

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.34 Wednesday, April 3, 2002 Thirty-fourth 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 49 Senators present and 1 Senator absent as follows:

PRESENT - 49: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Iglioizzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisen, Raptakis, Revens, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

ABSENT - 1: Senator Connors.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Tuesday, April 2, 2002 proceedings is read in part.

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

GUESTS

Upon suggestion of Senators Celona and Montalbano, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber Anthony S. Ceprano, Director of Administration for the North Providence Fire Department, and David Vartian, Fire Marshal for the North Providence Fire Department.

Upon suggestion of Senator Montalbano, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber Irving J. ``Jesse" Owens, State Fire Marshal, Richard James, Deputy State Fire Marshal, and James Condon, Chief of Pawtucket Fire Department.

Upon suggestion of Senator Graziano, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber Michael DiMascolo, Chief Deputy State Fire Marshal and retired Chief of the Providence Fire Department.

Upon suggestion of Senator Polisena, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber Victor Cipriano, Chief of the Johnston Fire Department, and Kenneth Simone, EMS Director for the Johnston Fire Department.

Upon suggestion of Senator DaPonte, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber Mark Mancinho, RI AFL-CIO Director of Political Activity.

Upon suggestion of Senators Walsh and Graziano, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber Amy Ottridge, President of the Rhode Island Business and Professional Women, and Patricia O'Rourke, Past President of the Rhode Island Business and Professional Women.

Upon suggestion of Senate Majority Leader Irons, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber Salvatore G. Carvelli, CLU, ChFC, a friend for many years.

Upon suggestion of Senator Graziano, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber, who are all here for Rhode Island Pay Equity Day today, Carol Ann Hurley, EEG, EBS, Econotel Business Systems Inc.; Dr. Toby Ayres, Executive Director, Rhode Island Commission on Women; Linda Cipriano, Executive Director, YWCA, RICPE; Charlene Kneath, Virginia Dube and Kathy Kushner, all of Planned Parenthood; Ann Bucelot, Jennifer Ferreria, Jessa Clark and Christine Duci, all of RIC; Melody Drnach, RI NOW President; Morgan Rock, NOW; Emily Rochon, NOW; Beverly Dwyer, Beverly McKenna Sheri, Rose Morrisette and J. Philip Kane, all of RI Com. Pay Equity.

Upon suggestion of Senator Felag, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber Beverly McKenna Sheany.

Upon suggestion of Senate Majority Leader Irons and Senator Algieri, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber former Congressman, former Lieutenant Governor, former State Representative and now President of the New England Board of Higher Education, Robert Weygand.

Upon suggestion of Senator Tassoni, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber the Honorable John Igliazzi, Providence City Council member and brother of Senator Igliazzi.

COMMUNICATION

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

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS OFFICE OF THE LIEUTENANT GOVERNOR

Charles J. Fogarty
Lieutenant Governor
April 3, 2002

The Honorable John C. Revens, Jr.
Senate President Pro Tempore
317 State House
Providence, Rhode Island 02903

VIA Hand Delivery

Dear Senator Revens:

This is to inform you that I will be unable to attend the Senate Session Thursday, April 4, 2002.

I will be out of state attending the Council of State Governments meeting.

I request that this letter be printed in the Journal of the Senate.

Sincerely,

CHARLES J. FOGARTY
Lieutenant 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 7826) An Act to vacate the forfeiture or revocation of the charter of R.B. Site Construction, Inc.

Read and ordered to be placed on the Consent Calendar.

Also:

(02-H 6800 as amended) An Act relating to the National Guard.

Read and referred to the Committee on Judiciary.

Also:

(02-H 7804) An Act amending the city charter of the city of Newport by increasing the maximum fine imposed by the municipal court from five hundred dollars (\$500) to one thousand dollars (\$1,000).

Read and referred to the Committee on Corporations.

Also:

(02-H 7235) (Substitute ``A") An Act relating to financial institutions - powers and operations.

Read and referred to the Committee on Corporations.

Also:

(02-H 7741) An Act relating to towns and cities - retirement of municipal employees.

Read and referred to the Committee on Corporations.

Also:

(02-H 7780) An Act relating to taxation - property subject to taxation.

Read and referred to the Committee on Corporations.

Also:

(02-H 7785) An Act relating to taxation - property subject to taxation.

Read and referred to the Committee on Corporations.

Also:

(02-H 7807) An Act relating to taxation - revaluation.

Read and referred to the Committee on Corporations.

Also:

(02-H 7840) An Act relating to the city of Newport.

