

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 second day of January in the year of Our Lord two thousand and one.

Volume 128, No. 11 Thursday, January 25, 2001 Eleventh Day

The Senate meets pursuant to adjournment and is called to order by His Honor, the Lieutenant Governor, Charles J. Fogarty, at 4:00 o'clock P.M.

The roll is called and a quorum is declared present with 45 Senators present and 5 Senators absent as follows:

PRESENT - 45: Senators Algieri, Alves, Badeau, Bates, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Iglioizzi, Irons, Issa, Izzo, Kells, Lenihan, McBurney, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, RaptakIs, Revens, Roberts, Roney, Ruggerio, Sheehan, Tassoni, Walaska, Walsh, Walton.

ABSENT - 5: Senators Blais, Donelan, Kelly, McCaffrey, Sosnowski.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

His Honor, the Lieutenant Governor, by unanimous consent, presents Senator Walaska, to lead the Senate in the pledge of allegiance to the flag.

APPROVAL OF RECORD

The Senate Journals of Tuesday, January 23, 2001 and Wednesday, January 24, 2001 proceedings are read in part.

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

GUESTS

Upon suggestion of Senate Majority Leader Irons and Senator Algieri, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber Mr. and Mrs. Gerald Visconti.

Also:

Upon suggestion of Senator Connors, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber Matthew J. Pottes.

COMMUNICATION

His Honor, the Lieutenant Governor, presents the following communication:

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
SENATE CHAMBER**

January 25, 2001 His Honor, Charles J. Fogarty lieutenant Governor

116 State House
Providence, RI 02903

Dear lieutenant Governor Fogarty: I am writing to inform you that due to an emergency in my family business, I will not be able to attend the Senate Session today, Thursday, January 25, 2001.

I am extremely sorry not to be there today, especially since I would have been very proud to cast my vote for the Honorable Prank J. Williams as Chief Justice of the Rhode Island Supreme Court. I would appreciate this letter being included in the Senate Journal. Thank you.

Sincerely,

V. SUSAN SOSNOWSKI
Senator, District 6

Received and ordered to be placed on file.

FROM THE

HOUSE OF REPRESENTATIVES

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

(01-H 5324) An Act to vacate the forfeiture or revocation of the charter of Darlington Auto Body, Inc.

Read and ordered to be placed on the Consent Calendar.

Also:

(01-H 5292) An Act to vacate the forfeiture or revocation of the charter of the Cathedral of the Diocese of Rhode Island.

Read and ordered to be placed on the Consent Calendar.

Also:

(01-H 5205) An Act relating to labor and labor relations - employment security - general provisions.

Senator Ruggerio requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Ruggerio moves passage, seconded by Senator Igliazzi. Read and passed in concurrence, by unanimous consent, upon a roll call vote with 39 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 39: Senators Algieri, Alves, Bates, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Enos, Felag, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Lenihan, McBurney, McDonald, Montalbano, Parella, Perry, Polisena, Raptakis, Revens, Ruggerio, Sheehan, Tassoni, Walaska, Walsh, Walton.

NAYS -0.

NEW BUSINESS

TRIBUTE TO THE HONORABLE JOSEPH R. WEISBERGER Chief Justice of the Rhode island Supreme Court Senate Majority Leader Irons and Senators Montalbano, Coderre, Algieri, Paiva Weed and others present (01-S 166) Senate Resolution congratulating the Honorable Chief Justice Joseph R. Weisberger on his retirement from the Rhode Island Supreme Court. Senate Majority Leader Irons requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted. Senate Majority Leader Irons moves passage, seconded by the entire Senate. Senate Majority Leader Irons and Senators Montalbano, Algieri, Revens, Paiva Weed, Damiani and Garabedian pay tribute to His Honor, Joseph R. Weisberger, Chief Justice of the Rhode Island Supreme Court. The Resolution is read and passed, by unanimous consent, under suspension of the rules, upon a voice vote. The Senate attends.

Senators Montalbano, Kells, Graziano and Celona present (01-S 167) An Act relating to motor and other vehicles.

Read and referred to the Committee on Health, Education and Welfare.

Senator Celona presents (01-S 168) An Act reinstating and restoring forfeited or revoked corporate charters.

Read and ordered to be placed on the Consent Calendar.

