

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.51 Wednesday, May 21, 2003 Fifty-first Day

The Senate meets pursuant to adjournment and is called to order by the Honorable William V. Irons, President of the Senate, at 4:11 o'clock P.M.

The roll is called and a quorum is declared present with 38 Senators present and 0 Senators absent as follows:

PRESENT - 38: The Honorable President Irons and Senators Algieri, Alves, Badeau, Bates, 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, Polisen, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT - 0.

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.

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 7, 2003

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:

Armeny Apkarian of Cranston
VICE
William Smith
(resigned)

for a term expiring April 1, 2004.

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

Sincerely,

DONALD L. CARCIERI
Governor

Read and referred to the Committee on Judiciary.

Also:

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

Donald L. Carcieri
Governor

May 12, 2003

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 reappointment to the Water Resources Board:

Daniel W. Varin of Providence
(Public Member)

for a term expiring March 1, 2006.

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 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 measures:

(03-S 155) (Substitute "A") An Act relating to water lines and works for the town of Middletown.

Read and ordered to be placed on the Calendar.

(03-S 283) An Act relating to state affairs and government - Economic Development Corporation.

Read and ordered to be placed on the Calendar.

(03-S 1066) An Act relating to taxation - town of Westerly.

Read and ordered to be placed on the Calendar.

Appointment of Allen P. Durand of Cranston (Representing IBEW Local 99) VICE Thomas Lynch (resigned) to the State Building Codes Standards Committee for a term expiring May 1, 2005.

Read and ordered to be placed on the Consent Calendar.

COMMITTEE ON JUDICIARY

Senator McCaffrey, from the Committee on Judiciary, reports back, with recommendation of passage of the following measures:

(03-S 80) (Substitute "A") An Act relating to criminal offenses.

Read and ordered to be placed on the Calendar.

(03-S 459) (Substitute "A" as amended) An Act relating to property - mechanics' liens.

Read and ordered to be placed on the Calendar.

(03-S 479) (Substitute "A" as amended) An Act relating to property - residential landlord and tenant act.

Read and ordered to be placed on the Calendar.

(03-S 695 as amended) An Act relating to miscellaneous rules - seat belt use.

Read and ordered to be placed on the Calendar.

(03-S 1023) An Act relating to Family Court.

Read and ordered to be placed on the Calendar.

(03-H 5895) (Substitute "A") An Act relating to businesses and professions - confidentiality of health care communications and information act.

Read and ordered to be placed on the Calendar.

(03-H 6216) An Act relating to solemnization of marriages.

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 Tassoni, Fogarty and Cote present (03-S 1092) An Act authorizing the town of North Smithfield to acquire the property, assets and personnel of the North Smithfield Fire and Rescue Service, Inc. in order to establish a new municipal fire department.

Read and ordered to be held on the Desk.

Senators Raptakis, Blais, Breene and Sosnowski present (03-S 1093) Senate Resolution expressing condolences on the passing of Rhode Island State Representative Stephen J. Anderson.

Senator Raptakis requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion of Senator Raptakis, seconded by Senators Blais, Breene and the entire Senate, and by unanimous consent, read and passed, under suspension of the rules, upon a rising vote.

Senators Montalbano, Ruggerio, Caprio, Walaska and Gallo present (03-S 1094) Senate Resolution sending greetings to the Fontana family and expressing gratitude for the establishment of the Francesco Fontana Culinary Scholarship.

Senate Majority Leader Montalbano requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion ofSenate Majority Leader Montalbano, seconded by Senators Celona and Breene, and by unanimous consent, read and passed, under suspension of the rules, upon a voice vote.

Senator Sheehan presents (03-S 1095) Senate Resolution congratulating Richard A. Rouleau on his retirement after 33 years of outstanding service to the Warwick School Department.

Senator Sheehan requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion of Senator Sheehan, seconded by Senators McCaffrey and Walaska, and by unanimous consent, read and passed, under suspension of the rules, upon a voice vote.

Senators Polisena and Fogarty present (03-S 1096) Senate Resolution congratulating Sue Lavallee on her retirement after 28 years of outstanding and dedicated service to the State of Rhode Island.

Senator Polisena requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

Senators Cote, Fogarty and Tassoni present (03-S 1097) An Act to vacate the forfeiture or revocation of the charter of North Smithfield Auto Salvage, Inc.

Read and ordered to be placed on the Consent Calendar.

Senator Pichardo presents (03-S 1098) Senate Resolution celebrating May 21, 2003 as "Latinos on the Hill Day" in the State of Rhode Island.

Senator Pichardo requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

Senator Paiva Weed presents (03-S 1099) An Act to vacate the forfeiture or revocation of the charter of Kaiser Tree Preservation Company.

Read and ordered to be placed on the Consent Calendar.

CALENDAR

In order for the day is taken up as follows:

1. (03-S134) (Substitute "A") An Act relating to criminal offenses - children.

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

Senator Raptakis moves passage, seconded by Senators Polisena, Damiani, Blais, Roberts, Sheehan and Lenihan.

