

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.51 Tuesday, May 21, 2002 Fifty-first Day

The Senate meets pursuant to adjournment and is called to order by His Honor, the Lieutenant Governor, Charles J. Fogarty, at 4:17 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, Iglionzi, 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 Donelan, to deliver the invocation.

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Thursday, May 16, 2002 proceedings is read in part.

Upon suggestion of Senator Donelan, 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 Heather Santagata, Alyson Garber and Kesia DiSciullo of North Providence.

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 17, 2002

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: Stephen C. Turner of Providence (Public Member) VICE William O'Rourke for a term expiring May 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

May 14, 2002

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 46-15.1-2 of the Rhode Island General Laws, I have made the following appointment to the Water Resources Board: John A. Milano of Bristol (Public Member) VICE Frank L. Nunes 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

May 16, 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 reappointment to the Rhode Island State Council on the Arts: Michael A. Watson of Cranston for a term expiring March 1, 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

May 20, 2002

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: Donald

Gagnon of Woonsocket (Representing Minimum Housing Inspectors) for a term expiring May 1, 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

May 20, 2002

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 20-3-1 of the Rhode Island General Laws, I have made the following appointment to the Marine Fisheries Council: Dr. J. Stanley Cobb of Kingston VICE Dr. Jeremy S. Collie (resigned) for a term expiring April 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 20, 2002

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 20-3-1 of the Rhode Island General Laws, I have made the following appointment to the Marine Fisheries Council: Dr. Seth S. Macinko of Kingston VICE Robert Rheault (resigned) for a term expiring April 1, 2006.

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 20, 2002

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 20-3-1 of the Rhode Island General Laws, I have made the following appointment to the Marine Fisheries Council: David Preble of Narragansett VICE Arnold Butziger for a term expiring April 1, 2006.

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 20, 2002

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 42-128-6 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Housing Resources Act: Joan Carbone of Warwick (Representative of a Lead Poisoning Agency) VICE Roberta Hazen Aaronson for a term expiring January 31, 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

May 20, 2002

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 40.1-5-14 of the Rhode Island General Laws, I have made the following reappointment of Mental Health Advocate: H. Reed Cosper of Providence for a term expiring June 1, 2006.

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 20, 2002

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 8-16-1 of the Rhode Island General Laws, I have made the following appointment to the Commission on Judicial Tenure and Discipline: Monica Horan, Esquire of Lincoln VICE Jeanne LaFazia, Esquire (resigned) for a term expiring April 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

May 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 appointment to the Rhode Island Public Telecommunications Authority: Anne Szostak of Providence VICE Michael E. Schwartz (resigned) for a term expiring January 31, 2004.

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

Sincerely,

LINCOLN ALMOND
Governor

Read and referred to the Committee on Judiciary.

REPORTS OF COMMITTEES

COMMITTEE ON JUDICIARY

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

(02-S 2707) (Substitute ``A") An Act relating to courts and civil procedure - particular actions limitation of secrecy orders and agreement in certain actions.

Read and ordered to be placed on the Calendar.

JOINT COMMITTEE ON ENVIRONMENT AND ENERGY

Senator Sosnowski, from the Joint Committee on Environment and Energy, reports back, with recommendation of passage of the following measure:

(02-S 2151) (Substitute ``A") An Act relating to drinking water quality standards for private wells.

Read and ordered to be placed on the Calendar.

TRANSFER OF BILL

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

(02-H 7236) An Act relating to property - recording of instruments.

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 8060) An Act to vacate the forfeiture or revocation of the charter of Rhode Island Racing Pigeon Club, Inc.

Read and ordered to be placed on the Consent Calendar.

Also:

(02-H 6916) An Act relating to towns and cities.

Read and referred to the Committee on Corporations.

Also:

(02-H 7326 as amended) An Act relating to unfair sales practices.

Read and referred to the Committee on Corporations.

Also:

(02-H 7848) 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".

