

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

Volume 129, No.30 Thursday, March 21, 2002 Thirtieth 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 43 Senators present and 7 Senators absent as follows:

PRESENT - 43: Senators Algiere, Alves, Badeau, Breene, Caprio, Celona, Cicilline, Connors, Cote, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh.

ABSENT - 7: Senators Bates, Blais, Coderre, DaPonte, Garabedian, Roberts, Walton.

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 Journal of Wednesday, March 20, 2002 proceedings is 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 Senators Fogarty, Tassoni andSenate Majority Leader Irons, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber members of the 2001-2002 Ponaganset Boys Basketball Team, Division II, Rhode Island State Champions: Coach George M. Jacques, Assistant Tom Buckley, Justin Bergeron, Matthew Pezzullo, Mark Santucci, Michael Shawver, Jason Steere, Brad Winsor, Craig Zira, Brett Benson, Luke

Blanchette, Josh Goldstein, Neil Harrington, John Ingraham, Nathan Seoane, James Vangyzen, Nicholas McLaren, Matthew Hazenski and Abbie Arico, Manager.

Upon suggestion ofSenate Majority Leader Irons, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber the Honorable John Orabona, former State Senator from Providence.

Upon suggestion of Senators Sosnowski, Breene, Fogarty, Enos, Felag, Walsh andSenate Majority Leader Irons, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber farmers from around Rhode Island: Dr. Michael Rice, URI; Bill Stamp, President, R.I. Farm Bureau; Tyler Young, Vice President, R.I. Farm Bureau; Bill Stamp III; Ken Lagerquist, R.I. Nursery and Landscape Assoc.; Louis Escobar; Loren Thurn; Karen Menezies, URI; and Bill Silkes, President, R.I. Aquaculture Assoc.

Upon suggestion ofSenate Majority Leader Irons and Senators Algiere, Breene, Celona, Cicilline, Donelan, Felag, Fogarty, Igliozi, Kelly, Parella, Perry, Raptakis, Roney and Ruggerio, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber the following Red Cross volunteers, who are here today being honored for their efforts: Barbie Fournier of West Warwick, Michael Sisto of East Providence, Don Silva of Swansea, Mass., Victoria Perkins of Providence, Kristen Harper of Bristol, Bonnie Cooper of Barrington, David Homerston of Foster, Dr. Vitalis Skriptchenko of North Providence and his wife, Dr. Anait Azarrian, Ms. Paula Drzal, Linda Everitt of Newport, Dolores Arruda of Warwick, Carol Anderheggen of Portsmouth, Arthur Entwistle III of Pascoag, Elias Garcia of Providence, Joe Farrington of Woonsocket, Albert Ferri of Bristol, Kristen Harper of Bristol with her grandmother, Elizabeth Baker of Providence, Jean Littlefield of Coventry, Michael Kaprielian of Providence, Cassia Burris of Providence, Victoria Perkins of Providence, and Christine Ford.

COMMUNICATION

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

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

March 20, 2002

Lt. Governor, Charles J. Fogarty

Lieutenant Governor
116 State House
Providence, RI 02903

Dear Lt. Governor Fogarty:

Please be advised that I will be absent from the Senate session on Thursday, March 21, 2002.

I would appreciate your recording my letter in the appropriate Senate Journal Thank you for your assistance.

Sincerely,

LEO R. BLAIS
Assistant Minority 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 20, 2002

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 16-61-4 of the Rhode Island General Laws, I have made the following reappointment to the Rhode Island Public Telecommunications Authority: Roger P. Boudreau of Wakefield for a term expiring January 31, 2005. 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 20, 2002

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 42-55-4 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Housing and Mortgage Finance Corporation: Christine M. Curley of North Kingstown VICE Joan J. Hertel for a term expiring July 1, 2005.

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

March 18, 2002

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 42-55-4 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Housing and Mortgage Finance Corporation: Victor F. Capellan of Providence VICE Michael N. Keselica for a term expiring July 1, 2003.

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

March 15, 2002

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 Appeals: George Farrell of Providence for a term expiring March 1, 2008. 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 15, 2002

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 appointment to the Fire Safety Code Board of Appeals: Gordon Preiss of Westerly VICE Pen J. Fang for a term expiring March 1, 2005.

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

March 19, 2002

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 42-75-2 of the Rhode Island General

Laws, I have made the following appointment to the Rhode Island State Council on the Arts: Carrie Zaslow of Providence VICE Anne H. Allen for a term expiring March 1, 2005.

To this appointment, I respectfully 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:

(02-H 7784) An Act to vacate the forfeiture or revocation of the charter of Shadbush, Inc.

Read and ordered to be placed on the Consent Calendar.

Also:

(02-H 7782) An Act relating to property tax relief in the town of Jamestown.

Read and referred to the Committee on Corporations.

Also:

(02-H 6769) An Act relating to criminal procedure - railroad, steamboat and bridge police.

Read and referred to the Committee on Judiciary.

Also:

(02-H 6857) An Act relating to criminal procedure - search warrants.

