

**State of Rhode Island and Providence Plantations**

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**Journal of the Senate**

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**JANUARY SESSION of the General Assembly begun and held at the State House in the City of Providence on Tuesday, the sixth day of January in the year of Our Lord two thousand and four.**

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Volume 131, No. 22

Wednesday, March 17, 2004

Twenty-second Day

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The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:18 o'clock P.M.

The roll is called and a quorum is declared present with 34 Senators present and 2 Senators absent as follows:

**PRESENT** – 34: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, Paiva-Weed, Parella, Perry, Pichardo, Polisenia, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

**ABSENT** – 2: Senators McCaffrey, Raptakis.

**INVOCATION**

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

(See Appendix for Invocation)

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

**APPROVAL OF RECORD**

The Senate Journal of Wednesday, March 10, 2004 proceedings is read in part.

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

**COMMUNICATION**

The Honorable President presents the following communication:

March 11, 2004

The Honorable Joseph A. Montalbano  
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 Tuesday March 16, 2004 and Wednesday, March 17, 2004 as I will be out of town on business.

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

Thanks you for your attention to this matter.

Warmest regards,  
Senator Leonidas P. Raptakis

**APPOINTMENTS BY THE GOVERNOR**

The Honorable President presents the following communications 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

March 1, 2004

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:

**Stuart B. Giannini of Lincoln**

For a term expiring March 1, 2007.

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

Sincerely,



Donald L. Carcieri  
Governor

Read and referred to the Committee on Education.

Also:

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

Donald L. Carcieri  
Governor

March 1, 2004

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:

**Suzanne Dandurand Augenstein of East Greenwich**

For a term expiring March 1, 2007.

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

Sincerely,



Donald L. Carcieri

Governor

Read and referred to the Committee on Education.

Also:

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

Donald L. Carcieri  
Governor

March 1, 2004

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:

**Margaret Melozzi of Tiverton**

For a term expiring March 1, 2007.

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

Sincerely,



Donald L. Carcieri  
Governor

Read and referred to the Committee on Education.

**REPORTS OF COMMITTEES**

**COMMITTEE ON CONSTITUTIONAL AND GAMING ISSUES**

Senator Goodwin, from the Committee on Constitutional and Gaming Issues, reports back, with recommendation of passage of the following measures:

**Senate Resolution No. 2297****BY** Senators Issa, Tassoni, Fogarty P, Sosnowski**ENTITLED**, SENATE RESOLUTION RESPECTFULLY REQUESTING THE PRESIDENT OF THE UNITED STATES OF AMERICA TO ORDER THE PENTAGON TO ISSUE CAMPAIGN-SPECIFIC MEDALS FOR OPERATION IRAQI FREEDOM AND THE CAMPAIGN IN AFGHANISTAN.

Read and ordered to be placed on the Senate Consent Calendar

Also:

**Senate Resolution No. 2342****BY** Senator Connors**ENTITLED**, SENATE RESOLUTION RESPECTFULLY REQUESTING THE GOVERNOR OF THE STATE OF RHODE ISLAND TO OPPOSE RECOMMENDATIONS FROM GACT IN REGARD TO REALLOCATION OF HOTEL LODGING FUNDS AND THE CREATION OF A STATEWIDE TOURISM ORGANIZATION.

Read and ordered to be placed on the Senate Consent Calendar

Also:

**Senate Resolution No. 2772****BY** Senators Ruggerio, Felag, Perry**ENTITLED**, SENATE RESOLUTION CREATING A SPECIAL SENATE COMMISSION TO STUDY THE HEALTH EFFECTS OF TOXIC MOLD.

