

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.48      Wednesday, May 14, 2003      Forty-eighth Day

The Senate meets pursuant to adjournment and is called to order by the Honorable William V. Irons, President of the Senate, at 4:07 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 Alves, Badeau, Bates, Blais, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT - 3: Senators Algiere, Breene, Montalbano.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Tuesday, May 13, 2003 proceedings is read in part.

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

GUESTS

Upon suggestion of Senator Alves, and by unanimous consent, the Honorable President welcomes to the Chamber the West Warwick High School Jazz Ensemble directed by Metro Narcisi, along with Ensemble members Ryan Andrews,

Ryan Baxter, Ricky Boynton, Kristin Delpadre, Paul Dimartino, Marco Dimartino, Megan Dougherty, Samanatha Farias, Joe Gravino, Dave Iacono, David Kenahan, Joshua Lacombe, Alyssa Lavallee, Heather MacFarlane, Jamie Mann, Robert Martin, Amanda McGarry, Ashton McNeilis, Michael Muschiano, Ryan O'Keefe, Steven Olivieri, Ryan Panneton, Sal Petrarca, Alura Plante, Jessica Poplis, Heather Putnam, Mason Spagnolo, Russell Venditto and Jeremy Wolf.

Upon suggestion of Senator Celona, and by unanimous consent, the Honorable President welcomes to the Chamber Miss Rhode Island Laurie Gray, along with Marcia Cone-Tighe, Executive Director of the Miss Rhode Island Scholarship Program.

**COMMUNICATION**

The Honorable President presents the following communication:

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

May 13, 2003

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

Dear Mr. President:

Please be advised that due to a business commitment, I will be absent from the Senate session on Wednesday, May 14th. I would appreciate your recording my letter in the appropriate Senate Journal.

Thank you for your assistance.

Sincerely,

DENNIS L. ALGIERE  
Senate Minority Leader

Received and ordered to be placed on file.

**APPOINTMENTS BY THE GOVERNOR**

The Honorable President 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**

Donald L. Carcieri  
Governor

May 14, 2003

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 42-130-5 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Rural Development Council:

Ross L. Aker of Exeter  
(local official from rural community)  
VICE  
Kenneth L. Fernstrom

for a term expiring July 1, 2003.

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

Sincerely,

DONALD L. CARCIERI  
Governor

Read and referred to the Committee on Environment and Agriculture.

Also:

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

Donald L. Carcieri  
Governor

May 14, 2003

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 42-130-5 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Rural Development Council:

Harriet Powell of Saunderstown  
(Representing Southern Rhode Island Conservation District)  
VICE  
Richard Harrison  
(resigned)

for a term expiring July 1, 2003.

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

Sincerely,

DONALD L. CARCIERI  
Governor

Read and referred to the Committee on Environment and Agriculture.

## **REPORTS OF COMMITTEES**

### **COMMITTEE ON FINANCE**

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

(03-S 301) An Act relating to education.

Read and ordered to be placed on the Calendar.

(03-S 956) An Act relating to taxation - property subject to taxation.

Read and ordered to be placed on the Calendar.

(03-S 1043 as amended) An Act exempting from taxation the real, mixed and personal property of Welcome House of South County.

Read and ordered to be placed on the Calendar.

### **COMMITTEE ON COMMERCE, HOUSING AND MUNICIPAL GOVERNMENT**

Senator Celona, from the Committee on Commerce, Housing and Municipal Government, reports back, with recommendation of passage of the following measure:

(03-S 786) An Act relating to taxation of new real estate.

Read and ordered to be placed on the Calendar.

Appointment of Barbara Jackson of North Kingstown VICE Leo Charpentier to the Rhode Island Economic Development Corporation for a term expiring February 1, 2007.

Read and ordered to be placed on the Calendar.

### **COMMITTEE ON EDUCATION**

Senator Issa, from the Committee on Education, reports back, with recommendation of passage of the following measures: Reappointment of Michael A. Watson of Cranston to the Rhode Island State Council on the Arts for a term expiring March 1, 2005.

Read and ordered to be placed on the Calendar. Reappointment of Kenneth J. Carpenter of Providence to the Rhode Island State Council on the Arts for a term expiring March 1, 2006.

Read and ordered to be placed on the Calendar. Reappointment of Azim Mazagonwalla of Providence to the Rhode Island State Council on the Arts for a term expiring March 1, 2006.

Read and ordered to be placed on the Calendar.

