of Senator Blais, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber David Florio, Chairman of the Coventry Democratic Town Committee and Ed Jensen of Cranston.

Upon suggestion of Senator Lenihan, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber Jerry Meyer, Executive Director of the East Greenwich Chamber of Commerce.

Upon suggestion of Senator Walton, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber Antonio Lopes, a friend and community activist.

**FROM THE
HOUSE OF REPRESENTATIVES**

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

(2000-H 7847) (Substitute "A" as amended) An Act relating to lobsters and other crustaceans.

Read and ordered to be placed on the Calendar.

Also:

(2000-H 7908) An Act to vacate the forfeiture or revocation of the charter of A.P.L. Realty Co., Inc.

Read and ordered to be placed on the Consent Calendar.

Also:

(2000-H 8052) An Act to vacate the forfeiture or revocation of North Kingstown (Stoney Lane) Six Principle Baptist Church.

Read and ordered to be placed on the Consent Calendar.

Also:

(2000-H 8034) An Act authorizing the town of Glocester to finance the development, construction, reconstruction, resurfacing and rehabilitation of roads, highways and bridges in the town, including the construction of a salt/sand storage facility by the issuance of not more than \$3,000,000 bonds and/or notes therefor.

Read and referred to the Committee on Corporations.

REPORTS OF COMMITTEES

COMMITTEE ON CORPORATIONS

Senator Irons, from the Committee on Corporations, reports back, with recommendation of passage of the following measure:

(00-S 2011 as amended) An Act relating to towns and cities New Shoreham water supply system.

Read and ordered to be placed on the Calendar.

COMMITTEE ON FINANCE

Senator Lenihan, from the Committee on Finance, reports back, with recommendation of passage of the following measure:

(00-S 2376 as amended) An Act relating to public officers and employees - retirement system -contributions and benefits.

Read and ordered to be placed on the Calendar.

COMMITTEE ON JUDICIARY

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

(00-S 2620) An Act relating to courts and civil procedure - procedure generally - evidence.

Read and ordered to be placed on the Calendar.

(00-S 2737) An Act relating to motor vehicles.

Read and ordered to be placed on the Calendar.

(00-S 2769) An Act relating to motor and other vehicles adjudication of traffic offenses.

Read and ordered to be placed on the Calendar.

COMMITTEE ON LABOR

Senator Badeau, from the Committee on Labor, reports back, with recommendation of passage of the following measure:

(00-S 2120) An Act relating to labor and labor relations - sexual harassment, education and training in the workplace.

Read and ordered to be placed on the Calendar.

NEW BUSINESS

Senators Kelly and Algieri present (00-S 2845) An Act to vacate the forfeiture or revocation of the charter of Brewerville Civic Association, Inc.

Read and ordered to be placed on the Consent Calendar.

Without objection, the following Act is introduced after the deadline,

Senator Goodwin presents (00-S 2846) An Act relating to transportation of beverages.

Read and referred to the Committee on Special Legislation.

Without objection, the following Act is introduced after the deadline.

Senators Irons, Kelly, Walsh, Izzo, Graziano and others present (00-S 2847) An Act relating to health and safety - managed care liability.

Read and referred to the Committee on Corporations.

Senators Raptakis, McBurney, Sasso, Cicilline, Kelly and others present (00-S 2448) Senate Resolution celebrating March 25, 2000 as the 179th Anniversary of Greek Independence Day.

Senator Raptakis requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion of Senator Raptakis, seconded by the entire Senate, and by unanimous consent, read and passed, under suspension of the rules, upon a voice vote.

CONSENT CALENDAR

In order for the day is taken up as follows:

Upon suggestion of Senator Paiva Weed, and without objection, item #3 on the Consent Calendar is removed and placed on the Calendar.

