

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.32 Wednesday, March 27, 2002 Thirty-second Day

The Senate meets pursuant to adjournment and is called to order by His Honor, the Lieutenant Governor, Charles J. Fogarty, at 4:12 o'clock P.M.

The roll is called and a quorum is declared present with 48 Senators present and 2 Senators absent as follows:

PRESENT - 48: Senators Algiere, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisen, Raptakis, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

ABSENT - 2: Senators Garabedian, Revens.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

CORRECTION

The Senate Journal of Tuesday, March 26, 2002, shall be corrected on page 2, column 2, line 24, by deleting Finance and inserting Judiciary therefor.

APPROVAL OF RECORD

The Senate Journal of Tuesday, March 26, 2002 proceedings is read in part.

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

GUESTS

Upon suggestion of Senator Walaska, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber Robert W. Daly, Eileen M. Daly, Ph.D., Alyssa Carolyn Daly, Dacia Rose Daly, Kayla Rae and Robert Anthony of Cranston. Dacia was recently selected as the winner of General Treasurer Paul Tavares' "Money & Me" Poster Contest. Her poster was chosen among 40 participants for its originality and creativity and was printed on a calendar that was distributed to schools and public libraries throughout Rhode Island. The theme of the poster contest was to encourage more children to start saving early in life. Her poster and those submitted by other contestants were exhibited in the Office of the General Treasurer in January 2002.

Upon suggestion of Senator Algiere, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber Rayna Mayo, Angel Mayo, Jane Davis, Joe Cugini and Sally Mitchell, all of Westerly.

Upon suggestion of Senator Gibbs, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber Rosemary K. Kraeger, Middletown Superintendent of Schools.

Upon suggestion of Senator Walsh, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber Michael Browning, Erick Taylor and Keith Tremelay, all of Charlestown.

Upon suggestion of Senator Parella, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber Maureen Greaves, COZ Coordinator-Cranston, Grace Swinski, COZ Parent-Cranston, Ivy and Olive Swinski, Christine Arouth, COZ Coordinator-Newport, Terry Curtin, Director, Connecting for Children and Families-Woonsocket, Lynne Dragon, Youth Program Coordinator-Woonsocket COZ, and Timothy and Diana Koulavouth.

Upon suggestion of Senate Majority Leader Irons and Senators Goodwin, Caprio, Walaska and Algiere, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber Howard Sutton, Publisher of the Providence Journal.

Upon suggestion of Senator Graziano, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber Sophia Academy Students from the 5th and 6th grades.

COMMUNICATION FROM THE GOVERNOR

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

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
EXECUTIVE CHAMBER, PROVIDENCE**

Lincoln Almond
Governor

March 20, 2002

To the Honorable, the Senate: I am hereby withdrawing the March 1, 2002 appointment of Francis Perry of the Water Resources Board.

Sincerely,

LINCOLN ALMOND
Governor

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:

(02-H 7929) Joint Resolution extending the reporting date of the special legislative commission to study all aspects of needle, syringe and lancet disposal procedures.

Read and referred to the Committee on Special Legislation.

Also:

(02-H 7928) An Act to vacate the forfeiture or revocation of the charter of Angelo's Pizza, Inc.

Senator Connors requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Read and passed, by unanimous consent, in concurrence, 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, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Hunter, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS - 0.

REPORTS OF COMMITTEES

COMMITTEE ON LABOR

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

(02-S 2334) An Act relating to the fair employment practices.

Read and ordered to be placed on the Calendar.

(02-S 2460) An Act relating to Fair Employment Practices Act.

Read and ordered to be placed on the Calendar.

(02-S 2652) An Act relating to public officers and employees - organization of state employees.

Read and ordered to be placed on the Calendar.

(02-S 2662) (Substitute "A") An Act relating to electricians - apprenticeship.

Read and ordered to be placed on the Calendar.

(02-S 2748) An Act relating to labor and labor relations - municipal employees' arbitration.

Read and ordered to be placed on the 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 Celona presents (02-S 2912) An Act reinstating and restoring forfeited or revoked corporate charters.

Read and ordered to be placed on the Consent Calendar.

Senators Paiva Weed and Cicilline present (02-S 2913) Senate Resolution honoring Newporter Patrick Donovan for bravery and seamanship in the rescue of a solo sailor.

Senator Paiva Weed requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

GUESTS

Upon suggestion of Senator Paiva Weed, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber Patrick Donovan, Senior Cadet, Mass Maritime Academy, Mr. and Mrs. Joseph Donovan, and Captain Thomas Bushy, Captain of the Training Ship Empire.

Upon suggestion of Senator McBurney, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber Henry Shelton and Brenda Clement.

Upon suggestion of Senator Cicilline, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber Dale Harper, Senior Cadet, Mass Maritime Academy, Janet Harper Vernon, Anna Tomkinson, William Tomkinson, and Lt. Julie McMichen, Staff Officer and Division Officer, Mass Maritime Academy.

