

## 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. 27

Tuesday, March 30, 2004

Twenty-seven 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 4:19 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, Bates, Blais, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisen, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

**ABSENT** – 2: Senators Badeau, Breene.

### INVOCATION

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

(See Appendix for Invocation)

### PLEDGE OF ALLEGIANCE TO THE FLAG

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

### APPROVAL OF RECORD

The Senate Journal of Thursday, March 25, 2004 proceedings is read in part.

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

**GUESTS**

Upon suggestion of Senator Sosnowski and by unanimous consent, the Honorable President welcomes to the Chamber from South Kingstown High School, Tyler Mattiace, Cassidy Swanson, Adora Wilson and Jillian Thacher.

**COMMUNICATION**

The Honorable President presents the following communication:

March 30, 2004

Honorable Joseph A. Montalbano  
President of the Senate  
318 State House  
Providence, RI 02903

Dear Mr. President:

Please be advised that I will be out of state on business on Wednesday, March 31, 2004 and, therefore, will be absent from the Senate session. I would appreciate your recording my letter in the appropriate Senate Journal.

Thank you for your assistance.

Sincerely,  
Dennis L. Algieri  
SENATE MINORITY LEADER

**REPORTS OF COMMITTEES****COMMITTEE ON HEALTH AND HUMAN SERVICES**

Senator Roberts, from the Committee on Health and Human Services, reports back, with recommendation of passage of the following measures:

**Senate Bill No. 2048**

**BY** Senators Roberts, Tassoni, Perry, Paiva-Weed, Alves  
**ENTITLED**, AN ACT RELATING TO HEALTH CARE FOR FAMILIES

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 2115**

**BY** Senators Walaska, McCaffrey, Bates, Cote, Polisena

**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- SANITATION STANDARDS FOR BATHING BEACHES

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 2282** (Dept. of Health)

**BY** Senators Parella

**ENTITLED**, AN ACT RELATING TO DOMESTIC RELATIONS.

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 2541** as amended

**BY** Senators Alves, McBurney, Goodwin, Roberts

**ENTITLED**, AN ACT RELATING TO MEDICAL ASSISTANCE -- DENTISTS, DENTAL HYGIENISTS AND DENTAL ASSISTANTS.

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 2549** (Lt. Governor)

**BY** Senators Alves, Roberts, McBurney, Goodwin

**ENTITLED**, AN ACT RELATING TO ASSISTED LIVING RESIDENCES.

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 2755** as amended

**BY** Senators Blais

**ENTITLED**, AN ACT RELATING TO PHYSICIAN ASSISTANTS (board makeup/functions).

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 2948** SUB A

**BY** Senators Polisena, Damiani, Tassoni

**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- HEALTH CLUBS

Read and ordered to be placed on the Calendar

**REPORTS OF COMMITTEES****TRANSFER OF BILLS**

Senator Caprio for the Committee on Commerce, Housing and Municipal Government, reports back the following measure, with recommendation of transfer to the Committee on Financial Services, Technology and Regulatory Issues:

**Senate Bill No. 2619**

**BY** Senators Connors, Goodwin, Walaska

**ENTITLED**, AN ACT RELATING TO INSURANCE

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

**FROM THE HOUSE OF REPRESENTATIVES**

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

**House Bill No. 7239**

**BY** Fox, Lima, Costantino, Ajello, Almeida

**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY

Referred to Committee on Health and Human Services

**NEW BUSINESS****Senate Bill No. 2997**

**BY** Senators Polisena, Damiani

**ENTITLED**, AN ACT RELATING TO MOTOR VEHICLES -- CAMPING RECREATIONAL VEHICLE.

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

Also:

**Senate Bill No. 2998**

**BY** Senator Breene

**ENTITLED**, AN ACT RELATING TO THE TOWN OF EXETER -- TOWN MEETINGS.

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

Also:

**Senate Bill No. 2999**

**BY** Senators Connors, Montalbano J

**ENTITLED**, AN ACT RELATING TO HOMESTEAD EXEMPTIONS IN THE TOWN OF LINCOLN.

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

Also:

**Senate Bill No. 3000**

**BY** Senators Paiva-Weed, Felag, Bates, Parella, Gibbs

**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - EAST BAY ECONOMIC INITIATIVE.

Read and referred to the Senate Committee on Finance

Also:

**Senate Bill No. 3001**

**BY** Senators Alves, Ruggiero

**ENTITLED**, AN ACT RELATING TO HUMAN SERVICES -- MEDICAL ASSISTANCE.

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

Also:

**Senate Bill No. 3002**

**BY** Senator Alves

**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- LICENSING OF NURSING FACILITIES.

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

Also:

**Senate Bill No. 3003**

**BY** Senators Pichardo, Connors, Paiva-Weed, Ruggiero

**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- TRANSPORTATION OF WORKERS.

Read and referred to the Senate Committee on Labor

Also:

**Senate Bill No. 3004****BY** Senator Alves**ENTITLED**, AN ACT RELATING TO PROPERTY.

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 3005****BY** Senators Algieri**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF J.B. SIMON, INC..