Upon motion of Senator Kelly, seconded by Senator Algieri, the following measures on today's Consent Calendar, by unanimous consent, are read and passed upon a voice vote:

- 1.** Appointment of Dale D. Huff of South Dartmouth, Massachusetts VICE Janeth M. Brewster to the Rhode Island Public Telecommunications Authority for a term expiring January 31,2002.
- 2.** Reappointment of James H. Dodge of Warwick to the Rhode Island Depositors Economic Protection Corporation Board of Directors for a term expiring January 1, 2004.
- 4.** Reappointment of Madelyn Rumowicz of Bristol (Representing General Public) to the Library Board of Rhode Island for a term expiring December 31, 2002.
- 5.** Appointment of Mary F. Cummings of Somerset, Massachusetts (Representing Librarians Serving Institutionalized Persons) VICE Grace Varghese to the Library Board of Rhode Island for a term expiring December 31, 2001.
- 6.** (00-S 2796) Senate Resolution creating a special Senate commission to study the licensing and certification of arborists in the State of Rhode Island.
- 7.**(2000-H 8035) An Act to vacate the forfeiture or revocation of the charter of Island Pond, Inc.

CALENDAR

In order for the day is taken up as follows: Reappointment of Kathleen Lanphear, Esquire of Cranston as Hearing

Officer in the Division of Administrative Adjudication in the State Department of Environmental Management for a term expiring March 1, 2005.

Senator Blais, seconded by Senators Kelly, Enos, Paiva Weed, Goodwin, Oster, Bates, Sosnowski, Roney, Izzo and others, moves that confirmation of the Senate be given this appointment.

Senators Algieri and Izzo discuss the confirmation.

By unanimous consent, the confirmation of the Senate is given this appointment, upon a roll call vote with 48 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 48; Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Flynn, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Igliazzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Oster, Paiva Weed, Parella, Patterson, Perry, Raptakis, Roberts, Roney, Ruggerio, Sasso, Sosnowski, Tocco, Walaska, Walsh, Walton.

NAYS -0.

GUEST

Upon suggestion of Senator Algieri, and by unanimous consent His Honor, the Lieutenant Governor, welcomes to the Chamber Kathleen Lanphear, Hearing Officer in the State Department of Environmental Management.

CALENDAR

1.(00-S 2540 as amended) An Act relating to long-term care coordinating council.

Committee on Health, Education and Welfare recommends passage as amended.

Upon suggestion of Senator Enos, and without objection, ordered to be placed on the Calendar for Tuesday, March 21, 2000.

2.(00-S 2568) An Act relating to business corporations.

Committee on Corporations recommends passage.

Upon suggestion of Senator Enos, and without objection, ordered to be placed on the Calendar for Thursday, March 23, 2000.

3.(00-S 2630 as amended) An Act relating to towns and cities- district management authorities.

Committee on Corporations recommends passage as amended.

Upon suggestion of Senator Enos, and without objection, ordered to be placed on the Calendar for Thursday, March 23, 2000.

4.(00-S 2204) An Act relating to the town of Bristol - alcoholic beverages.

Committee on Special Legislation recommends passage.

Senator Parella moves passage, seconded by Senators Bates, Blais, Celona, Felag, Goodwin and others.

The act is read and passed, by unanimous consent, upon a roll call vote with 47 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 47: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Flynn, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Igliazzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Oster, Paiva Weed, Parella, Patterson, Raptakis, Roberts, Roney, Ruggerio, Sasso, Sosnowski, Tocco, Walaska, Walsh, Walton.

NAYS -O.

5.(00-S 2556) An Act relating to criminal procedure - sentence and execution.

Committee on Judiciary recommends passage.

Upon suggestion of Senator Enos, and without objection, ordered to be placed on the Calendar for Thursday, March 23, 2000.

6.(00-S 2606 as amended) An Act relating to alcoholic beverages.

Committee on Special Legislation recommends passage as amended.

Senator Goodwin moves passage, seconded by Senators Connors, Gallo, Tocco and others.

