

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 fourth day of January in the year of Our Lord two thousand and five.

Volume 132, No. 20

Tuesday, March 1, 2005

Twentieth Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:13 o'clock P.M.

The roll is called and a quorum is declared present with 33 Senators present and 5 Senators absent as follows:

PRESENT – 33: The Honorable President Montalbano and Senators Algieri, Badeau, Blais, Breene, Caprio, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Goodwin, Issa, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisen, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT – 5: Senators Alves, Bates, Damiani, Gibbs, Lanzi.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

GUESTS

Upon suggestion of Senator Paiva Weed and by unanimous consent, the Honorable President welcomes to the Chamber Ryan Peabody and his mother Debbie Peabody, from Cocoa, Florida. Ryan, a big wrestling fan, came to Rhode Island to meet his favorite wrestler Shawn Michaels at the Dunkin Donuts Center last night.

Upon suggestion of Senator Levesque and by unanimous consent, the Honorable President welcomes to the Chamber his sister-in-law Susan Levesque and niece Michelle Levesque.

COMMUNICATION

The Honorable President presents the following communications:

March 1, 2005

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

Dear Mr. President:

Please be advice that I will be absent from the Senate Session on Tuesday March 1, 2005, due to illness.

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

Sincerely,
Michael J. Damiani
State Senator District 18

Read and ordered to be placed on file.

Also:

March 1, 2005

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

Dear Mr. President:

Please be advised that due to the inclement weather, I was unable to return to the state in time for today's session. I would appreciate your recording my letter in the appropriate Senate Journal.

Thank you for your attention to this matter.

Sincerely,
June N. Gibbs
SENIOR DEPUTY MINORITY LEADER

Read and ordered to be placed on file.

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:

February 22, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-61-1 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Lottery Commission:

Nancy R. Iacobucci of Lincoln

VICE

The Honorable Maryellen Goodwin

for a term expiring March 25, 2008.

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

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Judiciary.

Also:

February 21, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 46-28-5 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Rivers Council:

Sharon Pavignano of Narragansett

for a term to expire January 1, 2008.

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Environment and Agriculture.

Also:

February 8, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 46-28-5 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Rivers Council:

Guy Lefebvre of Hope

for a term to expire January 1, 2008.

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Environment and Agriculture.

REPORTS OF COMMITTEES

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:

Appointment of A. Michael Marques of Coventry VICE Marilyn Shannon McConaghy as Director of the Department of Business Regulation.

Read and ordered to be placed on the Calendar.

NEW BUSINESS**Senate Resolution No. 858****BY** Senator Pichardo**ENTITLED**, SENATE RESOLUTION EXTENDING CONDOLENCES ON THE PASSING OF LYDIA M. RIVERA.

Senator Pichardo requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Pichardo moves passage, seconded by Senator Metts and the entire Senate.

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

Also:

Senate Resolution No. 859**BY** Senators Paiva-Weed, McBurney, Levesque C**ENTITLED**, SENATE RESOLUTION EXTENDING CONDOLENCES UPON THE PASSING OF THE HONORABLE PATRICK O'NEILL HAYES.

Senator Paiva Weed requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Paiva Weed moves passage, seconded by Senators McBurney, Levesque and the entire Senate.

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

CONSENT CALENDAR

In order for the day is taken up as follows:

Upon suggestion of Senator McCaffrey, seconded by Senator Ruggerio, items 1 and 2 on today's Calendar are placed on today's Consent Calendar, without objection.

Upon suggestion of Senator Gallo, seconded by Senator Ruggerio, items 8 and 9 on today's Consent Calendar are placed on today's Calendar, without objection

Upon motion of Senate Majority Leader Paiva Weed, seconded by Senator Algieri, the following appointments on today's Consent Calendar, by unanimous consent, are read and passed, upon a voice vote:

Appointment of Andrea Valentini of Cranston VICE Kenneth Carpenter (resigned) to the Rhode Island State Council on the Arts for a term expiring March 1, 2006.

Appointment of Joan Ress Reeves (Representing General Library Users) of Providence VICE Joan Ankner to the Library Board of Rhode Island for a term expiring December 31, 2006..

Appointment of Regina A. Connor (Representing Users of the Regional Library for the Blind and Physically Handicapped) of Providence VICE Donald Deignan to the Library Board of Rhode Island for a term expiring December 31, 2006.

Reappointment of Mark McKenney (Public Member) of Providence to the Library Board of Rhode Island for a term expiring December 31, 2006.

Reappointment of Alice Barrows (Representing General Library Users) of Cranston to the Library Board of Rhode Island for a term expiring December 31, 2006.