Senator Roney presents (01-S 169) An Act relating to health and safety - abortion -insurance.

Read and referred to the Committee on Corporations.

Senators Badeau, Ruggerio and McDonald present (01-S 170) An Act relating to criminal offenses - theft detection shielding devices.

Read and referred to the Committee on Judiciary.

Senators Graziano, Polisena, Tassoni, Gallo, DaPonte and others present (01-S 171) An Act relating to wage discrimination based on sex.

Read and referred to the Committee on Finance.

Senators Graziano, Polisena, Tassoni, Caprio, Celona and others present (01-S 172) An Act relating to labor and labor relations- sexual harassment, education and training in the workplace.

Read and referred to the Committee on Labor.

Senators Roney, Roberts and Gibbs present (01-S 173) An Act relating to health and safety -safety of access to facilities endangered.

Read and referred to the Committee on Judiciary.

Senators Graziano, Polisena, Caprio, Celona, Roberts and others present (01-S 174) An Act relating to nurses.

Read and referred to the Committee on Health, Education and Welfare.

Senators Graziano, Polisena, Tassoni and Montalbano present (01-S 175) An Act relating to health and safety - licensing of health care facilities.

Read and referred to the Committee on Health, Education and Welfare.

Senators Graziano, Polisena, Tassoni, Caprio, Celona and others present (01-S 176) An Act relating to retirement system - contributions and benefits.

Read and referred to-the Committee on Finance.

Senators Graziano, Polisena, Paiva Weed, Tassoni, Roberts and others present (01-S 177) An Act relating to health and safety - office of women's health.

Read and referred to the Committee on Finance.

Senator Montalbano presents (01-S 178) An Act relating to courts and civil procedure - judicial nominating commission.

Read and referred to the Committee on Judiciary.

CALENDAR

In order for the day is taken up as follows:

2. (01-S 3) An Act relating to levy and assessment of local taxes.

Committee on Corporations recommends passage.

Senator Enos moves passage, seconded by Senator Cicilline.

The act is read and passed, by unanimous consent, upon a roll call vote with 44 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 44: Senators Algieri, Alves, Badeau, Bates, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Enos, Felag, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Lenihan, McBurney, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roberts, Roney, Ruggerio, Sheehan, Tassoni, Walaska, Walsh, Walton.

NAYS -0.

3. (01-S 14) An Act relating to education -establishment of regional school districts.

Committee on Corporations recommends passage.

Senator Walsh moves passage, seconded by Senator Enos.

The act is read and passed, by unanimous consent, upon a roll call vote with 45 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 45: Senators Algieri, Alves, Badeau, Bates, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Iglioizzi, Irons, Issa, Izzo, Kells, Lenihan, McBurney, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roberts, Roney, Ruggerio, Sheehan, Tassoni, Walaska, Walsh, Walton.

NAYS -0.

4. (99-S45) An Act validating and ratifying amendments to the home rule charter of the town of Smithfield.

Committee on Corporations recommends passage.

Senator Tassoni moves passage, seconded by Senator Iglioizzi and others.

The act is read and passed, by unanimous consent, upon a roll call vote with 44 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 44: Senators Algieri, Alves, Badeau, Bates, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Iglioizzi, Irons, Issa, Izzo, Kells, Lenihan, McBurney, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Tassoni, Walaska, Walsh, Walton.

NAYS -0.

1. Appointment of Frank J. Williams as Chief Justice of the Supreme Court.

Committee on Judiciary recommends that the Senate give its Advice and Consent to this appointment.

Senator Walsh, seconded by Senate Majority Leader Irons and Senators Montalbano, Coderre, Celona, Connors, DaPonte, Alves, Felag, Paiva Weed, Sheehan, Fogarty, Gallo, Goodwin, Bates, Garabedian, Iglioizzi, Badeau, Raptakis, Cote, Ruggerio, Roberts, Perry, Gibbs, Algieri, Breene and many others, moves that confirmation be given this appointment.

Senators Algieri, Garabedian, Revens, Connors, Roney, DaPonte, Felag, Breene, Parella, Graziano and Senate Majority Leader Irons pay tribute to the nominee.