Senator Raptakis, seconded by Senators Roberts and Polisena, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(03-S 134) (Substitute "A")

Mr. President:

I hereby move to amend (03-S 134) (Substitute "A") entitled "AN ACT RELATING TO CRIMINAL OFFENSES - CHILDREN", as follows:

1. On page 1, lines 6 and 7 by deleting the following language "two hundred and fifty dollars (\$250)" and inserting in place thereof the following language, "seventy-five dollars (\$75)".

Respectfully submitted,

LEONIDAS P. RAPTAKIS
Senator, District 33

The motion to amend prevails upon a roll call vote with 37 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 37:

The Honorable President Irons and Senators Algieri, Alves, Badeau, Bates, 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, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS - 0.

Upon motion of Senator Raptakis, seconded by Senator Roberts, the bill marked Substitute "A" is read and passed, as amended, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 37 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 37:

The Honorable President Irons and Senators Algieri, Alves, Badeau, Bates, 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, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS - 0.

2. (03-S1025) An Act relating to levy and assessment of local taxes.

Committee on Finance recommends passage.

Upon suggestion of Senator Paiva Weed, and without objection, ordered to be placed on the Calendar for Wednesday, May 28, 2003.

3. (03-S1033) An Act relating to domestic relations - solemnization of marriages.

Ordered on the Calendar.

Upon suggestion of Senator McCaffrey, and without objection, ordered to be placed on the Calendar for Thursday, May 29, 2003.

4. (03-S670) (Substitute "A") An Act exempting from taxation the property of the Pawtucket, RI Young Men's Christian Association.

Committee on Commerce, Housing and Municipal Government 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 Wednesday, May 28, 2003.

5. (03-S332) An Act relating to criminal procedure - preliminary proceedings in district courts.

Committee on Judiciary recommends passage.

Senator McCaffrey moves passage, seconded by Senators Polisena and Damiani.

The act is read and passed, upon a roll call vote with 36 Senators voting in the affirmative and 1 Senator voting in the negative as follows:

YEAS - 36:

The Honorable President Irons and Senators Algieri, Alves, Badeau, Bates, 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, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS - 1: Senator Blais.

6. (03-S728) An Act relating to elections - ballot security and storage.

Committee on Judiciary recommends passage.

Senator Badeau moves passage, seconded by Senators Connors, Ciccone and Lanzi.

The act is read and passed, by unanimous consent, upon a roll call vote with 37 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 37:

The Honorable President Irons and Senators Algieri, Alves, Badeau, Bates, 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, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS - 0.

7. (03-S739) An Act relating to criminal procedure - DNA detection of felony offenders.

Committee on Judiciary recommends passage.

Senator Damiani moves passage, seconded by Senators Polisena, Blais, Tassoni, Breene, McCaffrey, Raptakis and others.

Senators Paiva Weed and Damiani discuss the act.

The act is read and passed, upon a roll call vote with 36 Senators voting in the affirmative and 1 Senator voting in the negative as follows:

YEAS - 36:

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

NAYS - 1: Senator Perry.

8. (03-S959) An Act relating to the town of Scituate - Juvenile Hearing Board.

Committee on Judiciary recommends passage.

Upon suggestion of Senator Blais, and without objection, ordered to be placed on the Calendar for Thursday, May 29, 2003.

9. (03-S623) An Act relating to public property and works - labor and payment of debts by contractors.

Committee on Labor recommends passage.

Senator Ruggerio moves passage, seconded by Senators Lanzi, Badeau, Connors, DaPonte, Damiani and Tassoni.

The act is read and passed, by unanimous consent, upon a roll call vote with 37 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 37:

The Honorable President Irons and Senators Algieri, Alves, Badeau, Bates, 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, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS - 0.

10. (03-S860) An Act relating to labor and labor relations - Temporary Disability Insurance - benefits.

Committee on Labor recommends passage.

Senator Perry moves passage, seconded by Senator Fogarty, Gallo, Alves, Lenihan, Celona, McBurney, Roberts, Badeau, Parella, Connors and many others.

Senators Breene and Perry discuss the act.

The act is read and passed, by unanimous consent, upon a roll call vote with 38 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 38:

The Honorable President Irons and Senators Algieri, Alves, Badeau, Bates, 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, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS - 0.

11. (03-H6099) Joint Resolution creating a special legislative commission to study the tax and benefit provisions of the Temporary Disability Insurance (TDI) program.

Committee on Labor recommends passage in concurrence.

Senator Badeau moves passage, seconded by Senators Ciccone and Ruggerio.

The resolution is read and passed, in concurrence, by unanimous consent, upon a roll call vote with 38 Senators voting

in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 38:

The Honorable President Irons and Senators Algieri, Alves, Badeau, Bates, 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, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS - 0.

12. (03-S288) An Act relating to commercial law - credit card lending.

Committee on Financial Services, Technology and Regulatory Issues recommends passage.

Senator Cote moves passage, seconded by Senators Walaska, Badeau and Breene.

