

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. 52 Tuesday, May 22, 2001 Fifty-second 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 50 Senators present and 0 Senators absent as follows:

PRESENT - 50: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, 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, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

ABSENT-O.

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 Thursday, May 17, 2001 proceedings is read in part.

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

GUESTS

Upon suggestion of Senator Coderre, Senate Majority Leader Irons, Senators Polisena, Alves, Perry and Blais, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber Glenda Rickenbaugh, Nicholas Oliver, Miriam Plitt, Jane Natale, Gene Steele, Mary Kate and Bob Nichols from the Rhode Island Heart Association.

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

May 15, 2001

To the Honorable, the Senate;

I have the honor to inform you that in accordance with the provisions of Section 23-27.3-100.1.4 of the Rhode Island General Laws, I have made the following reappointment to the State Building Codes Standards Committee:

Dana Newbrook of Pawtucket
(Architects)

for a term expiring May 1, 2004.

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

May 15,2001

To the HonorabLe, the Senate;

I have the honor to inform you that in accordance with the provisions of Section 23-27..3-100.1.4 of the Rhode Island General Laws, I have made the following reappointment to the State Building Codes Standards Committee:

Marie Stoeckel of Providence
(Health Interests)

for a term expiring May 1, 2004.

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

May 15,2001

To the Honorable, the Senate;

I have the honor to inform you that in accordance with the provisions of Section 23.27.3-100.1.4 of the Rhode Island General Laws, I have made the following reappointment to the State Building Codes Standards Committee:

James R. Carlson of Foster
(Public Member)

for a term expiring May 1, 2004.

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

May 15, 2001

To the Honorable, the Senate;

I have the honor to inform you that in accordance with the provisions of Section 23-27.3-100.1.4 of the Rhode Island General Laws, I have made the following appointment to the State Building Codes Standards Committee:

John Maloney of Middletown
Building Official (under 20,000)

VICE

Robert Schultz

for a term expiring May 1, 2004.

To this appointment, 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

May 15,2001

To the Honorable, the Senate;

I have the honor to inform you that in accordance with the provisions of Section 23-27.3-100.1.4 of the Rhode Island General Laws, I have made the following reappointment to the State Building Codes Standards Committee:

Gordon Preiss of Westerly
(Mechanical Engineers)

for a term expiring May 1, 2004.

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

May 15, 2001

To the Honorable,, the Senate;

I have the honor to inform you that in accordance with the provisions of Section 23-27.3-100.1.4 of the Rhode Island General Laws, I have made the following reappointment to the State Building Codes Standards Committee:

G. Thomas Chabot of North Kingstown
(Electrical Contractors)

for a term expiring May 1, 2004.

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

Sincerely,

LINCOLN ALMOND
Governor

Read and referred to the Committee on Judiciary.

**EFFECTIVE WITHOUT
THE SIGNATURE OF THE GOVERNOR**

His Honor, the Lieutenant Governor, presents an announcement of the receipt by the Secretary of State of the following measures which became effective without the signature of His Excellency, the Governor on May 18, 2001:

(01-S 812) An Act relating to solemnization of marriages.

(01-S 825) An Act relating to solemnization of manages.

(01-S 839) An Act relating to incorporation of the Dunns Corners Fire District.

(01-S 875) An Act in amendment of Sections 4 and 5 of Chapter 905 of the Public Laws of 1912, entitled "An Act to incorporate the Chapachet Fire District," as amended.

(01-S 911) An Act to vacate the forfeiture or revocation of the charter of Naturally Beautiful Nails, Inc.

(01-S 923) An Act reinstating and restoring forfeited or revoked corporate charters.

(01-S 924) An Act reinstating and restoring forfeited or revoked corporate charters.

EDWARD S. INMAN, III
Secretary of State

Received and ordered to be placed on file.

REPORTS OF COMMITTEES

COMMITTEE ON JUDICIARY

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

(01-H 6345) An Act relating to solemnization of marriages.

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 Senator Coderre.

The act is read and passed, in concurrence, and by unanimous consent, upon a roll call vote with 41 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 41: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Cote, Damiani, DaPonte, Donelan, Felag, Fogarty, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Kelly, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Perry, Polisena, Revens, Roberts, Roney, Tassoni, Walaska, Walsh, Walton.

NAYS -0.

COMMITTEE ON CORPORATIONS

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

(01-S 828) (Substitute "A") An Act relating to towns and cities- general powers.

Read and ordered to be placed on the Calendar.

TRANSFER OF BILL

Senator Caprio, from the Committee on Finance, in accordance with Senate Rule 6.14, moves to transfer the following bill from the Committee on Finance to the Committee on Corporations:

(01-S 816) An Act relating to medical assistance - prescription drugs.

Read and referred to the Committee on Corporations.

NEW BUSINESS

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

Senator Algieri presents (01-S 953) An Act exempting from taxation the real, mixed and personal property of the Granite Theatre Corporation.

Read and referred to the Committee on Corporations.

Senators Irons, DaPonte and Damiani present (01-S 954) An Act relating to distressed areas -economic revitalization act.

Read and referred to the Committee on Corporations.

Senators Celona and Ruggerio present (01-S 955) Senate Resolution congratulating Michael Richard Davignon on graduating Cum Laude from Franklin Pierce College.

Senator Celona requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

Senators Irons, Coderre, Izzo, Graziano, Polisena and others present (01-S 956) Senate Resolution proclaiming the month of May as "Stroke Awareness Month" in the State of Rhode Island.