By unanimous consent, the confirmation of the Senate is given this appointment, upon a roll call vote with 45 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 45; Senators Algieri, Alves, Badeau, Bates, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Iglioizzi, Irons, Issa, Izzo, Kells, Lenihan, McBurney, McDonald, Montalbano, Paiva Weed, Parella, Perry', Polisena, Raptakis, Revens, Roberts, Roney, Ruggerio, Sheehan, Tassoni, Walaska, Walsh, Walton.

NAYS -0.

GUESTS

Upon suggestion of Senator Walsh, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber the Honorable Frank J. Williams, newly confirmed Chief Justice of the Rhode Island Supreme Court, along with his wife Virginia, his parents Frank and Natalie Williams and his brother Ronald Williams.

Upon suggestion of Senate Majority Leader Irons, and without objection, the Honorable Frank J. Williams is escorted to the rostrum for remarks. The Senate attends.

His Honor, Justice Williams, addresses the Senate. (See Appendix for remarks.)

His Honor, Justice Williams, is escorted from the rostrum.

Also:

Upon suggestion of Senator Montalbano, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the chamber Sheriff Joanne Macuri and superior court clerks Melanie Parfett and Gail Valuc.

Also:

Upon suggestion of Senator Enos, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the chamber Brian McGlynn of Tiverton.

Also:

Upon suggestion of Senator Hunter, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the chamber Everett Federici, Executive Director, Independent Insurance Agents of Rhode Island.

ANNOUNCEMENTS

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

Also:

Senator Montalbano announces that the Committee on Judiciary will meet on Tuesday, January 30, 2001, at the rise of the Senate in Room 313 of the State House. BIRTHDAY WISHES

Senator Polisena extends congratulations to Senator Damiani on the occasion of his birthday on Friday.

Also:

Senator Walaska extends congratulations to Senator Sheehan on the occasion of his birthday on Saturday. The entire Senate joins in extending best wishes to Senators Damiani and Sheehan.

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 Senate Majority Leader Irons, seconded by Senator Algiere, and upon suggestion of Senator Tassoni, the Senate adjourns at 5:25 o'clock P.M., on a unanimous rising vote, as a further mark of respect to the memory of the Honorable Eugene E. Thibodeau, former State Representative from Smithfield and a long time community activist. His contributions to his community will long be remembered and he will be sorely missed.

RAYMOND T. HOYAS, JR. Secretary of the Senate

Appendix

INVOCATION

SENATOR WILLIAM A. WALASKA God, grant us the light, that we may know the wisdom which Thou alone can give. Guide us with your truth and help us to serve well our fellow Rhode Islanders. Amen.

Appendix

REMARKS TO THE HONORABLE MEMBERS OF THE RHODE ISLAND SENATE BY FRANK J. WILLIAMS JANUARY 25, 2001

Thank you honorable members of the Senate. This is the second time you have honored me and my family. We are deeply appreciative of your support and gracious comments. We are also grateful to Chairman Joseph Montalbano and the members of the Judiciary Committee for the hearing held on January 23, as well as the service rendered by Chief Justice Weisberger. I recognize that it is rare that one who has just been confirmed is allowed to address this chamber. So I am doubly honored. One reason for such an occasion is our recognition that we live in exciting and challenging times. It is vital to me, the judiciary and our beloved state as your next Chief Justice that we maintain this harmony -- this working relationship. I hope, too, that this will turn into an annual event when I can address you and the members of the House of Representatives with the State of the Judiciary. I'll begin with a story that's making the rounds. It's the story of a U.S. ship and its captain. The radar officer announces to the captain, "Blip on the radar screen, dead ahead, sir." The captain says, "Tell that ship to turn fifteen degrees starboard at once." The radar officer sends the signal and the response comes back: "You move fifteen degrees." The captain's irate, and says, "Tell him again. Move fifteen degrees to the starboard." And the response comes back, again: "You move fifteen degrees." The captain grabs the radio himself and says, "This is the captain of the greatest ship on the high seas. Move to the starboard fifteen degrees at once!" And the answer comes back: "This is the lighthouse...You move fifteen degrees!" I like the story for the simple point it makes: there comes a time when captains -- and states -- need to change course. must be willing to take risks to make these changes.