Placed on the Senate Consent Calendar

**CALENDAR****IN ORDER FOR TUESDAY, MARCH 30, 2004:****Senate Bill No. 2223****BY** Senators Blais, Bates, Breene**ENTITLED**, AN ACT RELATING TO FREEWAYS

Senate Committee on Judiciary recommends passage

Upon suggestion of Senator Blais, and without objection ordered to be placed on the Calendar for Tuesday, April 6, 2004.

Also:

**Senate Bill No. 2166****BY** Senators Sosnowski, Blais, Breene, Connors, Felag**ENTITLED**, AN ACT RELATING TO AGRICULTURE AND FORESTRY -- RIGHT TO FARM

Senate Committee on Environment &amp; Agriculture recommends passage

Senator Sosnowski, moves passage, seconded by Senators Blais, Damiani and Fogarty.

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 Montalbano and Senators Algieri, Alves, Bates, Blais, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggiero, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Also:

**Senate Bill No. 2466**

**BY** Senators McBurney, Montalbano J, Caprio F

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

Senate Committee on Judiciary recommends passage

Senator McBurney, moves passage, seconded by Senator Paiva Weed.

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, Bates, Blais, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisen, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Also:

**Senate Bill No. 2286**

**BY** Senators Lanzi, Ciccone, Badeau, DaPonte, Ruggerio

**ENTITLED**, AN ACT RELATING TO FIREFIGHTERS' ARBITRATION.

Senate Committee on Labor recommends passage

Upon suggestion of Senator Lanzi, and without objection ordered to be placed on the Calendar for Thursday, April 1, 2004.

Also:

**Senate Bill No. 2439**

**BY** Senators Ruggerio, Lanzi, Ciccone, Goodwin, Gallo

**ENTITLED**, AN ACT RELATING TO CAUSES OF ACTION

Senate Committee on Labor recommends passage

Upon suggestion of Senator Ruggerio, and without objection ordered to be placed on the Calendar for Thursday, April 1, 2004.

Also:

**Senate Bill No. 2443**

**BY** Senators Ruggiero, DaPonte, Ciccone, Paiva-Weed, Lanzi  
**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- LABOR AND  
PAYMENT OF DEBTS BY CONTRACTORS

Senate Committee on Labor recommends passage

Upon suggestion of Senator Ruggiero, and without objection ordered to be placed on the Calendar for Thursday, April 1, 2004.

Also:

**Senate Bill No. 2452**

**BY** Senators Ruggiero, Tassoni, Gallo, DaPonte, Connors  
**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS --  
TELECOMMUNICATIONS

Senate Committee on Labor recommends passage

Senator Ruggiero, moves passage, seconded by Senators Damiani, Tassoni, DaPonte, Ciccone and Connors.

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 Montalbano and Senators Algieri, Alves, Bates, Blais, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggiero, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

**ANNOUNCEMENTS**

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

Senator Raptakis announces that the Committee on Judiciary will meet today, at the rise of the Senate, in Room 313 of the State House.

Senator Sheehan announces that the Committee on Health and Human Services will meet on Wednesday, March 31, 2004, at the rise of the Senate, in Room 212 of the State House.

Senator Goodwin announces that the Committee on Constitutional and Gaming Issues will meet on Wednesday, March 31, 2004, at the rise of the Senate, in Room 211 of the State House.



Senator Sosnowski announces that the Committee on Environment and Agriculture will meet on Wednesday, March 31, 2004, at 3:00 o'clock P.M. in the Senate Lounge of the State House.

Senator Lenihan announces that the Committee on Oversight will meet on Thursday, April 1, 2004, at 3:00 o'clock P.M. in Room 212 of the State House.

Senator Bates announces that the Committee on Financial Services, Technology and Regulatory Issues will meet Wednesday, March 31, 2004, at the rise of the Senate, in the Senate Lounge 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 4:28 o'clock P.M.