Read and ordered to be placed on the Senate Consent Calendar

**COMMITTEE ON ENVIRONMENT AND AGRICULTURE**

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

**Senate Bill No. 2837 SUB A (Dept of Environmental Management)****BY** Senators Sosnowski, Felag, Pichardo, DaPonte, Walaska**ENTITLED**, AN ACT RELATING TO FISH AND WILDLIFE {LC2138/1/A}

Read and ordered to be placed on the Senate Calendar

**COMMITTEE ON FINANCIAL SERVICES, TECHNOLOGY AND REGULATORY ISSUES**

Senator Walaska, from the Committee on Financial Services, Technology and Regulatory Issues, reports back, with recommendation of passage of the following measure:

**Senate Resolution No. 2301**

**BY** Senators Cote, Montalbano J, Paiva-Weed, Lenihan, Badeau  
**ENTITLED**, SENATE RESOLUTION PROPOSING A "REAL-TIME BILL TRACKING SYSTEM".

Read and ordered to be placed on the Senate Calendar

**FROM THE HOUSE OF REPRESENTATIVES**

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

**House Bill No. 7286** (by request)

**BY** Senators Gallison, Enos, Amaral, Callahan  
**ENTITLED**, AN ACT CREATING THE PRUDENCE ISLAND WATER DISTRICT.

Received and referred to the Senate Committee on Commerce, Housing and Municipal Government

**NEW BUSINESS**

**Senate Resolution No. 2968**

**BY** Senators Algieri, Montalbano J  
**ENTITLED**, SENATE RESOLUTION EXPRESSING SINCERE SYMPATHY ON THE PASSING OF THE HONORABLE JOHN J. THOMPSON.

Senator Algieri requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Algieri moves passage, seconded by the entire Senate.

The Resolution is read and passed, upon a rising vote.

Also:

**Senate Bill No. 2970**

**BY** Senator McBurney  
**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES.

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 2971**

**BY** Senators Fogarty P, Tassoni, Gallo, McCaffrey, Blais

**ENTITLED**, AN ACT RELATING TO THE ELIMINATION OF SCHOOL COMMITTEE PRIMARY ELECTIONS IN THE TOWN OF GLOCESTER, RHODE ISLAND.

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 2972**

**BY** Senator Gibbs

**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES.

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 2973**

**BY** Senator Breene

**ENTITLED**, AN ACT RELATING TO TAXATION -- PROPERTY SUBJECT TO TAXATION.

Read and referred to the Senate Committee on Finance

Also:

**Senate Resolution No. 2974**

**BY** Senator Raptakis

**ENTITLED**, JOINT RESOLUTION MAKING AN APPROPRIATION OF \$10,740.00 TO PAY THE CLAIM OF WILLIAM H. QUINLAN OF 32 CANTABERRY LANE, # 149, COVENTRY, RHODE ISLAND 02816.

Introduced, referred to Jt. Committee on Accounts & Claims

Also:

**Senate Bill No. 2975** (Dept. Environmental Management)

**BY** Senator Sosnowski

**ENTITLED**, AN ACT RELATING TO AGRICULTURE AND FORESTRY -- AGRICULTURAL FUNCTIONS.

Read and referred to the Senate Committee on Environment and Agriculture

Also:

**Senate Resolution No. 2976****BY** Senators Perry, Caprio F, Parella, Issa, Gibbs**ENTITLED**, JOINT RESOLUTION EXTENDING THE REPORTING DATE OF THE SPECIAL LEGISLATIVE COMMISSION TO STUDY SERVICES TO PERSONS WITH MENTAL ILLNESS IN THE CRIMINAL JUSTICE SYSTEM.

Placed on the Senate Consent Calendar

Also:

**Senate Resolution No. 2977****BY** Senators Cote, Badeau, McBurney, Walaska, Ruggerio**ENTITLED**, SENATE RESOLUTION PROCLAIMING MARCH 25, 2004 AS "APPRECIATION FOR CATHOLIC SCHOOLS DAY" IN THE STATE OF RHODE ISLAND AND HONORING THE CONTRIBUTIONS OF RHODE ISLAND'S FIFTY-EIGHT CATHOLIC ELEMENTARY AND SECONDARY SCHOOLS.

Placed on the Senate Consent Calendar

Also:

**Senate Bill No. 2978****BY** Senator Paiva-Weed**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF CHAPMAN ASSOCIATES, INCORPORATED.