CONSENT CALENDAR

In order for the day is taken up as follows:

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

- 2. (02-S2647 as amended) Senate Resolution requesting the Department of Human Services to study the state prescription drug dispensing procedures and disposal requirements.
- 3. (02-S2614) Senate Resolution creating a special senate commission to study cemetery business practices, operations and procedures.

Upon suggestion of Senator Fogarty, and without objection, the following item on today's Consent Calendar, is placed on the Calendar for Tuesday, April 2, 2002:

- 1. (02-S2051) Senate Resolution respectfully requesting that the United States Congress remove the requirement in the clean air act for 2% of content by weight oxygenate in reformulated gasoline.

CALENDAR

In order for the day is taken up as follows:

- 1.

Appointment of Jeanne E. LaFazia of Little Compton as Associate Judge to the Rhode Island District Court.

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

Senator Paiva Weed, seconded bySenate Majority Leader Irons and Senators Montalbano, Caprio, Fogarty, Issa, Damiani, Parella, Roney, Walsh, Lenihan, Tassoni, Kelly, Badeau, Algieri, Enos and many others, moves that confirmation of the Senate be given this appointment.

Senators Enos, Montalbano, Walsh,Senate Majority Leader Irons and Senator McDonald 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, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, 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, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS - 0.

GUESTS

Upon suggestion of Senator Montalbano, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber Jeanne E. LaFazia of Little Compton, newly confirmed Associate Judge of the Rhode Island District Court along with her husband George Mason, her father Ray LaFazia, and her brother Ray LaFazia, Jr.

COMMUNICATION

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

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

STATEMENT OF NO POTENTIAL CONFLICT

To the Honorable Senate:

I, Dennis L. Algiere, under oath depose and say:

- 1. I am a duly elected member of the Rhode Island Senate.
- 2. This statement is made in accord with Rhode Island General Law section 36-14-6.
- 3. In my official capacity, I may be expected or required to vote or participate in the deliberations of bill (02-H 6626) (Substitute "A"), now pending before the Senate or a committee thereof.
- 4. I do not request that I be excused from voting, deliberating or taking action on the matter.
- 5. I am able to vote and deliberate, despite the potential conflict because:
 - a. I can participate fairly, objectively, and in public interest.
 - b. No monetary benefit or detriment will occur to me or any member of my family or business associates or any business that I represent, to a greater extent than any other similarly situated member of the business or profession; and
 - c. Although I am an employee of Washington Trust Company, Washington Trust is providing financing for the State as a net loss, and as a service to the community. It is similarly situated with the other financial institutions providing financing herein. I do not anticipate or foresee any personal financial gain or loss from enactment of this legislation.
- 6. This statement is true to the best of my knowledge.

DENNIS L. ALGIERE
Senator, District 26

Subscribed and sworn to before me this 27th day of March, 2002.

JEFFREY A. LANPHEAR
Notary Public

Ordered to be placed on file.

**REPORTS OF COMMITTEES
COMMITTEE ON FINANCE**

Senator Caprio, from the Committee on Finance, reports back, with recommendation of passage of the following measures:

(02-H 6626) (Substitute "A") An Act approving the financing of housing programs.

Senator Caprio requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Caprio moves passage, seconded bySenate Majority Leader Irons and Senators Alves, Montalbano, Celona, Cicilline, Graziano, Coderre and many others.

Senators Algieri, Montalbano, Cicilline, Gallo, Sheehan, Izzo, Polisena, Parella, Perry, Blais, Kells, Graziano, Raptakis andSenate Majority Leader Irons discuss the act.

The bill marked Substitute "A" is read and passed, in concurrence, 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, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS - 0.

CALENDAR

In order for the day is taken up as follows:

2. (02-S2816 as amended) An Act relating to complaints of harassment.

Committee on Labor recommends passage as amended.

Senator Roberts moves passage, seconded by Senators McDonald, Walsh, Perry andSenate Majority Leader Irons.

Senator Roberts, seconded by Senator McDonald, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(02-S 2816 as amended)

Mr. President:

I hereby move to amend (02-S 2816 as amended) entitled "AN ACT RELATING TO COMPLAINTS OF HARASSMENT", as follows:

(1) On page 1, line 8, by adding the words "in a timely manner in writing" after the word "disclose".

(2) On page 2, line 16, by adding the words "in a timely manner in writing" after the word "disclose".

Respectfully submitted,

ELIZABETH H. ROBERTS
Senator, District 11

The motion to amend prevails 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, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Raptakis, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh.

NAYS - 0.

Upon motion of Senator Roberts, seconded by Senator Izzo, read and passed, as amended, by unanimous consent, upon a roll call vote with 46 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 46: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Raptakis, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh.

NAYS - 0.

3. (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".

Senator Issa moves passage, seconded by Senators Montalbano, Roney, Celona and others.