Read and referred to the Committee on Judiciary.

Also:

(02-H 6859) An Act relating to loss of rights by prisoners.

Read and referred to the Committee on Judiciary.

Also:

(02-H 7014) An Act relating to criminal procedure - grand juries.

Read and referred to the Committee on Judiciary.

Also:

(02-H 7023) Joint Resolution extending the reporting date of the special legislative commission to study an enhanced role for probation and parole.

Read and referred to the Committee on Judiciary.

Also:

(02-H 7119) An Act relating to divorce and separation - state disbursement unit for the collection and distribution of child support.

Read and referred to the Committee on Judiciary.

Also:

(02-H 7919) An Act relating to solemnization of marriages.

Read and referred to the Committee on Judiciary.

Also:

(02-H 6645) An Act relating to motor vehicles - motorcycle licenses.

Read and ordered to be held on the Desk.

Also:

(02-H 6808) An Act relating to health and safety - fireworks and pyrotechnics.

Read and ordered to be held on the Desk.

Also:

(02-H 6936) An Act relating to accident reports.

Read and ordered to be held on the Desk.

NEW BUSINESS

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

Senator Alves presents (02-S 2899) An Act relating to public records - access to public records.

Read and referred to the Committee on Judiciary.

Senators Izzo and Kells present (02-S 2900) Joint Resolution making an appropriation of \$200.00 to pay a bonus in the case of John A. Tomasso, Jr. of 70 Lincoln Avenue, Cranston, RI, who served in the United States Army during the Vietnam War, under serial number US51478544.

Read and referred to the Joint Committee on Accounts and Claims.

Senators Lenihan and Breene present (02-S 2901) An Act relating to the town of Exeter - juvenile hearing board.

Read and referred to the Committee on Judiciary.

Senators Connors, Goodwin and Walaska present (02-S 2902) Senate Resolution requesting the Department of Transportation to clarify signage on all Rhode Island interstates.

Read and referred to the Joint Committee on Highway Safety.

Senators Irons, Celona, Alves, Izzo, Graziano and others present (02-S 2903) An Act relating to the Small Employer Health Insurance Availability Act.

Read and referred to the Committee on Corporations.

Senators Irons, Graziano, Celona, Alves, Izzo and others present (02-S 2904) An Act relating to human services - health care for families.

Read and referred to the Committee on Corporations.

Senator Walsh presents (02-S 2905) An Act in amendment of Chapter 55 of the Public Laws, 1958, entitled ``An Act authorizing the towns of Charlestown and Richmond together, or together with the town of Hopkinton, to join a regional high school district incorporating said regional high school district and providing for the issuance of bonds, construction and operation of a regional high school for the joint use of the participating towns, within said regional high school district established by this act" as amended.

Read and referred to the Committee on Corporations.

Senators Revens, Walaska, McCaffrey, Donelan and Lenihan present (02-S 2906) Senate Resolution respectfully requesting the Coastal Resource Management Council prepare and adopt a special area management plan for Greenwich Bay and associated coves.

Senator Revens requests unanimous consent for immediate consideration.

Unanimous consent for immediate considera- tion is granted.

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

Senate Majority Leader Irons and Senators Celona, Izzo and Algiere present (02-S 2907) Senate Resolution honoring Rhode Island Red Cross volunteers and celebrating American Red Cross Month.

Senate Majority Leader Irons requests unanimous consent for immediate consideration.

Unanimous consent for immediate considera- tion is granted.

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

Senator Perry presents (02-S 2908) Senate Resolution honoring Dr. Bennie Fleming for her lifetime of service to the children of Providence schools and the grand opening and dedication of Mount Pleasant High School's Health Center in her honor.

Senator Perry requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

Senators Raptakis, Irons, McBurney, Gallo, Cicilline and others present (02-S 2909) Senate Resolution celebrating March 25, 2002 as the 181st 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 motion of Senate Majority Leader Irons, seconded by Senator Algiere, the following measure on today's Consent Calendar, by unanimous consent, is read and passed, upon a voice vote:

(02-S 2898) An Act reinstating and restoring forfeited or revoked corporate charters.

CALENDAR

In order for the day is taken up as follows:

1. (02-S2005) (Substitute ``A") An Act relating to the Homestead Estate Exemption.

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

Upon suggestion of Senator Issa, and without objection, ordered to be placed on the Calendar for Wednesday, March 27, 2002.

2. (02-S2112) An Act relating to insurance - active duty military auto insurance.

Committee on Corporations recommends passage.

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

The act is read and passed, 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 Algiere, Breene, Caprio, Celona, Cicilline, Connors, Cote, Damiani, Donelan, Enos, Felag,

Fogarty, Gallo, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh.

NAYS - 0.

3. (02-S2174) An Act relating to accident reports.

Committee on Corporations recommends passage.

Senator Hunter moves passage, seconded by Senators Connors, Cote and others.