Press the envelope and try things never done before for the sake of learning. Sometimes we succeed, sometimes we fail. We need to understand those failures and accept them as a natural part of learning, of growing. Governor Mario M. Cuomo, a former minor league outfield, knew a month before his last run for Governor of New York in 1992 that he was going to lose. "Teaching you to lose is pretty good. Reminding you that you're not going to win every game, even if you deserve to. Because every once in a while the umpire will beat you, or the referee, or they'll call a pitch that's bad. It was clearly a ball, and you'll know it was a ball for the rest of your life. But you're out, out of there. You lose. You struck out, and you knew you shouldn't have. Well, you have to learn to live with that for the rest of your life because you're going to strike out a lot when you didn't deserve to, because the umpire isn't always perfect of vision." I am very much aware of the criticism of public officials -- much of it unfair. All of us have learned to expect it. Even trial judges are not immune from such criticism. I have been called "Maximum Frank," "Judge Roy Bean," "Marryin Sam, the great enforcer," "the great mediator," and "Frank, the fair." One Associated Press article, written after I presided over the Block Island rape case referred to me as "Colorfully expressive," "verbose," and "quirky." Another reporter, after my Belcourt Castle case in Newport, called me "a local character with a history of quirks," probably because I referred to the litigants and witnesses as specific characters out of a Charles Dickens novel. Once a defendant appeared before me and I asked him to identify himself for the record. The defendant answered, "Colonel Henry Jackson." I