Appointment of Ann Clanton of Warwick VICE Martha J. Sheridan to the Rhode Island State Council on the Arts for a term expiring March 1, 2006.

Read and ordered to be placed on the Calendar.

**FROM THE  
HOUSE OF REPRESENTATIVES**

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

(03-H 5084) An Act relating to public utilities and carriers - duties of utilities and carriers.

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

Also:

(03-H 5159) An Act relating to motor and other vehicles - operators' and chauffeurs' licenses.

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

Also:

(03-H 5473) An Act relating to truth in lending and retail selling.

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

Also:

(03-H 5751 as amended) An Act relating to the city of Providence.

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

Also:

(03-H 5753 as amended) An Act authorizing the city of Providence to convey certain property dedicated for park purposes.

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

Also:

(03-H 5768) An Act relating to corporations, associations and partnerships - business corporations.

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

Also:

(03-H 5910) An Act relating to commercial law - gift certificates.

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

Also:

(03-H 5917) An Act relating to motor vehicles.

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

Also:

(03-H 5954) An Act relating to business and professions - Board of Medical Licensure and Discipline.

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

Also:

(03-H 5476) (Substitute "A") An Act relating to insurance - federal riot reinsurance reimbursement fund.

Read and referred to the Committee on Financial Services, Technology and Regulatory Issues.

Also:

(03-H 5502) (Substitute "A" as amended) An Act relating to businesses and professions - veterinary practice.

Read and referred to the Committee on Financial Services, Technology and Regulatory Issues.

Also:

(03-H 5717) (Substitute "A") An Act relating to insurance - individual deferred annuities.

Read and referred to the Committee on Financial Services, Technology and Regulatory Issues.

Also:

(03-H 5911) An Act relating to businesses and professions - telephone sales.

Read and referred to the Committee on Financial Services, Technology and Regulatory Issues.

Also:

(03-H 6001) (Substitute "A") An Act relating to regulating oversight.

Read and referred to the Committee on Financial Services, Technology and Regulatory Issues.

Also:

(03-H 6003) An Act relating to financial institutions - licensed activities.

Read and referred to the Committee on Financial Services, Technology and Regulatory Issues.

Also:

(03-H 6018) An Act relating to state affairs and government - Department of Business Regulation.

Read and referred to the Committee on Financial Services, Technology and Regulatory Issues.

Also:

(03-H 6019) An Act relating to insurance - producer licensing act.

Read and referred to the Committee on Financial Services, Technology and Regulatory Issues.

Also:

(03-H 6020) An Act relating to securities.

Read and referred to the Committee on Financial Services, Technology and Regulatory Issues.

Also:

(03-H 6021) (Substitute "A") An Act relating to insurance - insurance premium finance agreements.

Read and referred to the Committee on Financial Services, Technology and Regulatory Issues.

Also:

(03-H 5389) (Substitute "A" as amended) An Act relating to health and safety - birth defects surveillance system.

Read and referred to the Committee on Health and Human Services.

Also:

(03-H 5507) (Substitute "A") An Act relating to health and safety - nursing working mothers.

Read and referred to the Committee on Health and Human Services.

Also:

(03-H 5826) An Act relating to education.

Read and referred to the Committee on Health and Human Services.

Also:

(03-H 5843) (Substitute "A") An Act relating to health and education.

Read and referred to the Committee on Health and Human Services.

Also:

(03-H 5953) (Substitute "A") An Act relating to businesses and professions - Board of Medical Licensure and Discipline.

Read and referred to the Committee on Health and Human Services.

Also:

(03-H 6024) An Act relating to health and safety - laboratories.

Read and referred to the Committee on Health and Human Services.

Also:

(03-H 5510) (Substitute "A") An Act relating to the Governor's Commission on Disabilities.

Read and referred to the Committee on Government Oversight.

Also:

(03-H 5862) (Substitute "A") An Act relating to access to public records.

Read and referred to the Committee on Government Oversight.

Also:

(03-H 5083) (Substitute "A") An Act relating to food and drugs - fruits and vegetables generally.

Read and referred to the Committee on Environment and Agriculture.

Also:

(03-H 5085) An Act relating to property.

Read and referred to the Committee on Environment and Agriculture.

Also:

(03-H 5252) An Act relating to the National Guard.

Read and referred to the Committee on Judiciary.

Also:

(03-H 5342) An Act relating to criminal procedure - warrants for arrest.

Read and referred to the Committee on Judiciary.

