

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. 28

Thursday, March 17, 2005

Twenty-eighth Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:14 o'clock P.M.

The roll is called and a quorum is declared present with 32 Senators present and 6 Senators absent as follows:

PRESENT – 32: The Honorable President Montalbano and Senators Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Ruggerio, Sosnowski, Tassoni.

ABSENT – 6: Senators Algiere, Levesque, McCaffrey, Roberts, Sheehan, Walaska.

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 Wednesday, March 16, 2005 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.

COMMUNICATION

The Honorable President presents the following communication:

March 16, 2005

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

Dear President Montalbano:

I am writing to inform you that I will unfortunately be absent from tomorrow's Senate Session, Thursday, March 17, 2005. I will be attending a physician's appointment out of state.

Thank you.

Sincerely,
James C. Sheehan
Senator – District 36

Read and ordered to be placed on file.

APPOINTMENTS

The Honorable President presents the following communication transmitting the following appointment:

March 17, 2005

Rhode Island State Senate
State House
Providence, Rhode Island 02903

To The Honorable Senate:

Pursuant to Rule 1.6 entitled, "Majority Deputy President Pro Tempore" I hereby appoint:

Senator Daniel P. Connors
Majority Deputy President Pro Tempore

Sincerely,

Joseph A. Montalbano
President of the Senate

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:

March 7, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-17.7-3 of the Rhode Island General Laws, I have made the following reappointment as Hearing Officer in the Division of Administrative Adjudication in the State Department of Environmental Management:

Joseph F. Baffoni, Esquire of West Warwick

for a term expiring March 1, 2009.

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

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Judiciary.

Also:

March 7, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-17.7-3 of the Rhode Island General Laws, I have made the following reappointment as Hearing Officer in the Division of Administrative Adjudication in the State Department of Environmental Management:

Kathleen M. Lanphear of Cranston

for a term expiring March 1, 2010.

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

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Judiciary.

Also:

March 14, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 16-59-2 of the Rhode Island General Laws, I have made the following reappointment to the Board of Governors for Higher Education:

Daniel J. Ryan of Barrington

for a term expiring January 31, 2008.

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

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Education.

Also:

March 14, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 16-59-2 of the Rhode Island General Laws, I have made the following reappointment to the Board of Governors for Higher Education:

The Honorable Frank Caprio of Providence

for a term expiring January 31, 2008.

To this reappointment, I request your advice and consent.

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Education.

Also:

March 11, 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:

The Honorable Bradford Gorham of Foster

VICE

The Honorable Michael Damiani

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:

March 14, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Public Law 2003 Chapter 344, I have made the following appointment to the East Providence Waterfront District Commission:

Michael P. Robinson of East Providence

for a term expiring March 31, 2009.

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

Sincerely,



Donald L. Carcieri
Governor

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

Also:

March 14, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Public Law 2003 Chapter 344, I have made the following appointment to the East Providence Waterfront District Commission:

Bruce Chick of East Providence

for a term expiring March 31, 2009.

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

Sincerely,



Donald L. Carcieri
Governor

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

REPORTS OF COMMITTEES**COMMITTEE ON JUDICIARY**

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

Senate Bill No. 109

BY Senators Raptakis, Sheehan, Polisena

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- CHILDREN (increase the penalty for the use of tobacco by minors)

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 156

BY Senators Connors, Perry, Doyle, Polisena

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- LAW PRACTICE (lawyer/law firm to share a statutory, or tribunal-approved fee award, w/organization that is not for profit)

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 581

BY Senator McCaffrey

ENTITLED, AN ACT RELATING TO ELECTIONS -- NOMINATION PAPERS (not be necessary where no other declared candidates)

Read and ordered to be placed on the Calendar

COMMITTEE ON LABOR

Senator Badeau, from the Committee on Labor, reports back, with recommendation of passage of the following measures:

Senate Bill No. 129

BY Senators Lanzi, Ciccone, Badeau, Connors

ENTITLED, AN ACT RELATING TO FIREFIGHTERS' ARBITRATION (contractual benefits under an existing contract continue until a new agreement is reached)

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 633

BY Senators Ruggerio, Lanzi, Tassoni, Doyle, Ciccone

ENTITLED, AN ACT RELATING TO CAUSES OF ACTION (bids of misclassified employees)

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 640

BY Senators Ruggerio, Doyle, Lanzi, Ciccone, Tassoni

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- ELECTRICIANS

(clarify the applicability of the electrician rules and regulations to electrical work being performed in the state and municipalities).