Senator Issa, seconded by Senator Celona, offers the following written motion to amend:

FLOOR AMENDMENT
TO
(02-S 2005) (Substitute "A")

Mr. President:

I hereby move to amend (02-S 2005) (Substitute "A") entitled "AN ACT RELATING TO THE HOMESTEAD ESTATE EXEMPTION", as follows:

On page 2, line 10, by inserting the following language immediately following the word "debt": "secured by a mortgage on the homestead property".

Respectfully submitted,

DANIEL J. ISSA
Senator, District 35

Senator Roney discusses the amendment.

The motion to amend prevails 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, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS - 0.

Upon motion of Senator Issa, seconded by Senator Montalbano, 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 46 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 46: Senators Algieri, Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS - 0.

4. (02-S2321 as amended) An Act relating to employment security - general provisions.

Committee on Labor recommends passage as amended.

Upon suggestion of Senator Blais, and without objection, ordered to be placed on the Calendar for April 4, 2002.

5. (02-S2377) An Act relating to labor and labor relations - employment security - Indian tribes.

Committee on Labor recommends passage.

Senator Blais moves passage, seconded by Senator Breene.

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, Badeau, Bates, Blais, Breene, Caprio, Celona, Coderre, Connors, Cote, Damiani, DaPonte, 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, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS - 0.

GUESTS

Upon suggestion of Senate Majority Leader Irons and Senators Fogarty and Walton, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber the Honorable Joan Wiesner, former State Senator.

Upon suggestion of Senator Felag, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber Sam Bertolino, Principal, Hugh Cole School, Veronica Turner, Teacher, Hugh Cole School, and Myra Webster, COZ Coordinator.

Upon suggestion of Senator Cicilline, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber Catherine Rhodes, Joyce Terry, Eric Hirsch, and Don Larsen.

Upon suggestion of Senator Coderre, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber Hans Delith, Superintendent of the Pawtucket School Department.

ANNOUNCEMENTS

Senator Caprio announces that the Committee on Finance will meet today 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 the Senate Lounge of the State House.

Also:

Senator Goodwin announces that the Committee on Special Legislation will meet today at the rise of the Senate in Room 211 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 Coderre, seconded by Senator Algieri, the Senate adjourns at 5:24 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

PASSOVER

SENATOR RHODA E. PERRY

Let us give thanks during this Passover holiday for our families, our friends, our histories, and our heritage. Let us also give thanks for our freedom and the ability to have and make choices to express our lives freely and represent our communities. Amen.

Appendix

CONSENT CALENDAR

In order for Tuesday, April 2, 2002:

- 1. (02-S2912) An Act reinstating and restoring forfeited or revoked corporate charters.

Ordered to be placed on the Consent Calendar.

RAYMOND T. HOYAS, JR.
Secretary of the Senate
Wednesday, March 27, 2002

Appendix

CALENDAR

In order for Tuesday, April 2, 2002:

- 1. (02-S2051) Senate Resolution respectfully requesting that the United States Congress remove the requirement in the clean air act for 2% of content by weight oxygenate in reformulated gasoline.

Committee on Health, Education and Welfare recommends passage.

- 2. (02-S2302) An Act relating to health and safety - needlestick safety and injury prevention act.

Committee on Health, Education and Welfare recommends passage.

- 3. (02-S2364) An Act relating to businesses and professions - intractable pain treatment.

Committee on Health, Education and Welfare recommends passage.

- 4. (02-S2392) An Act relating to professional service corporations.

Committee on Health, Education and Welfare recommends passage.

- 5. (02-S2493) An Act relating to health and safety - child product safety.

Committee on Health, Education and Welfare recommends passage.

6. (02-S2517) (Substitute "A") An Act relating to health and safety - abuse in health care facilities.

Committee on Health, Education and Welfare recommends indefinite postponement of the original bill and passage of Substitute "A".

7. (02-S2668) (Substitute "A") An Act to amend the management and control of the Community College of Rhode Island Foundation.

Committee on Health, Education and Welfare recommends indefinite postponement of the original bill and passage of Substitute "A".

8. (02-S2076) An Act relating to animals and animal husbandry.

Committee on Special Legislation recommends passage.

Appendix

CALENDAR

In order for Wednesday, April 3, 2002:

1. (02-S2334) An Act relating to the fair employment practices.

Committee on Labor recommends passage.

2. (02-S2460) An Act relating to Fair Employment Practices Act.

Committee on Labor recommends passage.

3. (02-S2652) An Act relating to public officers and employees - organization of state employees.

Committee on Labor recommends passage.

4. (02-S2662) (Substitute "A") An Act relating to electricians - apprenticeship.

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

5. (02-S2748) An Act relating to labor and labor relations - municipal employees' arbitration.

Committee on Labor recommends passage.

Appendix

CALENDAR

In order for Thursday, April 4, 2002:

1. (02-S2321 as amended) An Act relating to employment security - general provisions.

Committee on Labor recommends passage as amended.

RAYMOND T. HOYAS, JR.

Secretary of the Senate

Wednesday, March 27, 2002

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

Thank you for stopping by!

