

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. 21 Wednesday, February 28, 2001 Twenty-first 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 47 Senators present and 3 Senators absent as follows:

PRESENT - 47: Senators Algieri, Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisen, Raptakis, Revens, Roberts, Roney, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

ABSENT - 3: Senators Alves, Connors, Ruggerio.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journals of Wednesday, February 14 and Tuesday, February 27, 2001 proceedings are read in part.

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

GUEST

Upon suggestion of Senator Sheehan, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the chamber Ted Whitaker of North Kingstown.

COMMUNICATION

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

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
SENATE CHAMBER

February 28, 2001

His Honor, Charles j. Fogarty lieutenant Governor
Room 114, State House
Providence, RI 02903

Dear lieutenant Governor Fogarty:

The following Senators are hereby appointed to the Joint Committee on Accounts and Claims:

Senator Daniel DaPonte, Vice Chairman
Senator David E. Bates
Senator Hanna M. Gallo
Senator Dominick J. Ruggerio

Sincerely,

WILLIAM V. IRONS
Senate Majority Leader

Received and ordered to be placed on file.

Also:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
SENATE CHAMBER

February 28, 2001 His Honor, Charles J. Fogarty lieutenant Governor
Room 114, State House
Providence, RI 02903

Dear lieutenant Governor Fogarty:

The following Senators are hereby appointed to the Joint Committee on Environment and Energy:

Senator V. Susan Sosnowski, Vice Chairwoman
Senator Kevin A. Breene
Senator James Sheehan
Senator June N. Gibbs
Senator Donna Walsh

Senator Teresa Paiva Weed

Sincerely,

WILLIAM V. IRONS

Senate Majority Leader

Received and ordered to be placed on file.

Also:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
SENATE CHAMBER

February 28, 2001

His Honor, Charles J. Fogarty lieutenant Governor
Room 114, State House
Providence, RI 02903

Dear Lieutenant Governor Fogarty:

The following Senators are hereby appointed to the Joint Committee on Highway Safety:

- Senator Michael J. Damiani, Chairman
- Senator John M. Roney, Secretary
- Senator David E. Bates
- Senator June N. Gibbs
- Senator Aram G. Garabedian
- Senator William A. Walaska
- Senator Robert T. Kells
- Senator Leonidas P. Raptakis

Sincerely,

WILLIAM V. IRONS
Senate Majority Leader

Received and ordered to be placed on file.

Also:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
SENATE CHAMBER

February 28, 2001

His Honor, Charles J. Fogarty Lieutenant Governor
Room 114, State House
Providence, RI 02903

Dear Lieutenant Governor Fogarty:

The following Senators are hereby appointed to the Joint Committee on Naming State Constructions:

- Senator John J. Tassoni, Chairman
- Senator Leo R. Blais, Secretary

Senator Patrick T. McDonald
Senator

Sincerely,

WILLIAM V. IRONS
Senate Majority Leader

Received and ordered to be placed on file.

Also:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
SENATE CHAMBER

February 28, 2001

His Honor, Charles J. Fogarty lieutenant Governor
Room 114, State House
Providence, RI 02903

Dear lieutenant Governor Fogarty: The following Senators are hereby appointed to the Joint Committee on Small Business:

Senator Marc A. Cote, Chairman
Senator Daniel P. Connors, Secretary
Senator David E. Bates
Senator David V. Igliazzi
Senator Brian M. Hunter

Sincerely,

WILLIAM V. IRONS
Senate Majority Leader

Received and ordered to be placed on file.

Also:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
SENATE CHAMBER

February 28, 2001

His Honor, Charles J. Fogarty lieutenant Governor
Room 114, State House
Providence, RI 02903

Dear lieutenant Governor Fogarty:

The following Senators are hereby appointed to the Joint Committee on Veterans' Affairs:

Senator Walter 5. Felag, Jr., Chair
Senator Leonidas P. Raptakis, Secretary
Senator Robert T. Kells
Senator Daniel Issa
Senator Michael J. Damiani
Senator Mary A. Parella

Sincerely,

WILLIAM V. IRONS
Senate Majority Leader

Received and ordered to be placed on file.

