

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

Volume 130, No.34                      Thursday, April 3, 2003                      Thirty-fourth Day

The Senate meets pursuant to adjournment and is called to order by the Honorable William V. Irons, President of the Senate, at 4:26 o'clock P.M.

The roll is called and a quorum is declared present with 35 Senators present and 3 Senators absent as follows:

PRESENT - 35:

The Honorable President Irons and Senators Algiere, Alves, Badeau, Blais, Breene, Caprio, Celona, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT - 3: Senators Bates, Ciccone, Ruggerio.

INVOCATION

The Honorable President, by unanimous consent, presents Senator Felag, to deliver the invocation.

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

The Honorable President, by unanimous consent, presents Senator Felag, to lead the Senate in the pledge of allegiance to the flag.

APPROVAL OF RECORD

The Senate Journal of Wednesday, April 2, 2003 proceedings is read in part.

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

GUESTS

Upon suggestion of Senator McBurney, and by unanimous consent, the Honorable President welcomes to the Chamber his daughter Ellen McBurney, and William Cotta, both LaSalle Academy students.

Upon suggestion of Senators Roberts and Alves, and by unanimous consent, the Honorable President welcomes to the Chamber the Honorable David Sholes, former State Senator from Cranston.

Upon suggestion of Senate Majority Leader Montalbano and Senator McBurney, and by unanimous consent, the Honorable President welcomes to the Chamber Detective Raymond Johnston, Jr., of the Pawtucket Police Department and President of the Pineview Little League, along with his son Raymond Johnston, III.

Upon suggestion of Senator Fogarty, and by unanimous consent, the Honorable President welcomes to the Chamber Charles Boucher, Rhode Island Teacher of the Year, along with his wife Mary Jean Boucher and his children Christy, Craig and Steven Boucher.

## **COMMUNICATION**

The Honorable President presents the following communication:

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

April 2, 2003

The Honorable William V. Irons  
President of the Senate  
317 State House  
Providence, RI 02903

Dear Mr. President:

Please be advised and let the record reflect that I will be absent from the chamber on Thursday, April 03, 2003, as I will be out of the State on business.

I would appreciate your recording my letter in the appropriate Senate Journal.

Thank you for your attention to this matter.

Warmest personal regards, I remain,

DOMINICK J. RUGGERIO  
Senator, District 6

Received and ordered to be placed on file.

## **NEW BUSINESS**

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

Senator Felag presents (03-S 999) An Act relating to the North Tiverton Fire District.

Read and referred to the Committee on Commerce, Housing and Municipal Government.

Senator Sosnowski presents (03-S 1000) An Act to vacate the forfeiture or revocation of the charter of Blue Dory Resorts, Inc.

Read and ordered to be placed on the Consent Calendar.

## CALENDAR

In order for the day is taken up as follows:

**1.** Appointment of Hugo L. Ricci, Jr. of North Providence VICE Associate Judge Andrew E. McConnell as Associate Judge of the Rhode Island Workers' Compensation Court.

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

Senator Celona, seconded by Senate Majority Leader Montalbano and Senators Revens, McBurney, Gibbs, Parella, Badeau, Lanzi, Caprio, Felag, Paiva Weed, Cote, Lenihan, McCaffrey and others, moves that Advice and Consent of the Senate be given this appointment.

Senate Majority Leader Montalbano discusses the appointment.

The Advice and Consent of the Senate is given this appointment, by unanimous consent, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

**YEAS - 36:**

The Honorable President Irons and Senators Algieri, Alves, Badeau, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Sheehan, Sosnowski, Tassoni, Walaska.

**NAYS - 0.**

## GUESTS

Upon suggestion of Senator Celona and Senate Majority Leader Montalbano, and by unanimous consent, the Honorable President welcomes to the Chamber Hugo L. Ricci, Jr. of North Providence, newly confirmed Associate Judge of the Rhode Island Workers' Compensation Court, along with his wife Kathleen, Mary Ellen McQueeney-Lally and the Honorable Peter Simone, North Providence Town Councilman.

## CALENDAR

**2.** (03-S931) An Act relating to towns and cities - Chopmist Water District.

Committee on Commerce, Housing and Municipal Government recommends passage.

Upon suggestion of Senator Blais, and without objection, ordered to be placed on the Desk.

**3.** (03-S32) An Act relating to motor vehicles - special registration plate - Coventry - police chief emeritus.

Committee on Constitutional and Gaming Issues recommends passage.

Senator Blais moves passage, seconded by Senators Gibbs, Damiani, Raptakis, Polisena and others.

The act is read and passed, by unanimous consent, upon a roll call vote with 32 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

**YEAS - 32:** The Honorable President Irons and Senators Algiere, Alves, Blais, Breene, Caprio, Celona, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Sheehan, Sosnowski, Tassoni.