The act is read and passed, as amended, by unanimous consent, upon a roll call vote with 47 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS 47: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Flynn, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Igliazzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Oster, Paiva Weed, Parella, Patterson, Raptakis, Roberts, Roney, Ruggerio, Sasso, Sosnowski, Tocco, Walaska, Walsh, Walton.

NAYS -O.

7.(00-S 2702 as amended) An Act relating to taxation - levy and assessment of local taxes.

Committee on Corporations recommends passage as amended.

Senator Fogarty moves passage, seconded by Senators Walaska and Felag.

The act is read and passed, as amended, by unanimous consent, upon a roll call vote with 48 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 48: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Celona, Cicilline, Coderre, Connors, Cote, Damiani,

DaPonte, Donelan, Enos, Felag, Flynn, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Igliazzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Oster, Paiva Weed, Parella, Patterson, Perry, Raptakis, Roberts, Roney, Ruggerio, Sasso, Sosnowski, Tocco, Walaska, Walsh, Walton.

NAYS -O.

8.(00-S 2770) (Substitute "A") An Act relating to indictments, informations and complaints.

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

Upon suggestion of Senator Enos, and without objection, ordered to be placed on the Calendar for Tuesday, March 21, 2000.

9.(00-S 2792) An Act relating to criminal offenses - jails and prisons.

Committee on Judiciary recommends passage.

Senator Enos moves passage, seconded by Senators Kelly, Coderre, Connors, Igliazzi and others.

The act is read and passed, by unanimous consent, upon a roll call vote with 48 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 48: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Flynn, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Igliazzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Oster, Paiva Weed, Parella, Patterson, Perry, Raptakis, Roberts, Roney, Ruggerio, Sasso, Sosnowski, Tocco, Walaska, Walsh, Walton.

NAYS -O.

10.(00-S 2194 as amended) An Act relating to alcoholic beverages regulation of sales.

Committee on Special Legislation recommends passage as amended.

Senator Cote moves passage, seconded by Senators Goodwin, Coderre, Celona, Roberts and others.

The act is read and passed, as amended, by unanimous consent, upon a roll call vote with 47 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 47: Senators Algieri, Alves, Badeau, Bates, Breene, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Flynn, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Igliazzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Oster, Paiva Weed, Parella, Patterson, Perry, Raptakis, Roberts, Roney, Ruggerio, Sasso, Sosnowski, Tocco, Walaska, Walsh, Walton.

NAYS -O.

11.(00-S 2199) An Act relating to criminal offenses - public utilities.

Committee on Judiciary recommends passage.

Senator McDonald moves passage, seconded by Senators Tocco, Oster, Paiva Weed, Connors and others.

The act is read and passed, upon a roll call vote with 44 Senators voting in the affirmative and 2 Senators voting in the negative as follows:

YEAS - 44: Senators Algieri, Alves, Badeau, Bates, Breene, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Flynn, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Igliazzi, Irons, Issa, Izzo, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Oster, Paiva Weed, Parella, Patterson, Perry, Raptakis, Ruggerio, Sasso, Sosnowski, Tocco, Walaska, Walsh, Walton.

NAYS - 2: Senators Blais, Kells.

ANNOUNCEMENT

Senator Goodwin announces that the Committee on Special Legislation will meet today at the rise of the Senate in the Senate Lounge of the State House.

TRANSMITTAL

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

ADJOURNMENT

Upon motion of Senator Kelly, seconded by Senator Algieri, and upon suggestion of Senator McBurney, the Senate adjourns at 4:34 o'clock P.M., on a unanimous rising vote, as a further mark of respect to the memory of Jason W. Beaulieu, of Pawtucket, an award-winning student-athlete whose young life was taken from us very suddenly.

RAYMOND T. HOYAS, JR.
Clerk of the Senate

Appendix

INVOCATION

SENATOR DANIEL P. CONNORS

Almighty Father, strengthen our awareness of Thy presence not only in the time of prayer, but also in the hours of work. Amen.