Also:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
SENATE CHAMBER

February 28, 2001

His Honor, Charles J. Fogarty lieutenant Governor
Room 114, State House
Providence, RI 02903

Dear lieutenant Governor Fogarty:

The following Senators are hereby appointed to the Joint Committee on Water Resources:

Senator Donna Walsh, Vice Chairwoman
Senator Kevin A. Breene
Senator Daniel DaPonte

Sincerely,

WILLIAM V. IRONS
Senate Majority Leader

Received and ordered to be placed on file.

APPOINTMENTS BY THE GOVERNOR

His Honor, the Lieutenant Governor, 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
EXECUTIVE CHAMBER, PROVIDENCE

lincoln Almond
Governor

March 1, 2001

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:

William Keith Burlingame of Wakefield
(Public Member)

for a term expiring March 1, 2007.

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

Sincerely,

LINCOLN ALMOND
Governor

Read and referred to the Committee on Judiciary.

Also:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
EXECUTIVE CHAMBER, PROVIDENCE

Lincoln Almond
Governor

March 1, 2001

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 L. Richard, Sr. of Lincoln
(Public Member)

for a term expiring March 1, 2007.

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

Sincerely,

LINCOLN ALMOND
Governor

Read and referred to the Committee on Judiciary.

Also:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
EXECUTIVE CHAMBER, PROVIDENCE

Lincoln Almond
Governor

March 1, 2001

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 2~28.~2 of the Rhode Island General Laws, I have made the following reappointment to the Fire Safety Code Board of Appeal and Review:

Marion C. Filippi of Lincoln
(Public Member)

for a term expiring March 1, 2007.

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

Sincerely,

LINCOLN ALMOND
Governor

Read and referred to the Committee on Judiciary.

Also:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
EXECUTIVE CHAMBER, PROVIDENCE

Lincoln Almond
Governor

February 2, 2001

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 28-5-8 of the Rhode Island General Laws, I have made the following reappointment to the Commission for Human Rights:

Richard Ferland of Cumberland for a term expiring July 1, 2005.

To this reappointment, I request your advice and consent.

Sincerely,

LINCOLN ALMOND
Governor

Read and referred to the Committee on Judiciary.

FROM THE
HOUSE OF REPRESENTATIVES

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

(01-H 6068) Joint Resolution extending the reporting date of the special legislative commission to study the licensing of private detectives.

Read and ordered to be placed on the Consent Calendar.

Also:

(01-H 6094) Joint Resolution creating a special legislative commission to study commuter rail service.

Read and ordered to be placed on the Consent Calendar.

Also:

(01-H 6117) An Act to vacate the forfeiture or revocation of the charter of Casa Fernandes, Inc.

Read and ordered to be placed on the Consent Calendar.

REPORTS OF COMMITTEES

COMMITTEE ON JUDICIARY

Senator Montalbano, from the Committee on Judiciary, reports back, with recommendation that advice and consent of the Senate be given the following:

Appointment of Marie Stoeckel of Providence (Representing health officials) VICE Frank Canario (retired) to the State Building Codes Standards Committee for a term expiring May 1,2001.

Read and ordered to be placed on the Consent Calendar.

COMMITTEE ON CORPORATIONS

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

(01-S 186) An Act validating and ratifying amendments to the home rule charter of the town of East Greenwich.

Read and ordered to be placed on the Calendar.

COMMITTEE ON JUDICIARY

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

(01-S 127) (Substitute "A") An Act relating to motor and other vehicles - miscellaneous rules.

Read and ordered to be placed on the Calendar.

(01-S 135) (Substitute "A") An Act relating to the employees retirement system - administrative procedures.

Read and ordered to be placed on the Calendar.

COMMITTEE ON SPECIAL LEGISLATION

Senator Goodwin, from the Committee on Special Legislation, reports back, with recommendation of passage of the following measures:

(01-S 50) Senate Resolution creating a special Senate commission to study the consolidation of retail business permits and fee collection forms.

Read and ordered to be placed on the Consent Calendar.

(01-S 123) An Act relating to holidays and days of special observance.

Read and ordered to be placed on the Consent Calendar.

(01-S 148 as amended) Senate Resolution recognizing May 7-13 as National Nurses Week.

Read and ordered to be placed on the Consent Calendar.