Senator Cote, seconded by Senators Walaska and Badeau, offers the following written motion to amend:

FLOOR AMENDMENT
TO
(03-S 288)

Mr. President:

I hereby move to amend (03-S 288) entitled "AN ACT RELATING TO COMMERCIAL LAW - CREDIT CARD LENDING", as follows:

On page 12, line 1, by deleting the phrase "and shall apply retroactively to" and inserting in place thereof the punctuation ".".

On page 12, line 2, by deleting the words and punctuation "January 1, 2003.

"

On page 13, line 3, by deleting the phrase "and would apply retroactively to January 1, 2003".

Respectfully submitted,

MARC A. COTE
Senator, District 21

The motion to amend prevails 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, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS - 0.

Upon motion of Senator Cote, seconded by Senators Walaska and Badeau, the act is read and passed, as amended, by unanimous consent, upon a roll call vote with 35 Senators voting in the affirmative, 0 Senators voting in the negative and 1 Senator abstaining as follows:

YEAS - 35:

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

NAYS - 0.

ABSTAINED - 1: Senator Algieri.

13. (03-S669) An Act relating to businesses and professions - telephone sales solicitation act.

Committee on Financial Services, Technology and Regulatory Issues recommends passage.

Senator McCaffrey moves passage, seconded by Senators Walaska, Goodwin, Felag, Damiani and Polisena.

The act is read and passed, by unanimous consent, upon a roll call vote with 38 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 38:

The Honorable President Irons and Senators Algieri, Alves, Badeau, Bates, 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, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS - 0.

ANNOUNCEMENTS

Senator Gallo announces that the Committee on Education will meet on Thursday, May 29, 2003, at 3:00 o'clock P.M. in the Senate Lounge of the State House.

Also:

Senator Sosnowski announces that the Committee on Environment and Agriculture will meet on Wednesday, May 28, 2003, at 3:00 o'clock P.M. in the Senate Lounge of the State House.

Also:

Senator Raptakis announces that the Committee on Judiciary will meet on Tuesday, May 27, 2003, 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 DaPonte, seconded by Senator Algieri, the Senate adjourns at 4:45 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

MEMORIAL DAY PRAYER

SENATOR WALTER S. FELAG, JR.

Heavenly Father, this weekend we gather to honor the fallen, to honor the heroes who gave their last full measure in a storm of adversity. We celebrate their devotion to our country's ideals, allowing future generations to remember that the freedom we so readily enjoy today, did not come without a price. We are all very proud of those who served. Amen.

Appendix

CONSENT CALENDAR

In order for Tuesday, May 27, 2003:

1. Appointment of Allen P. Durand of Cranston (Representing IBEW Local 99) VICE Thomas Lynch (resigned) to the State Building Codes Standards Committee for a term expiring May 1, 2005.

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

2. (03-S1097) An Act to vacate the forfeiture or revocation of the charter of North Smithfield Auto Salvage, Inc.

Ordered on the Consent Calendar.

3. (03-S1099) An Act to vacate the forfeiture or revocation of the charter of Kaiser Tree Preservation Company.

Ordered on the Consent Calendar.

RAYMOND T. HOYAS, JR.

Secretary of the Senate
Wednesday, May 21, 2003

Appendix

CALENDAR

In order for Wednesday, May 28, 2003:

1. (03-S1025) An Act relating to levy and assessment of local taxes.

Committee on Finance recommends passage.

2. (03-S670) (Substitute "A") An Act exempting from taxation the property of the Pawtucket, RI Young Men's Christian Association.

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

3. (03-S155) (Substitute "A") An Act relating to water lines and works for the town of Middletown.

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

4. (03-S283) An Act relating to state affairs and government - Economic Development Corporation.

Committee on Commerce, Housing and Municipal Government recommends passage.

5. (03-S1066) An Act relating to taxation - town of Westerly.

Committee on Commerce, Housing and Municipal Government recommends passage.

6. (03-S80) (Substitute "A") An Act relating to criminal offenses.

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

7. (03-S459) (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.

8. (03-S479) (Substitute "A" as amended) 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" as amended.

9. (03-S695 as amended) An Act relating to miscellaneous rules - seat belt use.

Committee on Judiciary recommends passage as amended.

10. (03-S1023) An Act relating to Family Court.

Committee on Judiciary recommends passage.

11. (03-H5895) (Substitute "A") An Act relating to businesses and professions - confidentiality of health care communications and information act.

Committee on Judiciary recommends passage in concurrence.

12. (03-H6216) An Act relating to solemnization of marriages.

Committee on Judiciary recommends passage in concurrence.

Appendix

CALENDAR

In order for Thursday, May 29, 2003:

1. (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.

2. (03-S1033) An Act relating to domestic relations - solemnization of marriages.

Ordered on the Calendar.

3. (03-S959) An Act relating to the town of Scituate - Juvenile Hearing Board.

Committee on Judiciary recommends passage.

RAYMOND T. HOYAS, JR.

Secretary of the Senate

Wednesday, May 21, 2003

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

Thank you for stopping by!