RAYMOND T. HOYAS, JR.  
Secretary of the Senate

**Appendix**

**INVOCATION**

**SENATOR WILLIAM A. WALASKA**

Dear God, we ask that you be with us today in our thoughts and actions as we try to work for the benefit of all our constituents. Amen.

**Appendix**

**CONSENT CALENDAR**

**IN ORDER FOR WEDNESDAY, MARCH 31, 2004:**

**1 2004-S 2503**

**BY Sheehan**

**ENTITLED,** SENATE RESOLUTION COMMENDING SHIRLEY SILVIA AND THE FRIENDS OF PLUM BEACH LIGHTHOUSE FOR THEIR BOUNDLESS REVITALIZATION EFFORTS PRESERVING THE PLUM BEACH LIGHTHOUSE

Committee on Constitutional & Gaming Issues recommends passage.

**2 2004-S 3005**

**BY Algieri**

**ENTITLED,** AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF J.B. SIMON, INC.

Ordered to be placed on the Consent Calendar

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

**Appendix****CALENDAR****IN ORDER FOR WEDNESDAY, MARCH 31, 2004:****1 2004-S 2621 SUB A****BY Fogarty P****ENTITLED, AN ACT RELATING TO TAXES -- BURRILLVILLE**

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

**2 2004-S 2099 SUB A****BY Bates****ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES**

Committee on Constitutional & Gaming Issues recommends indefinite postponement of the original bill and passage of Substitute A.

**3 2004-S 2339****BY Sosnowski****ENTITLED, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY --  
REGULATION OF VICIOUS DOGS**

Committee on Constitutional & Gaming Issues recommends passage.

**IN ORDER FOR THURSDAY, APRIL 1, 2004:****1 2004-S 2286****BY Lanzi****ENTITLED, AN ACT RELATING TO FIREFIGHTERS' ARBITRATION**

Committee on Labor recommends passage.

**2 2004-S 2439****BY Ruggerio****ENTITLED, AN ACT RELATING TO CAUSES OF ACTION**

Committee on Labor recommends passage.

**3 2004-S 2443****BY Ruggerio****ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS --  
LABOR AND PAYMENT OF DEBTS BY CONTRACTORS**

Committee on Labor recommends passage.

**4 2004-S 2243 as amended****BY Bates****ENTITLED,** AN ACT RELATING TO FINANCIAL TRANSACTIONS -- MONEY LAUNDERING

Committee on Judiciary recommends passage as amended.

**5 2004-S 2250****BY Algieri****ENTITLED,** AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- AGGRESSIVE DRIVING

Committee on Judiciary recommends passage.

**6 2004-S 2048****BY Roberts****ENTITLED,** AN ACT RELATING TO HEALTH CARE FOR FAMILIES

Committee on Health &amp; Human Services recommends passage.

**7 2004-S 2115****BY Walaska****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- SANITATION STANDARDS FOR BATHING BEACHES

Committee on Health &amp; Human Services recommends passage.

**8 2004-S 2282****BY Parella****ENTITLED,** AN ACT RELATING TO DOMESTIC RELATIONS

Committee on Health &amp; Human Services recommends passage.

**9 2004-S 2541 as amended****BY Alves****ENTITLED,** AN ACT RELATING TO MEDICAL ASSISTANCE -- DENTISTS, DENTAL HYGIENISTS AND DENTAL ASSISTANTS

Committee on Health &amp; Human Services recommends passage as amended.

**10 2004-S 2549****BY Alves****ENTITLED,** AN ACT RELATING TO ASSISTED LIVING RESIDENCES

Committee on Health &amp; Human Services recommends passage.

**11 2004-S 2755 as amended**

**BY Blais**

**ENTITLED, AN ACT RELATING TO PHYSICIAN ASSISTANTS**

Committee on Health & Human Services recommends passage as amended.

**12 2004-S 2948 SUB A**

**BY Polisena**

**ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS --  
HEALTH CLUBS**

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

**13 2003-H 5808 SUB B as amended**

**BY Carter**

**ENTITLED, AN ACT RELATING TO STATUTES AND STATUTORY  
CONSTRUCTION**

Ordered on the Calendar

**IN ORDER FOR TUESDAY, APRIL 6, 2004:**

**1 2004-S 2223**

**BY Blais**

**ENTITLED, AN ACT RELATING TO FREEWAYS**

Committee on Judiciary recommends passage.

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