

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.45 Tuesday, May 7, 2002 Forty-fifth Day

Our Lord two thousand and two. The Senate meets pursuant to adjournment and is called to order by His Honor, the Lieutenant Governor, Charles J. Fogarty, at 4:03 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, Connors, Cote, 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, Polisena, Raptakis, Revens, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

ABSENT - 1: Senator Damiani.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Thursday, May 2, 2002 proceedings is read in part.

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

GUESTS

Upon suggestion of Senator Connors, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber from the Cumberland High School Debate Team, Joan LaPlante, Coach, and team members Tricia Frappier and Meghan Prosser.

**FROM THE
HOUSE OF REPRESENTATIVES**

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

(02-H 7327) (Substitute "A" as amended) An Act relating to towns and cities.

Read and referred to the Committee on Corporations.

Also:

(02-H 7420 as amended) An Act relating to motor vehicles - responsibility of owners of rental vehicles.

Read and referred to the Committee on Corporations.

Also:

(02-H 7216) (Substitute "A" as amended) An Act relating to assisted living.

Read and referred to the Committee on Health, Education and Welfare.

REPORTS OF COMMITTEES

COMMITTEE ON CORPORATIONS

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

(02-S 2681) An Act relating to public utilities and carriers - regulatory powers of administration.

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:

(02-S 2194) An Act relating to state affairs and government.

Read and ordered to be placed on the Calendar.

(02-S 2383) (Substitute "A") An Act relating to the district court.

Read and ordered to be placed on the Calendar.

(02-S 2629) (Substitute "A") An Act relating to courts - judicial selection.

Read and ordered to be placed on the Calendar.

(02-S 2638) An Act relating to domestic relations - solemnization of marriages.

Read and ordered to be placed on the Calendar.

(02-S 2885) (Substitute "A") Senate Resolution relating to "no tolerance" policies for youth sports organizations.

Read and ordered to be placed on the Calendar.

(02-S 2923) An Act relating to solemnization of marriages.

Read and ordered to be placed on the Calendar.

(02-S 2924) An Act relating to solemnization of marriages.

Read and ordered to be placed on the Calendar.

(02-S 2931) An Act relating to elections.

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:

(02-S 2145 as amended) An Act relating to alcoholic beverages.

Read and ordered to be placed on the Calendar.

(02-S 2756) An Act relating to motor and other vehicles - registration of vehicles.

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.

Senators Irons, McBurney, Montalbano, Coderre, Felag and others present (02-S 2988) Senate Resolution congratulating Ann Short on being recognized as a "Disney American Teacher".

Senate Majority Leader Irons requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

GUESTS

Upon suggestion ofSenate Majority Leader Irons, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber Ann Short, 2nd grade teacher at F.J. Varieur Elementary School in Pawtucket, who is the recipient of the prestigious "Disney American Teacher" award, one of only 30 teachers in the nation to receive the honor and one of only three winners nation-wide in the elementary school category.

Upon suggestion ofSenate Majority Leader Irons and by unanimous consent, Ann Short is escorted to the rostrum and presented with a Senate Citation and a floral arrangement bySenate Majority Leader Irons and Senator McBurney.

Mrs. Short addresses the body.

Upon suggestion of Senator McBurney, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber Gary Chaput, Charlie Short, George Treanor, Zita Butler, Sharyn Farley, George Chaput, Evan Howard, Evanjohn Howard, Peter Howard, his children Mackenzie, Michael, Meghan, Joseph and Ellen McBurney, his wife Cheryl McBurney, and Kathleen Suriani, who are all here today to honor Ann Short.

NEW BUSINESS

Senators Irons, McBurney, Montalbano and Parella present (02-S 2989) Senate Resolution proclaiming May 7, 2002 as "National Teacher Day" 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 ofSenate Majority Leader Irons, seconded by Senators McBurney, Coderre, Montalbano, Perry and the entire Senate, and by unanimous consent, read and passed, under suspension of the rules, upon a voice vote.

Senators McDonald and Parella present (02-S 2990) Senate Resolution congratulating Ulysses S. Gallman, III on receiving the 2001 Milken Family Foundation Educator Award.

Senator McDonald requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

GUESTS

Upon suggestion of Senator McDonald, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber Ulysses S. Gallman, III.

Upon suggestion of Senator Issa, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber Doug Hadden, a distinguished journalist from the Times in Pawtucket.

NEW BUSINESS

Senator Sosnowski presents (02-S 2991) An Act relating to public utilities and carriers - notification to the town of New Shoreham.

Read and referred to the Committee on Corporations.

Senators Fogarty and Walaska present (02-S 2992) Senate Resolution extending condolences on the passing of Henry C. Hawkins.

Senator Fogarty requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion of Senator Fogarty, seconded by the entire Senate, and by unanimous consent, read and passed, under suspension of the rules, upon a rising 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 measures on today's Consent Calendar, by unanimous consent, are read and passed, in concurrence, upon a voice vote:

1. (02-H7922) An Act to vacate the forfeiture or revocation of the charter of A. Ricci, Inc.
2. (02-H7932) An Act to vacate the forfeiture or revocation of the charter of Hmong Evangelical Church of the Christian and Missionary Alliance.