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 641

BY Senators Ruggerio, DaPonte, Tassoni, Doyle, Goodwin

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- ELECTRICIANS

(class M license)

Read and ordered to be placed on the Calendar

Also:

Reappointment of Ellen L. Jordan (Representing General Public) of North Kingstown to the Rhode Island State Labor Relations Board for a term expiring August 1, 2008.

Read and ordered to be placed on the Consent Calendar.

NEW BUSINESS

Senate Bill No. 970

BY Senators Montalbano J, Connors

ENTITLED, AN ACT ENABLING THE RHODE ISLAND LOTTERY COMMISSION'S ENTRY INTO A MASTER VIDEO LOTTERY TERMINAL CONTRACT WITH UTGR, INC. {LC2842/1}

Read and referred to the Senate Constitutional and Gaming Issues

CALENDAR

IN ORDER FOR THURSDAY, MARCH 17, 2005:

1 2005-S 21**BY Bates****ENTITLED,** AN ACT VALIDATING AND RATIFYING AMENDMENTS TO THE CHARTER OF THE TOWN OF BRISTOL

Committee on Commerce, Housing & Municipal Government recommends passage.

Senator Bates moves passage, seconded by Senators Felag and Blais.

The act is read and passed, by unanimous consent, upon a roll call vote with 31 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 31: The Honorable President Montalbano and Senators Alves, Badeau, Bates, Blais, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Ruggerio, Sosnowski, Tassoni.

NAYS- 0:

2 2005-S 133**BY Blais****ENTITLED,** AN ACT RELATING TO MILITARY SERVICE -- ACTIVE DUTY TAX EXEMPTION

Committee on Commerce, Housing & Municipal Government recommends passage.

Upon suggestion of Senator Blais, and without objection ordered to be placed on the Calendar for Thursday, March 31, 2005.

3 2005-S 194**BY Gibbs****ENTITLED,** AN ACT RELATING TO ZONING ORDINANCES

Committee on Commerce, Housing & Municipal Government recommends passage.

Senator Gibbs moves passage, seconded by Senators Perry, Blais, Breene and Bates.

The act is read and passed, by unanimous consent, upon a roll call vote with 29 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 29: The Honorable President Montalbano and Senators Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Issa, Lanzi, Lenihan, McBurney, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Sosnowski, Tassoni.

NAYS- 0:

4 2005-S 467 as amended

BY Paiva-Weed

**ENTITLED, AN ACT RELATING TO HIGHWAYS -- RHODE ISLAND
TURNPIKE AND BRIDGE AUTHORITY**

Committee on Finance recommends passage as amended.

Senator Paiva Weed moves passage, seconded by Senators Felag and Alves.

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 Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Ruggerio, Sosnowski, Tassoni.

NAYS- 0:

5 2005-S 833

BY Paiva-Weed

ENTITLED, AN ACT RELATING TO TAXATION

Committee on Finance recommends passage.

Senator Paiva Weed moves passage, seconded by Senators Felag and Gibbs.

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 Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Ruggerio, Sosnowski, Tassoni.

NAYS- 0:

ANNOUNCEMENTS

Senator Lenihan announces that the Committee on Oversight will meet on Monday, March 21, 2005, at 3:00 o'clock P.M. in the Senate Lounge of the State House.

Senator Felag announces that the Committee on Finance will meet on Tuesday, March 22, 2005, at the rise of the Senate, in Room 211 of the State House.

Senator Issa announces that the Committee on Education will meet today, 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 Blais, the Senate adjourns at 4:25 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix**INVOCATION****SENATOR J. MICHAEL LENIHAN**

Blessed Saint Patrick, your intercession can make possible the impossible things. Come to help us in these moments of contention and conflict. Take under your protection the difficult tasks and situations we commend to you, so they have a happy solution according to God's will. As our protector, fill us with your internal spirit of peace, silence, honest work and prayer so that we may serve others as you have served us. Amen.