Senator Hunter, seconded by Senator Connors, offers the following written motion to amend:

FLOOR AMENDMENT
TO
(02-S 2174)

Mr. President:

I hereby move to amend (02-S 2174) entitled ``AN ACT RELATING TO ACCIDENT REPORTS'', as follows: On page 1, line 8, delete the word ``July'' and insert in lieu thereof the word ``January''.

Respectfully submitted,

BRIAN M. HUNTER
Senator, District 34

The motion to amend prevails upon a roll call vote with 37 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 37: Senators Algieri, Breene, Caprio, Celona, Cicilline, Connors, Cote, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Issa, Izzo, Kelly, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh.

NAYS - 0.

Upon motion of Senator Hunter, seconded by Senators Connors, read and passed, as amended, 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, Breene, Caprio, Celona, Cicilline, Connors, Cote, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh.

NAYS - 0.

4. (02-S2211) An Act relating to elections - voting districts and officials.

Committee on Corporations recommends passage.

Senator Hunter moves passage, seconded by Senator Connors.

The act is read and passed, by unanimous consent, upon a roll call vote with 40 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 40: Senators Algiere, Breene, Caprio, Celona, Cicilline, Connors, Cote, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh.

NAYS - 0.

5. (02-S2843) An Act amending Chapter 268 of the 1986 Public Laws, entitled ``An Act relating to the preservation of farm land and open space in the Town of New Shoreham and establishing a land trust.

Committee on Corporations recommends passage.

Senator Sosnowski moves passage, seconded by Senator Walsh.

The act is read and passed, by unanimous consent, upon a roll call vote with 40 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 40: Senators Algiere, Breene, Caprio, Celona, Cicilline, Connors, Cote, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh.

NAYS - 0.

6. (02-S2845) An Act relating to elections - school closings - Town of New Shoreham.

Committee on Corporations recommends passage.

Upon suggestion of Senator Sosnowski, and without objection, ordered to be held on the Desk.

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 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 Friday, March 22, 2002, at 2:00 o'clock P.M. 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 ofSenate Majority Leader Irons, seconded by Senator Algieri, the Senate adjourns at 4:53 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR WILLIAM A. WALASKA

Lord, with your guidance, may we be kind in our judgements, diligent in our wisdom, and humble in our power. Amen.

Appendix

CONSENT CALENDAR

In order for Thursday, March 26, 2002:

- 1. (02-H7784) An Act to vacate the forfeiture or revocation of the charter of Shadbush, Inc.

Ordered to be placed on the Consent Calendar.

RAYMOND T. HOYAS, JR.
Secretary of the Senate
Thursday, March 21, 2002

Appendix

CALENDAR

In order for Tuesday, March 26, 2002:

1. (02-S2131) An Act authorizing the town of East Greenwich to issue not more than \$12,500,000 bonds and notes to finance extension of sewer lines and the upgrading of the sewage treatment plant of the town and all attendant expenses, including but not limited to engineering costs.

Committee on Corporations recommends passage.

2. (02-S2160) An Act relating to education - private schools.

Committee on Corporations recommends passage.

3. (02-S2555) (Substitute ``A") An Act relating to levy and assessment of local taxes.

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

4. (02-S2829) An Act relating to property tax relief in the town of Jamestown.

Committee on Corporations recommends passage.

5. (02-S2833) An Act relating to taxation - property subject to taxation.

Committee on Corporations recommends passage.

6. (02-S2836) An Act relating to taxation - property subject to taxation.

Committee on Corporations recommends passage.

7. (02-S2852) An Act relating to validating and ratifying certain amendments to the Home Rule Charter of the city of Newport.

Committee on Corporations recommends passage.

8. (02-S2338) An Act relating to management and disposal of property.

Committee on Finance recommends passage.

9. (02-S2749) An Act relating to taxation - business corporation tax.

Committee on Finance recommends passage.

10. (02-S2048) (Substitute ``A") An Act relating to labor and labor relations.

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

11. (02-S2657) An Act relating to labor and labor relations - Division of Professional Regulation.

Committee on Labor recommends passage.

12. (02-S2709) An Act relating to causes of action.

Committee on Labor recommends passage.

13. (02-S2710) An Act relating to courts and civil procedure - causes of action.

Committee on Labor recommends passage.

14. (02-S2781) An Act relating to plumbers and irrigators.

Committee on Labor recommends passage.

15. (02-S2784) An Act relating to labor and labor relations - pipefitters and refrigeration technicians.

Committee on Labor recommends passage.

16. (02-S2816 as amended) An Act relating to complaints of harassment.

Committee on Labor recommends passage as amended.

Appendix

CALENDAR

In order for Wednesday, March 27, 2002:

1. (02-S2005) (Substitute ``A") An Act relating to the Homestead Estate Exemption.

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

2. (02-S2321 as amended) An Act relating to employment security - general provisions.

Committee on Labor recommends passage as amended.

3. (02-S2377) An Act relating to labor and labor relations - employment security - Indian tribes.

Committee on Labor recommends passage.

RAYMOND T. HOYAS, JR.
Secretary of the Senate
Thursday, March 21, 2002

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

Thank you for stopping by!