Also:

(03-H 5375) (Substitute "A") An Act relating to criminals - correctional institutions - parole.

Read and referred to the Committee on Judiciary.

Also:

(03-H 5865) An Act relating to motor and other vehicles - adjudication of traffic offenses.

Read and referred to the Committee on Judiciary.

Also:

(03-H 5871) An Act relating to criminal offenses - impersonation and identity fraud.

Read and referred to the Committee on Judiciary.

Also:

(03-H 5825) (Substitute "A" as amended) An Act relating to education.

Read and referred to the Committee on Education.

**CONSENT CALENDAR**

In order for the day is taken up as follows:

Upon motion of Senator DaPonte, seconded by Senator Blais, the following measures on today's Consent Calendar, by unanimous consent, are read and passed, in concurrence, upon a voice vote:

- 1. (03-H6414) An Act to vacate the forfeiture or revocation of the charter of Molchar Chiropractic Center. Ltd.
- 2. (03-H6415) An Act to vacate the forfeiture or revocation of the charter of Del Core Consultants, Inc.

**CALENDAR**

In order for the day is taken up as follows:

- 1. Reappointment of Joseph R. Paolino, Sr. of Providence (Public Member) to the Coastal Resources Management Council for a term expiring January 31, 2004.

Committee on Environment and Agriculture recommends that the Senate give its advice and consent to this reappointment.

Senator Perry, seconded by Senators Sosnowski, Goodwin, Felag, Caprio, Celona, Ciccone, Badeau, Ruggerio and others, moves that Advice and Consent of the Senate be given this reappointment.

The Advice and Consent of the Senate is given this reappointment, by unanimous consent, upon a roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

**YEAS - 35:**

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

**NAYS - 0.**

- 2. (03-S810) (Substitute "A") An Act relating to businesses and professions - Board of Medical Licensure and Discipline

Committee on Health and Human Services recommends indefinite postponement of the original bill and passage of Substitute "A".

Senator Blais moves passage, seconded by Senator Roberts.

Senators Polisena and Blais discuss the act.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, 35 upon a roll call vote with Senators voting in the affirmative and 0 Senators voting in the negative as follows:

**YEAS - 35:**

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

**NAYS - 0.**

**3. (03-S80) An Act relating to criminal offenses.**

Committee on Judiciary recommends passage.

Upon suggestion of Senator Raptakis, and without objection, ordered to be recommitted to the Committee on Judiciary.

**4. (03-S213) (Substitute "A") An Act relating to taxation - property subject to taxation.**

Committee on Commerce, Housing and Municipal Government recommends indefinite postponement of the original bill and passage of Substitute "A".

Senator Alves moves passage, seconded by Senators Celona and Raptakis.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

**YEAS - 35:**

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

**NAYS - 0.**

**5. (03-S1029) An Act relating to fixing the date and time for holding the annual town meeting in Jamestown.**

Committee on Commerce, Housing and Municipal Government recommends passage.

Senator Paiva Weed moves passage, seconded by Senator Celona.

The act is read and passed, by unanimous consent, upon a roll call vote with 34 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

**YEAS - 34:**

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

**NAYS - 0.**

**6. (03-S1034)** An Act relating to motor and other vehicles - operators' and chauffeurs' licenses.

Committee on Commerce, Housing and Municipal Government recommends passage.

Senator Gallo moves passage, seconded by Senators Damiani, Alves, Sheehan, Celona and many others.

The act is read and passed, by unanimous consent, upon a roll call vote with 34 Senators voting in the affirmative, 0 Senators voting in the negative and 1 Senator abstaining as follows:

**YEAS - 34:**

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

**NAYS - 0.**

**ABSTAINED - 1:** Senator Polisena.

**7. (03-S1039)** An Act in amendment of an act passed at the January session, 1937, entitled "An Act to incorporate the Shelter Harbor Fire District," approved April 27, 1937, as amended at the January session, 1950, approved April 25, 1950.

Committee on Commerce, Housing and Municipal Government 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 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

**YEAS - 35:**

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

**NAYS - 0.**

## **TRANSMITTAL**

By unanimous consent, all matters on the Clerk's desk, with the exception of (03-H 6414) and (03-H 6415), 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 Blais, the Senate adjourns at 4:30 o'clock P.M.

RAYMOND T. HOYAS, JR.  
Secretary of the Senate

**Appendix**

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**INVOCATION**

**SENATOR J. MICHAEL LENIHAN**

We ask, that You guide us, Lord, in broadening our minds and extending ourselves in service to our constituents. May we better understand their concerns and needs and do our best to assist them.Amen.