Appendix

CONSENT CALENDAR

In order for Thursday, March 16, 2000:

1. (00-S 2845) An Act to vacate the forfeiture or revocation of the charter of Brewerville Civic Association, Inc.

Ordered on the Consent Calendar.

2.(2000-H 7908) An Act to vacate the forfeiture or revocation of the charter of A.P.L. Realty Co., Inc.

Ordered on the Consent Calendar.

3.(2000-H 8052) An Act to vacate the forfeiture or revocation of North Kingstown (Stoney Lane) Six Principle Baptist Church.

Ordered on the Consent Calendar.

RAYMOND T. HOYAS, JR.
Clerk of the Senate
Wednesday, March 15, 2000

Appendix

CALENDAR In order for Tuesday, March 21, 2000:

1.(00-S 2540 as amended) An Act relating to long-term care coordinating council.

Committee on Health, Education and Welfare recommends passage as amended.

2.(00-S 2770) (Substitute "A") An Act relating to indictments, informations and complaints.

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

3.(00-S 2216) An Act relating to motor vehicles.

Committee on Corporations recommends passage.

4.(00-S 2344) An Act relating to businesses and professions psychologists.

Committee on Corporations recommends passage.

5.(00-S 2384) An Act relating to the sinking fund commission.

Committee on Finance recommends passage.

6.(00-S 2521 as amended) An Act relating to domestic abuse prevention.

Committee on Judiciary recommends passage as amended.

7.(00-S 2560) An Act relating to courts and civil procedure- courts - domestic assault.

Committee on Judiciary recommends passage.

8.(00-S 2637) An Act relating to lotteries -prize payments percentage.

Committee on Finance recommends passage.

9.(00-S 2669 as amended) An Act relating to credit card lending.

Committee on Corporations recommends passage as amended.

10. (00-S 2761) An Act relating to education - Rhode Island College.

Committee on Finance recommends passage.

11.(00-S 2011 as amended) An Act relating to towns and cities- New Shoreham water supply system.

Committee on Corporations recommends passage as amended.

12.(00-S 2120) An Act relating to labor and labor relations- sexual harassment, education and training in the workplace.

Committee on Labor recommends passage.

13.(00-S 2376 as amended) An Act relating to public officers and employees retirement system - contributions and benefits.

Committee on Finance recommends passage as amended.

14.(00-S 2620) An Act relating to courts and civil procedure- procedure generally - evidence.

Committee on Judiciary recommends passage.

15.(00-S 2737) An Act relating to motor vehicles.

Committee on Judiciary recommends passage.

16.(00-S 2769) An Act relating to motor and other vehicles - adjudication of traffic offenses.

Committee on Judiciary recommends passage.

17.(2000-H 7847) (Substitute "A" as amended) An Act relating to lobsters and other crustaceans.

Ordered on the Calendar.

Appendix

CALENDAR

In order for Thursday, March 23, 2000:

1. (00-S 2568) An Act relating to business corporations.

Committee on Corporations recommends passage.

2.(00-S 2630 as amended) An Act relating to towns and cities- district management authorities.

Committee on Corporations recommends passage as amended.

3.(00-S 2556) An Act relating to criminal procedure - sentence and execution.

Committee on Judiciary recommends passage.

4.(00-S 2337) (Substitute A An Act relating to financial institutions.

Committee on Corporations recommends indefinite postponement of the original bill and passage of the bill marked Substitute "A".

5.(00-S 2696) An Act relating to insurance -health maintenance organization.

Committee on Corporations recommends passage.

6.(00-S 2094) An Act relating to elections.

Committee on Judiciary recommends passage.

7.(00-S 2481) An Act relating to judicial selection. Committee on Judiciary recommends passage.

RAYMOND T. HOYAS, JR.
Clerk of the Senate
Wednesday, March 15, 2000

As always, your [comments](#) concerning this page are welcomed and appreciated.

Thank you for stopping by!