Placed on the Senate Consent Calendar

**CALENDAR**

In order for the day is taken up as follows:

**1 2004-S 2143****BY Sosnowski****ENTITLED**, AN ACT RELATING TO PROPERTY SUBJECT TO TAXATION --  
SOUTH KINGSTOWN

Senator Sosnowski, moves passage, seconded by Senator Polisenena.

The act is read and passed, 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 Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi,



Lenihan, McBurney, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Also:

**2 2004-S 2175**

**BY Tassoni**

**ENTITLED,** AN ACT RELATING TO TAXATION -- MUNICIPAL LIEN  
CERTIFICATES

Senator Tassoni, moves passage, seconded by Senator Fogarty.

The act is read and passed, 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 Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Also:

**3 2004-S 2210**

**BY Breene**

**ENTITLED,** AN ACT RELATING TO THE EXETER-WEST GREENWICH  
SCHOOL DISTRICT

Senator Breene, moves passage, seconded by Senator Blais.

The act is read and passed, 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 Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Also:

**4 2004-S 2517****BY Breene****ENTITLED, AN ACT RELATING TO TAXATION**

Senator Breene, moves passage, seconded by Senator Blais.

The act is read and passed, 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 Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, Paiva-Weed, Parella, Perry, Pichardo, Polisenena, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Also:

**5 2004-S 2523****BY Parella****ENTITLED, AN ACT IN AMENDMENT TO AN ACT RELATING TO THE PORTSMOUTH WATER AND FIRE DISTRICT**

Senator Parella, moves passage, seconded by Senators Blais, Gibbs and Felag.

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 Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, Paiva-Weed, Parella, Perry, Pichardo, Polisenena, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Also:

**6 2004-S 2827****BY Algieri****ENTITLED, AN ACT IN AMENDMENT OF SECTION 2 OF AN ACT ENTITLED "AN ACT TO INCORPORATE THE WATCH HILL FIRE DISTRICT", APPROVED MAY 2, 1941**

Senator Algieri, moves passage, seconded by Senators Blais and Breene.

The act is read and passed, 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 Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, Paiva-Weed, Parella, Perry, Pichardo, Polisen, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Also:

**7 2004-S 2576**

**BY Connors**

**ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- LAW PRACTICE**

Senator Connors, moves passage, seconded by Senator Paiva-Weed.

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 Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lenihan, McBurney, Paiva-Weed, Parella, Perry, Pichardo, Polisen, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Also:

**8 2004-S 2340**

**BY McBurney**

**ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- RETAIL  
LICENSES**

Senator McBurney, moves passage, seconded by Senators Issa, Goodwin and Caprio.

The act is read and passed, 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 Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, Paiva-Weed, Parella, Perry, Pichardo, Polisen, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Also:

**9 2004-S 2551****BY Goodwin****ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES**

Upon suggestion of Senator Goodwin, and without objection, ordered to be placed on the Calendar for Thursday, March 25, 2004

Also:

**10 2004-S 2200****BY McBurney****ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS --  
LABOR RELATIONS ACT**

Senator McBurney, moves passage, seconded by Senator Badeau and others.

Senators Lenihan, McBurney and Badeau, discuss the act.

The act is read and passed, upon a roll call vote with 25 Senators voting in the affirmative and 7 Senators voting in the negative as follows:

YEAS- 25: The Honorable President Montalbano and Senators Alves, Badeau, Caprio, Ciccone, Connors, DaPonte, Felag, Fogarty, Gallo, Goodwin, Lanzi, Lenihan, McBurney, Paiva-Weed, Perry, Pichardo, Polisen, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 7: Senators Algiere, Bates, Blais, Breene, Cote, Gibbs, Parella.

### ANNOUNCEMENTS

Senator Sheehan announces that the Committee on Health and Human Services will meet today, at the rise of the Senate, in Room 212 of the State House.