(01-S 159) Senate Resolution proclaiming April 3, 2001 as Rhode Island Pay Equity Day.

Read and ordered to be placed on the Consent Calendar.

(01-H 5009) An Act relating to textbooks.

Read and ordered to be placed on the Consent Calendar.

NEW BUSINESS

The following item s are received and referred to committee pending any objection of the body on the next legislative day.

Senator Lenihan presents (01-S 811) Senate Resolution proclaiming "April 2001 Autism Awareness Month" in the State of Rhode Island.

Senator Lenihan requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

Senators Paiva Weed and Cicilline present (01-S 812) An Act relating to solemnization of marriages.

Read and referred to the Committee on Judiciary.

Senators Goodwin, DaPonte, Connors and Paiva Wed present (by request of the Lieutenant Governor) (01-S 813) An Act relating to criminal offenses - computer crime.

Read and referred to the Committee on Judiciary.

Senators Sosnowski, Breene and Walsh present (01-S 814) An Act relating to waters and navigation.

Read and referred to the Committee on Judiciary.

Senators Walsh and Sosnowski present (01-S 815) An Act authorizing the Chariho Regional School District to issue not to exceed \$55,160,000 general obligation bonds and/or notes to finance the construction of a new high school, the renovation of a portion of the existing high school to convert the high school into an elementary school, additions to and renovations of the Ashaway School and the Hope Valley School, the renovation of the Charlestown School and the Richmond School and the improvement, alteration, repair, furnishing and equipping of such facilities and repealing section 13(1) of the regional school districts enabling legislation.

Read and referred to the Committee on Corporations.

Senators Polisena and Damiani present (01-S 816) An Act relating to medical assistance -prescription drugs.

Read and referred to the Committee on Finance.

CALENDAR

In order for the day is taken up as follows:

1. Appointment of Stephen J. Capineri of East Providence VICE Associate Justice Peter Palombo, Jr. as Associate Justice of the Rhode Island Family Court.

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

Senator Montalbano delivers remarks on the appointment of Stephen J. Capineri as Associate Justice of the Rhode Island Family Court.

(See Appendix for Remarks)

Senator DaPonte, seconded by Senators Irons, Montalbano, Celona, Goodwin, Gallo, Paiva Weed, Revens, Izzo, Tassoni, Badeau, Cote, Walsh, Walaska, Roney, Breene, Algieri, Damiani, Sheehan and many others, moves confirmation.

Senators Irons and Paiva Weed discuss the confirmation.

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, Badeau, Bates, Breene, Caprio, Celona, Cicilline, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roberts, Roney, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS -0.

GUESTS

Upon suggestion of Senator Irons, and by unanimous consent, His Honor, the Lieutenant Governor welcomes to the Chamber Stephen J. Capineri of East Providence, newly confirmed Associate Justice of the Rhode Island Family Court, along with his wife Nancy and children Peter, Marissa and Michael, his father, the Honorable Joseph Capineri, former State Representative from Pawtucket, his mother, Ethel Capineri, his in-laws, Joseph and Nita McCourt and friends Michael Farley, William Carnes, John Montalbano, Robert Ricci and Fred Marzilli.

ANNOUNCEMENTS

Senator Damiani announces that the Committee on Corporations will meet on Thursday, March 1, 2001, at the rise of the Senate in Room 212 of the State House.

Also:

Senator Graziano announces that the Committee on Health, Education and Welfare will meet today at the rise of the Senate in Room 211 of the State House.

Also:

Senator Badeau announces that the Committee on Labor will meet on Thursday, March 1, 2001, at 3:15 o'clock P.M. in Room 212 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 Senate Majority Leader Irons, seconded by Senator Algieri, the Senate adjourns at 4:17 o'clock P.M.

RAYMOND T. HOYAS, JR.

Secretary of the Senate

Appendix

INVOCATION

SENATOR JOSEPH A. MONTALBANO

ASH WEDNESDAY

Dear Lord, as we acknowledge your presence on this Ash Wednesday, please bestow your special blessings on all of us assembled in this Chamber. We ask for your guidance in serving those who have elected us to the best of our ability. Amen.