Appendix

CONSENT CALENDAR

IN ORDER FOR TUESDAY, MARCH 22, 2005:

- 1 Reappointment of Ellen L. Jordan (Representing General Public) of North Kingstown to the Rhode Island State Labor Relations Board for a term expiring August 1, 2008.

Committee on Labor recommends that the Senate give its Advice and Consent to this reappointment.

Thursday, March 17, 2005

Appendix**CALENDAR****IN ORDER FOR TUESDAY, MARCH 22, 2005:****1 2005-S 256****BY Fogarty P****ENTITLED,** AN ACT RELATING TO TOWNS AND CITIES -- ECHO LAKE
WATER DISTRICT

Committee on Commerce, Housing & Municipal Government recommends passage.

2 2005-S 496**BY Tassoni****ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS --
CONTRACTOR'S REGISTRATION

Committee on Commerce, Housing & Municipal Government recommends passage.

3 2005-S 860**BY Breene****ENTITLED,** AN ACT RELATING TO PROPERTY SUBJECT TO TAXATION --
EXETER

Committee on Commerce, Housing & Municipal Government recommends passage.

4 2005-S 888**BY Fogarty P****ENTITLED,** AN ACT RELATING TO RHODE ISLAND UNIFORM COMMERCIAL
DRIVERS' LICENSE ACT

Committee on Commerce, Housing & Municipal Government recommends passage.

5 2005-S 39 SUB A as amended**BY Bates****ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENTCommittee on Financial, Technology, Regulatory recommends indefinite postponement of
the original bill and passage of Substitute A as amended.**6 2005-S 330****BY Algieri****ENTITLED,** AN ACT RELATING TO STATE AUDITS -- INTERNET POSTING

Committee on Financial, Technology, Regulatory recommends passage.

7 2005-S 414

BY Doyle

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES --
CERTIFICATES OF TITLE AND SECURITY INTERESTS

Committee on Financial, Technology, Regulatory recommends passage.

8 2005-S 106

BY Felag

ENTITLED, AN ACT RELATING TO ELECTIONS -- LOCAL CANVASSING
AUTHORITY

Committee on Judiciary recommends passage.

9 2005-S 213

BY Badeau

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES - CHILDREN

Committee on Judiciary recommends passage.

10 2005-S 345

BY Ciccone

ENTITLED, AN ACT RELATING TO LABOR - PRIVACY PROTECTION

Committee on Judiciary recommends passage.

11 2005-S 439

BY McCaffrey

ENTITLED, AN ACT RELATING TO ASSAULTS

Committee on Judiciary recommends passage.

12 2005-S 713

BY Blais

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- UNIFORM
ANATOMICAL GIFT ACT

Committee on Judiciary recommends passage.

Wednesday, March 16, 2005

IN ORDER FOR WEDNESDAY, MARCH 23, 2005:**1 2005-S 109****BY Raptakis****ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- CHILDREN**

Committee on Judiciary recommends passage.

2 2005-S 156**BY Connors****ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- LAW PRACTICE**

Committee on Judiciary recommends passage.

3 2005-S 581**BY McCaffrey****ENTITLED, AN ACT RELATING TO ELECTIONS -- NOMINATION PAPERS**

Committee on Judiciary recommends passage.

4 2005-S 129**BY Lanzi****ENTITLED, AN ACT RELATING TO FIREFIGHTERS' ARBITRATION**

Committee on Labor recommends passage.

5 2005-S 633**BY Ruggiero****ENTITLED, AN ACT RELATING TO CAUSES OF ACTION**

Committee on Labor recommends passage.

6 2005-S 640**BY Ruggiero****ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS --
ELECTRICIANS**

Committee on Labor recommends passage.

7 2005-S 641**BY Ruggiero****ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS --
ELECTRICIANS**

Committee on Labor recommends passage.

Thursday, March 17, 2005

IN ORDER FOR THURSDAY, MARCH 31, 2005:

1 2005-S 133

BY Blais

**ENTITLED, AN ACT RELATING TO MILITARY SERVICE -- ACTIVE DUTY
TAX EXEMPTION**

Committee on Commerce, Housing & Municipal Government recommends passage.

Thursday, March 17, 2005