Read and referred to the Committee on Corporations.

Also:

(02-H 7861) An Act increasing the holdings and changing the name of the Boys & Girls Clubs of Pawtucket.

Read and referred to the Committee on Corporations.

Also:

(02-H 7961) An Act exempting from taxation the real, mixed and personal property of the Greater Westerly-Pawcatuck Area Chamber of Commerce.

Read and referred to the Committee on Corporations.

Also:

(02-H 8025) An Act relating to the city of Pawtucket - abandoned motor vehicles.

Read and referred to the Committee on Corporations.

Also:

(02-H 8144) An Act validating and ratifying amendments to the charter of the town of Barrington.

Read and referred to the Committee on Corporations.

Also:

(02-H 7916) An Act relating to animals and animal husbandry - dogs.

Read and referred to the Committee on Special Legislation.

Also:

(02-H 8121) Joint Resolution celebrating Saturday, June 29, 2002, as ``Conanicut Battery Day" in the State of Rhode Island.

Read and referred to the Committee on Special Legislation.

Also:

(02-H 8024 as amended) An Act relating to criminal procedure - indictments, informations and complaints.

Read and referred to the Committee on Judiciary.

NEW BUSINESS

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

Senators Iglioizzi and Montalbano present (02-S 3017) An Act relating to courts and civil procedure - particular actions - death by wrongful act.

Read and referred to the Committee on Judiciary.

Senators Sheehan, Walaska, Graziano, Izzo, Walsh and others present (02-S 3018) Senate Resolution memorializing the United States Congress to allow the State of Rhode Island to create, implement, and oversee a pilot program allowing for the reimportation of prescription drugs from Canadian pharmacies.

Read and referred to the Committee on Corporations.

Senator Celona presents (02-S 3019) An Act reinstating and restoring forfeited or revoked corporate charters.

Read and ordered to be placed on the Consent Calendar.

Senators DaPonte, Irons, Ruggerio, Tassoni and Connors present (02-S 3020) Senate Resolution honoring Jerry J O'Connor on being elected Secretary-Treasurer at the IBEW's 36th International Convention.

Senator DaPonte requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

Senators DaPonte, Irons, Ruggerio, Tassoni and Connors present (02-S 3021) Senate Resolution honoring Edwin D. Hill on being elected President at the International Brotherhood of Electrical Workers' 36th International Convention.

Senator DaPonte requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

Senators DaPonte, Irons, Ruggerio, Tassoni and Connors present (02-S 3022) Senate Resolution honoring Frank J. Carroll on his appointment as International Vice President of the IBEW, Second District.

Senator DaPonte requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion of Senator DaPonte, seconded by the entire Senate, and by unanimous consent, read and passed, under

suspension of the rules, upon a voice vote.

RECESS

Upon suggestion ofSenate Majority Leader Irons, and by unanimous consent, the Senate stands at recess at 4:23 o'clock P.M., until the call of the chair.

CALLED TO ORDER

The Senate is called to order at 4:07 o'clock P.M. Wednesday, May 22, 2002.

ADJOURNMENT

Upon motion ofSenate Majority Leader Irons, seconded by Senator Algieri, the Senate adjourns at 4:07 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR JAMES M. DONELAN

Dear God, You plant the seeds of service deep in our being. Help us give proper attention and care to our oaths of office so our true responsibility and advocacy on behalf of our constituents will bear fruit in our districts and throughout our State. Amen.

Appendix

CONSENT CALENDAR

In order for Wednesday, May 22, 2002:

1. (02-S2979) Senate Resolution respectfully requesting the Departments of Human Services and Elderly Affairs to implement additional approved assisted living waiver services.

Committee on Health, Education and Welfare recommends passage.

2. (02-S3016) Joint Resolution making an appropriation to pay certain claims.

Ordered on the Consent Calendar.

3. (02-S3019) An Act reinstating and restoring forfeited or revoked corporate charters.