Appendix

REMARKS

THE HONORABLE JOSEPH A. MONTALBANO

Chairman, Senate Committee on Judiciary
Senate Advice and Consent for
Stephen J. Capineri, Associate Justice of the Rhode Island Family Court

February 28, 2001

Thank you Mr. President.

Mr. Majority Leader, Mr. Minority Leader, and Members of the Senate, I am honored, on behalf of the Senate Committee on Judiciary, to recommend to you for your advice and consent for Associate Justice of the Rhode Island Family Court, Mr. Stephen J. Capineri.

I think that all of us agree that the family unit is the building block of society. As such, we must always consider in our deliberations as Senators and state leaders the impact of our decisions on the families of Rhode Island. Nowhere is this responsibility greater, and our decisions more profound, than in appointing Justices to the Family Court, for it is in that court where the spheres of government and family intersect.

As we all know, people arrive in Family Court not when things are going well, but when they are falling apart. Good decisions in Family Court are immensely important in restoring functioning.

The Senate Judiciary Committee has had the opportunity to evaluate Mr. Capineri's personal and professional qualifications for the position of Associate Justice. In short, it would be hard to imagine someone with better qualifications for the job. Mr. Capineri is a cum laude graduate of Providence College, and he received his law degree

from Suffolk University. After almost twenty years in private practice, Mr. Capineri was appointed as Magistrate of the Family Court in 1996. In this capacity, Magistrate Capineri has handled the most difficult cases of child custody, juvenile criminal affairs, child abuse and neglect, divorce, and complicated jurisdictional issues- and he has done so with distinction.

According to Chief Judge Jeremiah, Mr. Capineri's appointment to the court in 1996 was "one of the best I have ever made." In the words of Associate Justice Raymond E. Shawcross, "Magistrate Capineri is calm and dignified, a beacon of judicial temperament." The praise for Mr. Capineri is no less fervent from those on the other side of the bench, working daily with the courts, and whose lives are affected by the courts.

Perhaps the most important qualification that Mr. Capineri brings to this position is his dedication to his own family, as both a husband and a father of three children. His parental role is an experience that he draws upon daily, and lends depth, compassion and understanding to his work. With the advice and consent of Mr. Capineri, we will be serving well our obligation to the families of Rhode Island.

Appendix

CONSENT CALENDAR

In order for Tuesday, March 6, 2001:

1. Appointment of Marie Stoeckel of Providence (Representing health officials) VICE Frank Canario (retired) to the State Building Codes Standards Committee for a term expiring May 1, 2001.

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

2. (01-S 50) Senate Resolution creating a special Senate commission to study the consolidation of retail business permits and fee collection forms.

Committee on Special Legislation recommends passage.

3. (99-S123) An Act relating to holidays and days of special observance.

Committee on Special Legislation recommends passage.

4. (99-S148 as amended) Senate Resolution recognizing May 7-13 as National Nurses Week.

Committee on Special Legislation recommends passage as amended.

5. (99-S159) Senate Resolution proclaiming April 3, 2001 as Rhode Island Pay Equity Day.

Committee on Special Legislation recommends passage.

6. (01-H5009) An Act relating to textbooks.

Committee on Special Legislation recommends passage in concurrence.

7. (01-H 6068) Joint Resolution extending the reporting date of the special legislative commission to study the licensing

of private detectives.

Ordered on the Consent Calendar.

8. (01-H6094) Joint Resolution creating a special legislative commission to study commuter rail service.

Ordered on the Consent Calendar.

9. (01-H6117) An Act to vacate the forfeiture or revocation of the charter of Casa Fernandes, Inc.

Ordered on the Consent Calendar.

RAYMOND T. HOYAS, JR.
Secretary of the Senate Wednesday, February 28, 2001

Appendix

CALENDAR

In order for Tuesday, March 6, 2001:

1. (01-S 127) (Substitute "A,) An Act relating to motor and other vehicles - miscellaneous rules.

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

2. (99-S135) (Substitute "A") An Act relating to the employees retirement system -administrative procedures.

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

3. (99-S186) An Act validating and ratifying amendments to the home rule charter of the town of East Greenwich.

Committee on Corporations recommends passage.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Wednesday, February 28, 2001

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

Thank you for stopping by!