Senator Fogarty announces that the Committee on Commerce, Housing and Municipal Government will meet on Thursday, March 18, 2004, at 2:00 o'clock P.M. in Room 212 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 Breene, and upon suggestion of Senator Algieri, the Senate adjourns at 4:36 o'clock P.M. in memory the Honorable John T. Thompson, former State Representative from Westerly.

RAYMOND T. HOYAS, JR.  
*Secretary of the Senate*

**Appendix**

**INVOCATION**

**SENATOR MARYELLEN GOODWIN**

May the road rise to meet you, May the wind be always at your back, May the sun shine warm upon your face, The rains fall soft upon your fields and, Until we meet again, May God hold you in the palm of His hand. Amen

## Appendix

## CONSENT CALENDAR

## IN ORDER FOR TUESDAY, MARCH 23, 2004:

**1 2004-S 2297****BY Issa**

**ENTITLED,** SENATE RESOLUTION RESPECTFULLY REQUESTING THE PRESIDENT OF THE UNITED STATES OF AMERICA TO ORDER THE PENTAGON TO ISSUE CAMPAIGN-SPECIFIC MEDALS FOR OPERATION IRAQI FREEDOM AND THE CAMPAIGN IN AFGHANISTAN

Committee on Constitutional & Gaming Issues recommends passage.

**2 2004-S 2342****BY Connors**

**ENTITLED,** SENATE RESOLUTION RESPECTFULLY REQUESTING THE GOVERNOR OF THE STATE OF RHODE ISLAND TO OPPOSE RECOMMENDATIONS FROM GACT IN REGARD TO REALLOCATION OF HOTEL LODGING FUNDS AND THE CREATION OF A STATEWIDE TOURISM ORGANIZATION

Committee on Constitutional & Gaming Issues recommends passage.

**3 2004-S 2772****BY Ruggerio**

**ENTITLED,** SENATE RESOLUTION CREATING A SPECIAL SENATE COMMISSION TO STUDY THE HEALTH EFFECTS OF TOXIC MOLD

Committee on Constitutional & Gaming Issues recommends passage.

**4 2004-S 2976****BY Perry**

**ENTITLED,** JOINT RESOLUTION EXTENDING THE REPORTING DATE OF THE SPECIAL LEGISLATIVE COMMISSION TO STUDY SERVICES TO PERSONS WITH MENTAL ILLNESS IN THE CRIMINAL JUSTICE SYSTEM

Ordered to be placed on the Consent Calendar

**5 2004-S 2977****BY Cote**

**ENTITLED,** SENATE RESOLUTION PROCLAIMING MARCH 25, 2004 AS "APPRECIATION FOR CATHOLIC SCHOOLS DAY" IN THE STATE OF RHODE ISLAND AND HONORING THE

CONTRIBUTIONS OF RHODE ISLAND'S FIFTY-EIGHT  
CATHOLIC ELEMENTARY AND SECONDARY SCHOOLS

Ordered to be placed on the Consent Calendar

**6 2004-S 2978**

**BY Paiva-Weed**

**ENTITLED,** AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF  
THE CHARTER OF CHAPMAN ASSOCIATES, INCORPORATED

Ordered to be placed on the Consent Calendar

Raymond T. Hoyas, Jr.  
Secretary of the Senate



**Appendix**

**CALENDAR**

**IN ORDER FOR TUESDAY, MARCH 23, 2004:**

**1 2004-S 2837 SUB A**

**BY Sosnowski**

**ENTITLED, AN ACT RELATING TO FISH AND WILDLIFE**

Committee on Environment & Agriculture recommends indefinite postponement of the original bill and passage of Substitute A.

**2 2004-S 2301**

**BY Cote**

**ENTITLED, SENATE RESOLUTION PROPOSING A "REAL-TIME BILL TRACKING SYSTEM"**

Committee on Financial, Technology, Regulatory recommends passage.

**IN ORDER FOR THURSDAY, MARCH 25, 2004:**

**1 2004-S 2551**

**BY Goodwin**

**ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES**

Committee on Constitutional & Gaming Issues recommends passage.

Raymond T. Hoyas, Jr.  
*Secretary of the Senate*