Ordered on the Consent Calendar.

4. (02-H8060) An Act to vacate the forfeiture or revocation of the charter of Rhode Island Racing Pigeon Club, Inc.

Ordered on the Consent Calendar.

RAYMOND T. HOYAS, JR.

Secretary of the Senate

Tuesday, May 21, 2002

Appendix

CALENDAR

In order for Wednesday, May 22, 2002:

1. (02-S2552) An Act relating to taxation - situs and ownership of taxable property.

Committee on Finance recommends passage.

2. (02-S2721) (Substitute ``A") An Act relating to courts and civil procedure - particular actions - post conviction remedy.

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

3. (02-S2799) An Act relating to motor and other vehicles - driver's license notification of selective registration requirement.

Committee on Judiciary recommends passage.

4. (02-S2259) (Substitute ``A") An Act relating to motor and other vehicles - rental vehicles.

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

5. (02-S2436) (Substitute ``A") An Act relating to public officers and employees - salaries and traveling expenses.

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

6. (02-S2533) (Substitute ``A") An Act relating to towns and cities - Rhode Island comprehensive planning and land use act.

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

7. (02-S2697) An Act relating to motor and other vehicles - public motor vehicles.

Committee on Corporations recommends passage.

8. (02-S2874) An Act relating to animals and animal husbandry - dogs.

Committee on Corporations recommends passage.

9. (02-S2942) An Act relating to establishing the Westerly Municipal Land Trust.

Committee on Corporations recommends passage.

10. (02-S2953) An Act relating to taxation.

Committee on Corporations recommends passage.

11. (02-S2954) An Act relating to state affairs and government - distressed areas economic revitalization act.

Committee on Corporations recommends passage.

12. (02-H8001) An Act relating to the small employer health insurance availability act.

Committee on Corporations recommends passage in concurrence.

13. (02-S2379) (Substitute ``A" as amended) An Act relating to workers' compensation - general provisions.

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

14. (02-S2782) (Substitute ``A" as amended) An Act relating to electricians.

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

15. (02-H6909) (Substitute ``A") An Act relating to whistleblowers' protection.

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

16. (02-H7048 as amended) An Act relating to labor and labor relations - inspection of personnel files.

Committee on Labor recommends passage in concurrence.

17. (02-H7149) (Substitute ``A" as amended) An Act relating to labor and labor relations - genetic testing as a condition of employment.

Committee on Labor recommends passage in concurrence.

18. (02-S2542) (Substitute ``A") An Act relating to motor and other vehicles.

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

19. (02-S2393) (Substitute ``A") An Act relating to state affairs and government - Children's Cabinet.

Committee on Health, Education and Welfare recommends indefinite postponement of the original bill and passage of

Substitute ``A".

20. (02-S2677) (Substitute ``A") An Act relating to assisted living.

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

21. (02-S2813) (Substitute ``A" as amended) An Act relating to health - lead hazard mitigation.

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

22. (02-S2245) (Substitute ``A" as amended) An Act authorizing suit against the city of Warwick by Phyllis Marciano and making an appropriation to satisfy any judgment entered.

Joint Committee on Accounts and Claims recommends indefinite postponement of the original bill and passage of Substitute ``A" as amended.

Appendix

CALENDAR

In order for Thursday, May 23, 2002:

1. (02-S2144) An Act relating to commercial law - interest and usury.

Committee on Corporations recommends passage.

2. (02-S2548) (Substitute ``A") An Act relating to towns and cities - emergency police power.

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

3. (02-S2707) (Substitute ``A") An Act relating to courts and civil procedure - particular actions limitation of secrecy orders and agreement in certain actions.

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

4. (02-S2151) (Substitute ``A") An Act relating to drinking water quality standards for private wells.

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

RAYMOND T. HOYAS, JR.
Secretary of the Senate
Tuesday, May 21, 2002

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



Thank you for stopping by!