COMMUNICATION

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

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS SENATE CHAMBER

STATEMENT OF 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 bills (02-S 2386), (02-S 2441) and (02-S 2375), now pending before the Senate or a committee thereof.
4. I request that I be excused from voting, deliberating or taking action on the matter.
5. I do not desire to vote or deliberate because I have a conflict of interest as follows.

I am an employee of The Washington Trust Company.

6. This statement is true to the best of my knowledge.

DENNIS L. ALGIERE
Senator, District 26

Subscribed and sworn to before me this 2nd day of May, 2002.

JEFFREY A. LANPHEAR
Notary Public

Ordered to be placed on file.

CALENDAR

In order for the day is taken up as follows:

1. (02-S2375) An Act relating to financial institutions - licensed activities.

Committee on Corporations recommends passage.

Senator Blais moves passage, seconded by Senators Breene, Walaska and others.

Senators Perry and Blais discuss the act.

The act is read and passed, by unanimous consent, upon a roll call vote with 44 Senators voting in the affirmative, 0 Senators voting in the negative, and 2 Senators abstaining as follows:

YEAS - 44: Senators Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Donelan, Enos, Felag, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS - 0.

ABSTAINED - 2: Senators Algieri, Kelly.

2. (02-S2386) An Act relating to the Rhode Island Uniform Securities Act.

Committee on Corporations recommends passage.

Senator Blais moves passage, seconded by Senator Bates.

The act is read and passed, by unanimous consent, upon a roll call vote with 42 Senators voting in the affirmative, 0 Senators voting in the negative, and 5 Senators abstaining as follows:

YEAS - 42: Senators Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Issa, Izzo, Kells, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS - 0.

ABSTAINED - 5: Senators Algieri, Alves, DaPonte, Kelly, McDonald.

3. (02-S2257) (Substitute "A") An Act relating to alcoholic beverages - retail licenses.

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

Upon suggestion of Senator McBurney, and without objection, ordered to be placed on the Calendar for Thursday, May 9, 2002.

ANNOUNCEMENT

Senator Polisena announces that the Committee on Judiciary will meet today at the rise of the Senate in Room 313 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, and upon suggestion of Senator Fogarty, the Senate adjourns at 4:30 o'clock P.M., on a unanimous rising vote, as a further mark of respect to the memory of the Honorable Henry C. Hawkins, former State Senator from Gloucester.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR V. SUSAN SOSNOWSKI

O Lord, grant us Your higher wisdom to our leaders and our people. By Your grace, enable us to dwell together with unity of spirit and bonds of peace. Amen.

Appendix

CALENDAR

In order for Wednesday, May 8, 2002:

1. (02-S2630) (Substitute "A" as amended) An Act relating to delinquent and dependent children - proceedings in Family Court.

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

2. (02-S2348) (Substitute "A") An Act relating to commercial law - general regulatory provisions - deceptive trade practices.

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

3. (02-S2342) An Act relating to towns and cities - zoning ordinances.

Committee on Corporations recommends passage.

Appendix

CALENDAR

In order for Thursday, May 9, 2002:

1. (02-S2257) (Substitute "A") An Act relating to alcoholic beverages - retail licenses.

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

2. (02-S2441) An Act relating to corporations, associations and partnerships - Rhode Island Uniform Securities act.

Committee on Corporations recommends passage.

3. (02-S2672) (Substitute "A" as amended) An Act relating to criminal procedure - search warrants.

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

4. (02-H6735 as amended) An Act relating to solemnization of marriages.

Committee on Judiciary recommends passage as amended in concurrence.

5. (02-H6961) An Act relating to solemnization of marriages.

Committee on Judiciary recommends passage in concurrence.

6. (02-H7565) An Act relating to solemnization of marriages.

Committee on Judiciary recommends passage in concurrence.

7. (02-H7767) An Act relating to solemnization of marriages.

Committee on Judiciary recommends passage in concurrence.

8. (02-S2144) An Act relating to commercial law - interest and usury.

Committee on Corporations recommends passage.

9. (02-S2442) An Act relating to employee stock options - biotechnology and medical technology companies.

Committee on Corporations recommends passage.

10. (02-H6607) An Act relating to the town of Westerly - Municipal Court.

Committee on Corporations recommends passage in concurrence.

11. (02-S2681) An Act relating to public utilities and carriers - regulatory powers of administration.

Committee on Corporations recommends passage.

12. (02-S2194) An Act relating to state affairs and government.

Committee on Judiciary recommends passage.

13. (02-S2383) (Substitute "A") An Act relating to the district court.

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

14. (02-S2629) (Substitute "A") An Act relating to courts - judicial selection.

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

15. (02-S2638) An Act relating to domestic relations - solemnization of marriages.

Committee on Judiciary recommends passage.

16. (02-S2885) (Substitute "A") Senate Resolution relating to "no tolerance" policies for youth sports organizations.

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

17. (02-S2923) An Act relating to solemnization of marriages.

Committee on Judiciary recommends passage.

18. (02-S2924) An Act relating to solemnization of marriages.

Committee on Judiciary recommends passage.

19. (02-S2931) An Act relating to elections.

Committee on Judiciary recommends passage.

20. (02-S2756) An Act relating to motor and other vehicles - registration of vehicles.

Committee on Special Legislation recommends passage.

21. (02-S2145 as amended) An Act relating to alcoholic beverages.

Committee on Special Legislation recommends passage as amended.

RAYMOND T. HOYAS, JR.

Secretary of the Senate

Tuesday, May 7, 2002

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

Thank you for stopping by!