Senate Majority Leader Irons requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion of Senate Majority Leader Irons, seconded by Senator Coderre and 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 motion of Senate Majority Leader Irons, seconded by Senator Algieri, the following measure on today's Consent Calendar, by unanimous consent, is read and passed upon a voice vote:

(01-S 950) Senate Resolution reinstating and restoring forfeited or revoked corporate charters.

CALENDAR

In order for the day is taken up as follows:

1. (01-H 5079) (Substitute "A" as amended) An Act making revised appropriations for the support of the State for the fiscal year ending June 30, 2001.

Committee on Finance recommends indefinite postponement of the original bill and passage of Substitute "A" as amended in concurrence.

Senator Caprio moves passage, seconded by Senators Coderre, Connors, Alves, Blais, Celona, Badeau and many others.

The bill marked Substitute "A" is read and passed, as amended, in concurrence, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 50 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 50: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Igliozi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS - 0.

2. (99-S248) (Substitute "A" as amended) An Act relating to commercial law - unfair sales practices.

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

Senator Hunter moves passage, seconded by Senators Kells, Bates, Celona and others.

Senator Bates, seconded by Senators Hunter, Blais, Celona and Damiani, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(01-S 248) (Substitute "A" as amended)

Mr. President:

I hereby move to amend (01-S 248) (Substitute "A" as amended) entitled "AN ACT RELATING TO COMMERCIAL LAW - UNFAIR SALES PRACTICES", as follows:

1. On page 1, line 3, delete the numerals "8-19-IB" and insert in lieu thereof the numerals "8-13-18";

2. On page 1, line 7, delete the words "two hundred fifty dollars (\$250)" and insert in lieu thereof the words "one hundred dollars (-100)".

Respectfully submitted,

DAVID E. BATES

Senator, District 44

The motion to amend prevails upon a roll call vote with 50 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 50: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, 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, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS -0.

Senators Blais and Hunter discuss the act.

Upon motion of Senator Hunter, seconded by Senator Bates, the bill marked Substitute "A" is read and passed, as amended, and the original bill indefinitely postponed, 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, Caprio, Celona, Cicilline, Coderre, Connors, 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, Revens, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walsh, Walton. buy

NAYS -0.

3. (99-S444) An Act relating to towns and cities - councils and governing bodies.

Committee on Corporations recommends passage.

Senator Bates moves passage, seconded by Senators Celona, Damiani, Breene and others.

The act is read and passed, by unanimous consent, upon a roll call vote with 49 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 49: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, 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, Ruggerio, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS -0.

4. (99-S909) An Act relating to the Greenville Water District.

Committee on Corporations recommends passage.

Senator Tassoni moves passage, seconded by Senators Fogarty, Hunter, Celona and others.

Senators Blais, Tassoni and Celona discuss the act.

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, Bates, Breene, Caprio, Celona, Cicilline, Coderre, Connors, 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, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS -0.

5. (99-S936) An Act to incorporate the North Scituate Water District.

Committee on Corporations recommends passage.

Senator Blais moves passage, seconded by Senators Fogarty and Breene.

The act is read and passed, by unanimous consent, upon a roll call vote with 49 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 49: Senators Algieri, Alves, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, 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, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS -0.

CONGRATULATIONS

Senator Izzo extends congratulations to Senator Cicilline on receiving the Eleanor Slater Patient Advocacy Award from the Rhode Island Psychiatric Society.

FROM THE DESK

Upon suggestion of Senator Coderre, and without objection, the following act is removed from the desk and ordered to be placed on the Calendar for Wednesday, May 30, 2001:

(01-S 273 as amended) An Act relating to insurance.

ANNOUNCEMENTS

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

Also:

Senator Graziano announces that the Committee on Health, Education and Welfare will meet on Wednesday, May 23, 2001, at the rise of the Senate in the Senate Lounge of the State House.

Also:

Senator Ruggerio announces that the Committee on Labor will meet on Wednesday, May 23, 2001, at 3:00 o'clock P.M. in Room 212 of the State House.

Also:

Senator Goodwin announces that the Committee on Special Legislation will meet on Wednesday, May 23, 2001, at the rise of the Senate in Room 211 of the State House.

Also:

Senate Majority Leader Irons announces that the Senate will not be in session on Thursday, May 24, 2001.

TRANSMITTAL

By unanimous consent, all Senate matters and (01-H 5079) (Substitute "A" as amended) and (01-H 6345) 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 4:25 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

INVOCATION

SENATOR DANIEL P. CONNORS

Almighty God, set us free from pride and self-interest. May we learn to lose the lower self and find the higher self in service and sacrifice and love. Amen.

Appendix

CALENDAR

In order for Wednesday, May 23, 2001:

- 1. (99-S871) An Act relating to lead hazard control and mitigation.

Committee on Health, Education and Welfare recommends passage.

Appendix

CALENDAR In order for Tuesday, May 29, 2001:

- 1. (99-S713 as amended) An Act relating to unfair competition and deceptive acts and practices in the business of

insurance.

Committee on Corporations recommends passage as amended.

2. (99-S828) (Substitute "A") An Act relating to towns and cities - general powers.

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

Appendix

CALENDAR

In order for Wednesday, May 30, 2001:

1. (99-S273 as amended) An Act relating to insurance.

Ordered on the Calendar.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Tuesday, May 22, 2001

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

Thank you for stopping by!