asked, "What does the 'Colonel' stand for?" The defendant replied, "Well, it's kinda like the 'Honorable' in front of your name. Not a damn thing." Lincoln had the best reply when he wrote in response to newspaper criticism, "Those comments constitute a fair specimen of what has occurred to me through life. I have endured a great deal of ridicule without much malice; and have received a great deal of kindness, not quite free from ridicule. I am used to it." Thirty-five years ago I served with other Americans in what was then called the Republic of Vietnam. As I left the country for home in January, 1967, I remember to this day the plea of my fellow veterans to speak for them whenever I could. I wasn't quite sure what they meant until I returned to a country different then the one I had left four years earlier. Over the years, I have learned to appreciate the pain of the 3.3 million Americans who served in an unpopular war and who returned not as heroes, but as objects of vilification and personal attack. The stereo type of the Vietnam Veteran homeless, drug-crazed, suffering from post-traumatic stress syndrome and a time-bomb about to go off is just plain wrong. Will Rogers once said, "Its not the things we don't know that get us into trouble. Its the things we know that just ain't so." The people I know who were at Ban Me Thuot, Plaiku, Dalat, or Nha Trang didn't kill helpless women and children or anyone else either there or when they got home. Indeed, the fact is that Vietnam Veterans have fared as well or better than any other generation of veterans. After all, high station in life is earned by the gallantry with which appalling experience are survived with grace. And it is about time that the myths that have tainted America's view of Vietnam Veterans are put to rest. Providing advice and consent, especially like this one, is a tradition. Traditions are something permanent that remind the public of something notable. Traditions give meaning to life by providing communities and groups with a way to communicate their traditions and beliefs from generation to generation. Traditions deal with lasting ideas which stand the test of time. As such traditions are measures of peoples' progress along the road of civilization because they commemorate those principles they preserve, honor and cherish. I believe there is a distinction between law and justice. Law, after all, are the rules written by the legislature. Justice is based on the relationship between people, and is certainly not just a bunch of rules. When justice is done, there should be "a pleasurable sense to the emotions." To put it another way, the civilizing function of a judge is "the removal of a sense of injustice." When I am asked how it feels to be Chief Justice - Designate, I say it reminds me of when Henry Raymond, then Editor of The New York Times asked President Lincoln how it felt to be President and Lincoln replied, "I am like the man so busy renting rooms at one end of the hotel that I cannot put out the fire at the other end." We live in a very different time than just a few years ago. Changes happening more quickly then our capacity to absorb it. Often problems will seem to go away, because our attention span has shifted, and new images have appeared on the screen. Recently, a prosecuting attorney in Kentucky is murdered by a criminal defendant the day the trial was to begin. What sense do we make of this? Guns or weapons in the schools? A return to Vietnam? Are we in a combat zone? Women are killed in Tiverton and Taunton -- a family and now a woman in Barrington. And those who struggle with answers often appear misguided, if not inept, making it easy for us to criticize from the sidelines, hunker down to our own lives, take care of ourselves and our families, and close the door on the world, which seems to make less and less sense. We need new strategies, new ways to be engaged in the community -- at any level. This is true even in dealing with individuals who now turn to the legislature and courts to solve social problems -- problems that were once solved in the homes and on the streets. In Bleak House, Charles Dickens describes a place "which so exhausts finances, patience, courage, hope; so over throws the brain and breaks the heart; that there is not an honorable man among its practitioners who would not give . . . the warning, "Suffer any wrong that can be done you, rather than come here!" He spoke of the Court of Chancery, but he might have meant any tribunal that does not deliver justice and fairness expeditiously. We must guard against such places. Someone once said: "The doors to quality justice will open equally widely to all, regardless of race, ethnicity, spoken language, gender, or disability." As Rhode Island's population grows increasingly diverse, the court system should be ever vigilant in safeguarding the rights of all participants so that they may enjoy equal access to quality court services. The court should continually assess its performance in this regard, and any barrier to such access must be careful scrutinized and eliminated, if possible. This requires an ongoing effort in educating, sensitizing, training and evaluating all court personnel to maximize this access for all Bode Islanders. The courts must work zealously in this new millennium to assure that no one suffers unfairness in the court -- whether real or perceived. All of this brought me to think about the concept of hope (Hope, of course, is the word emblazoned on our state flag and is our state motto). Hope is represented in this investiture. I think people tend to equate hope with optimism, but they are not the same thing. One thing that struck me about American history and even the contemporary culture in America is that we plunge so easily from a kind of easy optimism to an equally easy cynicism and pessimism. We lurch between these two extremes. Everything is getting better and it is wonderful, or government is a bunch of junk and everybody is a crook. The hopeful person, by contrast, knows that the world is never all good or all bad, and there is a complex admixture of the good and the bad in almost every situation and person. We need to regain the richness of that concept and what it means to live in hope. This brings to mind the ancient historian Livy who, observing Rome in decline once wrote that the people "Could neither stand their ills nor their cures." We must never accept this view. Many men and women will come to our courthouses and this chamber, smooth their doorknobs, wear their thresholds, nick the banisters and vocalize their wants -- all as part of the democratic process where the people do have a say so. I know we will treat them with the respect they deserve and hope that they treat us the same. In closing, let me cite this story of U.S. Supreme Court Justice Oliver Wendell Holmes, a thrice wounded Civil War veteran who retired from the court at 90. Upon the occasion of his retirement he quoted these words from a Roman poet: "Death plucks my ear and says "live for I am coming." As you have made a commitment to me, I make a commitment to you and all of our citizens that I will do the best I can, the very best I know how and will do so until the end. Let me share this story with you about a trial I conducted in Washington County. The prosecuting attorney called his first witness to the stand -- a grandmotherly, elderly woman. He approached her and asked, "Mam, do you know me?" She responded, "Why, yes, I do know you. I've known you since you were a young boy. And frankly, you've been a big disappointment to me. You manipulate people and talk about them behind their backs. You are sloppy and intellectually dishonest. Yes, I know you." The lawyer was stunned. Not knowing what else to do. He pointed across the room and asked, "Do you know the defense attorney?" She again replied, "Why, yes, I do." I known him since he was a youngster, too. I use to babysit him. And he, too, has been a real disappointment to me. He's lazy, can't build a normal relation with anyone and his law practice is one of the shoddiest in the state. Yes, I know him." At this point, I interrupted the proceedings and asked the

lawyers to approach the bench. In a very quiet voice, I said, "If either of you ask her if she knows me, you are going to be in big trouble." I am fortunate that she was not a witness in this confirmation proceeding. Thank you again for your confidence and faith in me and may God bless all of you and all those who come here.

Appendix

CONSENT CALENDAR

In order for Tuesday, January 30, 2001:

- 1. (01-S 168) An Act reinstating and restoring forfeited or revoked corporate charters. Ordered to be placed on the Calendar.**
- 2. (01-H5324) An Act to vacate the forfeiture or revocation of the charter of Darlington Auto Body, Inc. Ordered to be placed on the Calendar.**
- 3. (01-H5292) An Act to vacate the forfeiture or revocation of the charter of the Cathedral of the Diocese of Rhode Island. Ordered to be placed on the Calendar.**

RAYMOND T. HOYAS, JR. Secretary of the Senate Thursday, January 25, 2001

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

Thank you for stopping by!