**NAYS - 0.**

**4. (03-S174)** An Act relating to elections - registration of voters.

Committee on Judiciary recommends passage.

Senator Raptakis moves passage, seconded by Senators Gibbs, Polisena and Cote.

The act is read and passed, upon a roll call vote with 26 Senators voting in the affirmative and 4 Senators voting in the negative as follows:

**YEAS - 26:**

The Honorable President Irons and Senators Algiere, Blais, Breene, Caprio, Celona, Cote, Felag, Fogarty, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Sosnowski, Tassoni.

**NAYS - 4:** Senators Alves, Connors, DaPonte, Paiva Weed.

**5. (03-S423)** An Act relating to personal income tax.

Committee on Finance recommends passage.

Senator Alves moves passage, seconded by Senators Issa, Tassoni, Pichardo and others.

Senator Alves, seconded by Senators Issa and Blais, offers the following written motion to amend:

## **FLOOR AMENDMENT**

**TO**

**(03-S 432)**

Mr. President: I hereby move to amend (03-S 432) entitled "AN ACT RELATING TO PERSONAL INCOME TAX", as follows:

**(1)** On page 1, line 14, by deleting the number "2004" and inserting in place thereof the number "2003".

Respectfully submitted,

STEPHEN D. ALVES  
Senator, District 32

The motion to amend prevails upon a roll call vote with 33 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

**YEAS - 33:**

The Honorable President Irons and Senators Algieri, Alves, Blais, Breene, Caprio, Celona, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Sheehan, Sosnowski, Tassoni, Walaska.

**NAYS - 0.**

Upon motion of Senator Alves, seconded by Senators Blais, Breene and Issa, read and passed, as amended, by unanimous consent, upon a roll call vote with 33 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

**YEAS - 33:**

The Honorable President Irons and Senators Algieri, Alves, Blais, Breene, Caprio, Celona, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Sheehan, Sosnowski, Tassoni, Walaska.

**NAYS - 0.**

## **ANNOUNCEMENTS**

Senator Sosnowski announces that the Committee on Environment and Agriculture will meet on Monday, April 7, 2003, at 2:30 o'clock P.M. in the Senate Lounge of the State House.

Also:

Senator Felag announces that the Committee on Finance will meet today at the rise of the Senate in Room 211 of the State House.

Also:

Senator Raptakis announces that the Committee on Judiciary 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 DaPonte, seconded by Senator Algieri, the Senate adjourns at 4:50 o'clock P.M.

RAYMOND T. HOYAS, JR.  
Secretary of the Senate

**Appendix**

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**INVOCATION**

**SENATOR WALTER S. FELAG, JR.**

Help us to acknowledge our dependence on You, Lord. Instill in us Your Truth so that we may be true public servants to the people of our State. Amen.

**Appendix**

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**CONSENT CALENDAR**

In order for Tuesday, April 8, 2003:

- 1. (03-S1000) An Act to vacate the forfeiture or revocation of the charter of Blue Dory Resorts, Inc.

Ordered on the Consent Calendar.

RAYMOND T. HOYAS, JR.  
Secretary of the Senate  
Thursday, April 3, 2003

**Appendix**

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**CALENDAR**

In order for Tuesday, April 8, 2003:

- 1. (03-S33) An Act relating to boxing and wrestling.

Committee on Constitutional and Gaming Issues recommends passage.

- 2. (03-S34) An Act relating to the General Assembly Permanent Joint Committee on Naming All New Buildings, Bridges, Edifices and Other State Constructions.

Committee on Constitutional and Gaming Issues recommends passage.

- 3. (03-S106) Joint Resolution creating a special legislative commission to study services to persons with mental illness in the criminal justice system.

Committee on Constitutional and Gaming Issues recommends passage.

**4. (03-S406) Joint Resolution** proclaiming 2003 to be the "Year of the Woonasquatucket" in Rhode Island.

Committee on Constitutional and Gaming Issues recommends passage.

**5. (03-S591) Joint Resolution** declaring June as "Rivers Month" in the State of Rhode Island.

Committee on Constitutional and Gaming Issues recommends passage.

**6. (03-S685) Senate Resolution** proclaiming a Sister State Alliance with the Province of Taiwan, Republic of China.

Committee on Constitutional and Gaming Issues recommends passage.

**7. (03-S390) An Act** relating to health and safety.

Committee on Finance recommends passage.

**8. (03-S779) An Act** relating to Human Services - burials.

Committee on Finance recommends passage.

**9. (03-S448) An Act** relating to medical parole.

Committee on Judiciary recommends passage.

**10. (03-S664) An Act** relating to criminal procedure - Domestic Violence Prevention Act.

Committee on Judiciary recommends passage.

RAYMOND T. HOYAS, JR.

Secretary of the Senate

Thursday, April 3, 2003

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

Thank you for stopping by!