Read and referred to the Committee on Corporations.

Also:

(02-H 7978) An Act relating to the Little Compton Agricultural Conservancy Trust.

Read and referred to the Committee on Corporations.

REPORTS OF COMMITTEES

COMMITTEE ON CORPORATIONS

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

(02-S 2616) (Substitute ``A") An Act relating to public utilities and carriers - safe termination of services.

Without objection, ordered to be placed on tomorrow's Calendar.

(02-H 7133) (Substitute ``A" as amended) An Act relating to public utilities and carriers - duties of utilities and carriers.

Without objection, ordered to be placed on tomorrow's Calendar.

COMMITTEE ON LABOR

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

(02-S 2784) (Substitute ``A") An Act relating to labor and labor relations - pipefitters and refrigeration technicians.

Without objection, ordered to be placed on tomorrow's Calendar.

NEW BUSINESS

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

Senators Walsh and Sosnowski present (02-S 2930) An Act relating to recreational vehicle parks and campgrounds act.

Read and referred to the Joint Committee on Environment and Energy.

Senators Polisena and Graziano present (02-S 2931) An Act relating to elections.

Read and referred to the Committee on Judiciary.

CONSENT CALENDAR

In order for the day is taken up as follows:

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

1.

Appointment of Alison DiPetrillo (Student Representative) of Coventry to the Board of Governors for Higher Education for a term expiring January 31, 2004.

2.

Appointment of Jon R. Schock (Public Water System Representative) of East Greenwich VICE Maurice P. Trudeau to the Water Resources Board for a term expiring March 1, 2005.

3.

Appointment of Azim Mazagonwalla of Providence VICE Rose Weaver (resigned) to the Rhode Island State Council on the Arts for a term expiring March 1, 2003.

4.

Appointment of Kenneth J. Carpenter VICE Peter Lewiss to the Rhode Island State Council on the Arts for a term expiring March 1, 2003.

5. Reappointment of Barbara Fields Karlin of Providence to the Board of Community Development Intermediary for a term expiring January 31, 2005.

6. Reappointment of Michael Isaacs of East Greenwich to the Rhode Island Public Telecommunications Authority for a term expiring January 31, 2005.
7. Reappointment of John St. Sauveur of North Smithfield to the Rhode Island Resource Recovery Corporation for a term expiring July 1, 2004.
8. Reappointment of Mary F. Cummings (Representing Librarians Serving) of Somerset to the Library Board of Rhode Island for a term expiring December 31, 2004.
9. Reappointment of Joshua Teverow, Esquire (Representing) of Providence to the Library Board of Rhode Island for a term expiring December 31, 2004.
10. Reappointment of Donna Good of East Greenwich to the Library Board of Rhode Island for a term expiring December 31, 2004.
11. Reappointment of Jo-Eva Gaines of Newport to the Board of Regents for Elementary and Secondary Education for a term expiring January 31, 2005.
12. Reappointment of Gary Grove of Warren to the Board of Regents for Elementary and Secondary Education for a term expiring January 31, 2005.
13. Reappointment of Mario Mancieri of Bristol to the Board of Regents for Elementary and Secondary Education for a term expiring January 31, 2005.
14. Reappointment of Thomas E. Deller of Providence to the Rhode Island Public Transit Authority for a term expiring April 1, 2003.
15. Reappointment of Camille Vella-Wilkinson of Warwick to the Commission for Human Rights for a term expiring July 1, 2006.

CALENDAR

In order for the day is taken up as follows:

1. (02-S2493) An Act relating to health and safety - child product safety.

Committee on Health, Education and Welfare recommends passage.

Upon suggestion of Senator Graziano, and without objection, ordered to be recommitted to the Committee on Health, Education and Welfare.

2. (02-S2334) An Act relating to the fair employment practices.

Committee on Labor recommends passage.

Senator Perry moves passage, seconded by Senators Walton, Cicilline and Coderre.

The act is read and passed, by unanimous consent, 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, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, 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, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS - 0.

3. (02-S2460) An Act relating to Fair Employment Practices Act.

Committee on Labor recommends passage.

Senator Perry moves passage, seconded by Senator Cicilline.

The act is read and passed, by unanimous consent, 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, 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, Revens, Roberts, Roney, Ruggerio, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS - 0.

4. (02-S2652) An Act relating to public officers and employees - organization of state employees.

Committee on Labor recommends passage.

Upon suggestion of Senator Irons, and without objection, ordered to be placed on the Calendar for Thursday, April 11, 2002.

5. (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".