**Appendix**

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**CONSENT CALENDAR**

In order for Thursday, May 15, 2003:

**1.** Reappointment of Michael A. Watson of Cranston to the Rhode Island State Council on the Arts for a term expiring March 1, 2005.

Committee on Education recommends that the Senate give its Advice and Consent to this Reappointment.

**2.**Appointment of Barbara Jackson of North Kingstown VICE Leo Charpentier to the Rhode Island Economic Development Corporation for a term expiring February 1, 2007.

Committee on Commerce, Housing and Municipal Government recommends that the Senate give its Advice and Consent to this Appointment.

**3.**Appointment of Ann Clanton of Warwick VICE Martha J. Sheridan to the Rhode Island State Council on the Arts for a term expiring March 1, 2006.

Committee on Education recommends that the Senate give its Advice and Consent to this Appointment.

**4.** Reappointment of Azim Mazagonwalla of Providence to the Rhode Island State Council on the Arts for a term expiring March 1, 2006.

Committee on Education recommends that the Senate give its Advice and Consent to this Reappointment.

**5.** Reappointment of Kenneth J. Carpenter of Providence to the Rhode Island State Council on the Arts for a term expiring March 1, 2006.

Committee on Education recommends that the Senate give its Advice and Consent to this Reappointment.

RAYMOND T. HOYAS, JR.

Secretary of the Senate  
Wednesday, May 14, 2003

**Appendix**

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**CALENDAR**

In order for Thursday, May 15, 2003:

**1.** (03-S123) (Substitute "A") An Act relating to elections - nomination papers.

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

**2.** (03-S464) An Act relating to criminal offenses - children.

Committee on Judiciary recommends passage.

**3.** (03-S843) (Substitute "A") An Act relating to public utilities and carriers.

Committee on Financial Services, Technology and Regulatory Issues recommends indefinite postponement of the original bill and passage of Substitute "A".

**4.** (03-S677) An Act relating to corporations, associations and partnerships - business corporations.

Committee on Commerce, Housing and Municipal Government recommends passage.

**5.** (03-S697) An Act relating to taxation - levy and assessment of local taxes.

Committee on Judiciary recommends passage.

**6.** (03-S1025) An Act relating to levy and assessment of local taxes.

Committee on Finance recommends passage.

**7.** (03-S88) (Substitute "A") An Act relating to criminals - correctional institutions - parole.

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

**8.** (03-S251) (Substitute "A") An Act relating to 911 - Emergency Telephone Number Act.

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

**9.** (03-S349) (Substitute "A" as amended) An Act relating to criminal procedure - warrants for arrest.

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

**10.** (03-S385) (Substitute "A") An Act relating to motor and other vehicles - traffic stops statistics.

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

**11. (03-S462) (Substitute "A" as amended) An Act relating to property - mechanics' liens.**

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

**12. (03-S461) (Substitute "A") An Act relating to motor and other vehicles - Rhode Island Uniform Commercial Driver's License Act.**

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

**13. (03-S481) An Act relating to elections.**

Committee on Judiciary recommends passage.

**14. (03-S492) (Substitute "A") An Act relating to property - Residential Landlord and Tenant Act.**

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

**15. (03-S717) (Substitute "A") An Act relating to aeronautics.**

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

**16. (03-S947) An Act relating to probate - town of Bristol.**

Committee on Judiciary recommends passage.

**17. (03-H5452) (Substitute "B") An Act relating to motor vehicle offenses.**

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

**Appendix**

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**CALENDAR**

In order for Tuesday, May 20, 2003:

**1. (03-S301) An Act relating to education.**

Committee on Finance recommends passage.

**2. (03-S956) An Act relating to taxation - property subject to taxation.**

Committee on Finance recommends passage.

**3. (03-S1043 as amended) An Act exempting from taxation the real, mixed and personal property of Welcome House of South County.**

Committee on Finance recommends passage as amended.

4. (03-S786) An Act relating to taxation of new real estate.

Committee on Commerce, Housing and Municipal Government recommends passage.

## Appendix

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## CALENDAR

In order for Wednesday, May 21, 2003:

1. (03-S1033) An Act relating to domestic relations - solemnization of marriages.

Ordered on the Calendar.

RAYMOND T. HOYAS, JR.

Secretary of the Senate

Wednesday, May 14, 2003

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

Thank you for stopping by!