Reappointment of Peter V. Deekle (Representing Academic Librarians) of Providence to the Library Board of Rhode Island for a term expiring December 31, 2007.

Reappointment of Tovah Reis (Representing librarians from corporate or special libraries) of North Providence to the Library Board of Rhode Island for a term expiring December 31, 2007..

Appointment of Francis J. Perry, Jr. (Public Member) of Coventry VICE John Milano (resigned) to the Water Resources Board for a term expiring March 1, 2005.

Reappointment of William Penn (Public Member) of Block Island to the Water Resources Board for a term expiring March 1, 2007.

Reappointment of George S. Allen (Representing Recreational Fishing) of Portsmouth to the Marine Fisheries Council for a term expiring April 1, 2008.

Appointment of Alton W. Wiley, Jr. of North Providence VICE Richard Ferland (resigned) to the Commission for Human Rights for a term expiring July 1, 2005.

Reappointment of Iraida Williams of Providence to the Commission for Human Rights for a term expiring July 1, 2007.

CALENDAR**IN ORDER FOR TUESDAY, MARCH 1, 2005:**

- 1** Reappointment of Patrick Guida of Barrington to the Board of Regents for Elementary and Secondary Education for a term expiring January 31, 2007.

Upon motion of Senator Gallo, seconded by Senators Blais, Breene, Algieri, McBurney and many others, and by unanimous consent, the confirmation of the Senate is given this appointment, 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, Badeau, Blais, Breene, Caprio, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Goodwin, Issa, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

GUESTS

Upon suggestion of Senator Gallo and by unanimous consent, the Honorable President welcomes to the Chamber Patrick Guida of Barrington.

- 2** Appointment of Karin L. Forbes of North Kingstown VICE Vidal P. Perez (resigned) to the Board of Regents for Elementary and Secondary Education for a term expiring January 31, 2007.

Upon motion of Senator Lenihan, seconded by Senators Sheehan and Gallo, and by unanimous consent, the confirmation of the Senate is given this appointment, 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, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

GUESTS

Upon suggestion of Senator Gallo and by unanimous consent, the Honorable President welcomes to the Chamber Patrick Guida of Barrington.

Upon suggestion of Senator Caprio, and without objection, the four reappointments on the Calendar for Wednesday, March 2, 2005, are placed on that day's Consent Calendar.

GUESTS

Upon suggestion of Senator Perry and by unanimous consent, the Honorable President welcomes to the Chamber the Honorable Linda J Kushner, former State Representative from the City of Providence.

ANNOUNCEMENTS

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

Senator Goodwin announces that the Committee on Constitutional and Gaming Issues will meet on Wednesday, March 5, 2005, 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 Ruggerio, seconded by Senator Algieri, and upon suggestion of Senator Paiva Weed the Senate adjourns at 4:41 o'clock P.M. in memory of the Honorable Patrick O'Neill Hayes, former State Senator

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR MARC A. COTE

Almighty God, as we return to this chamber, we beseech you to fit us for today's work and for the work in days ahead. Amen

Appendix**CONSENT CALENDAR****IN ORDER FOR WEDNESDAY, MARCH 2, 2005:**

- 1** Reappointment of James R. Carlson of Foster to the board of Registration and Examination of Architects for a term expiring April 1, 2009.

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

- 2** Reappointment of Wilbur E. Yoder, AIA, PE of East Greenwich VICE Andrew Yates to the board of Registration and Examination of Architects for a term expiring April 1, 2009.

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

- 3** Reappointment of Dana Newbrook of Cumberland to the board of Registration and Examination of Architects for a term expiring April 1, 2009.

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

- 4** Reappointment of Denise A. Barge of Cranston to the Rhode Island Housing and Mortgage Finance Corporation for a term to expire July 1, 2008.

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

Appendix**CALENDAR****IN ORDER FOR WEDNESDAY, MARCH 2, 2005:****1 2005-S 151 SUB A****BY Walaska****ENTITLED, AN ACT RELATING TO INSURANCE -- UNFAIR COMPETITION
AND PRACTICES**

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

2 2005-S 210 SUB A**BY Walaska****ENTITLED, AN ACT RELATING TO INSURANCE -- CONTINUING
EDUCATION REQUIREMENTS**

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

IN ORDER FOR THURSDAY, MARCH 3, 2005:

1 Appointment of A. Michael Marques of Coventry VICE Marilyn Shannon McConaghy as Director of the Department of Business Regulation.

Committee on Financial, Technology, Regulatory recommends that the Senate give its Advice and Consent to this appointment.