Senator Ruggerio moves passage, seconded by Senators Badeau, Goodwin, Fogarty and others.

The bill marked Substitute ``A" is read and passed, 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, 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.

6. (02-S2748) An Act relating to labor and labor relations - municipal employees' arbitration.

Committee on Labor recommends passage.

Upon suggestion of Senator Ruggerio, and without objection, ordered to be placed on the Calendar for Thursday, April 11, 2002.

7. (02-S2176) (Substitute ``A") An Act relating to fish and wildlife - deer hunting.

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

Senator Sosnowski moves passage, seconded by Senators Damiani, Walsh, Felag and others.

Senators Enos, Sosnowski and Blais discuss the act.

The bill marked Substitute ``A" is read and passed, and the original bill indefinitely postponed, upon a roll call vote with 44 Senators voting in the affirmative and 1 Senator voting in the negative as follows:

YEAS - 44: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Cote, Damiani, DaPonte, Donelan, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Parella, Perry, Polisena, Raptakis, Revens, Roberts, Roney, Ruggerio, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS - 1: Senator Enos.

8. (02-S2191) An Act relating to motor and other vehicles.

Committee on Special Legislation recommends passage.

Senator Hunter moves passage, seconded by Senators Felag, Goodwin, Graziano, Raptakis, Ruggerio and many others.

Senator Blais discusses the act.

The act is read and passed, by unanimous consent, 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, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roberts, Roney, Ruggerio, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS - 0.

9. (02-S2233) An Act relating to animals and husbandry.

Committee on Special Legislation recommends passage.

Senator Graziano moves passage, seconded by Senator Goodwin and others.

The act is read and passed, by unanimous consent, 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, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roberts, Roney, Ruggerio, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS - 0.

10. (02-S2305) An Act relating to hunting and fishing safety.

Committee on Special Legislation recommends passage.

Upon suggestion of Senator Walsh, and without objection, ordered to be placed on the Calendar for Thursday, April 11, 2002.

ANNOUNCEMENTS

Senator Damiani announces that the Committee on Corporations will meet on Thursday, April 4, 2002, at 3:00 o'clock P.M. in Room 212 of the State House.

Also:

Senator Felag announces that the Committee on Finance will meet on Thursday, April 4, 2002, at 3:00 o'clock P.M. in Room 211 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.

EXTENSION OF DEADLINE

Upon suggestion of Senate Majority Leader Irons, and without objection, the deadline for committee consideration is extended for one week.

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, and upon suggestion of Senator Coderre, the Senate adjourns at 4:40 o'clock P.M., on a unanimous rising vote, as a further mark of respect to the memory of the Honorable Robert A. Magill, a prominent Pawtucket Democrat for over 50 years, retiring in 1978 as Administrative Assistant to Secretary of State Robert Burns. His dedicated public service will be long remembered as well as his sense of humor and warm personality that touched the lives of everyone he met.

RAYMOND T. HOYAS, JR.

Secretary of the Senate

Appendix

INVOCATION

SENATOR DAVID E. BATES

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

CONSENT CALENDAR

In order for Thursday, April 4, 2002:

- 1. (02-H7826) An Act to vacate the forfeiture or revocation of the charter of R.B. Site Construction, Inc.

Ordered on the Calendar.

RAYMOND T. HOYAS, JR.
Secretary of the Senate
Wednesday, April 3, 2002

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.

- 2. (02-S2883) An Act authorizing the town of East Greenwich to finance the construction, renovation, alteration, repair, improvement, equipping and furnishing of, and/or additions to, public schools and school facilities in the town and to issue not more than \$34,000,000 bonds and/or notes therefor.

Committee on Corporations recommends passage.

3. (02-S2616) (Substitute ``A") An Act relating to public utilities and carriers - safe termination of services.

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

4. (02-H7133) (Substitute ``A" as amended) An Act relating to public utilities and carriers - duties of utilities and carriers.

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

5. (02-S2784) (Substitute ``A") An Act relating to labor and labor relations - pipefitters and refrigeration technicians.

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

Appendix

CALENDAR

In order for Thursday, April 11, 2002:

1. (02-S2652) An Act relating to public officers and employees - organization of state employees.

Committee on Labor recommends passage.

2. (02-S2748) An Act relating to labor and labor relations - municipal employees' arbitration.

Committee on Labor recommends passage.

3. (02-S2305) An Act relating to hunting and fishing safety.

Committee on Special Legislation recommends passage.

RAYMOND T. HOYAS, JR.

Secretary of the Senate

Wednesday, April 3, 2002

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

Thank you for stopping by!

