

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. 32

Wednesday, March 30, 2005

Thirty-second Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:37 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 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, Polisenia, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT – 0:

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Tuesday, March 29, 2005 proceedings is read in part.

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

GUESTS

Upon suggestion of Senators Bates, Ruggerio and Ciccone and by unanimous consent, the Honorable President welcomes to the Chamber from the Rhode Island Jump\$tart Coalition for Personal Financial Literacy, Rhode Island LifeSmarts competition, State Champions from North Providence High School, Susan Bennett, Nicholas Carreta, Matthew Irving, Daniel Irving, Daniel Jacovoni, Kyle O'Connor, and runner up Teams from Barrington, Barrington Eagles Pat Senville, Jacquie Tarnoff, Ellen Rlotta, Hanna Garland, Malay Kharnsyvoravong, Joanna Senville, Alison Tarnoff, Barrington High School Karen Proule, Michael Ding, Noel Barlow, Katie Enzer, Ainsley Judge, Nicholas Reuff.

Upon suggestion of Senator Roberts and by unanimous consent, the Honorable President welcomes to the Chamber Sara Catanzaro, who will be serving as an intern this year.

Upon suggestion of Senators Pichardo and Metts and by unanimous consent, the Honorable President welcomes to the Chamber Raul Nunez of Central High School and Willis Urena of LaSalle Academy and Wilma Holland, a Senate Doorkeeper for the last 19 years.

COMMUNICATION

The Honorable President presents the following communication:

March 21, 2005

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

Dear Mr. President:

In accordance with Senate Rule 1.7, I hereby appoint Senator Leo R. Blais as the Minority Deputy President Pro Tempore of the Rhode Island State Senate.

Thank you for your attention to this matter.

Sincerely,
Dennis L. Algieri
SENATE MINORITY LEADER

Read and ordered to be placed on file.

**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. 189

BY Senator Tassoni

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES.

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 216

BY Senator Bates

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES.

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 585

BY Senator McCaffrey

ENTITLED, AN ACT RELATING TO CHILDREN (suspend the imposition of license suspension/retail tobacco dealer for selling to children if the dealer has taken measures to prevent the sale of tobacco to minors and can demonstrate that employees have received training).

Read and ordered to be placed on the Calendar

NEW BUSINESS

Senate Resolution No. 988

BY Senators Fogarty P, Gallo, Walaska, Levesque C

ENTITLED, SENATE RESOLUTION CONGRATULATING THE BURRILLVILLE BRONCOS HIGH SCHOOL HOCKEY TEAM FOR WINNING THE 2005 RHODE ISLAND DIVISION II STATE HOCKEY CHAMPIONSHIP.

Senator Fogarty requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Fogarty moves passage, seconded by the entire Senate.

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

Also:

Senate Resolution No. 989

BY Senators Ciccone, Badeau, Ruggerio

ENTITLED, SENATE RESOLUTION CONGRATULATING REVEREND MONSIGNOR SALVATORE RONALD MATANO ON BEING NAMED COADJUTOR BISHOP OF BURLINGTON.

Senator Ciccone requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Ciccone moves passage, seconded by the entire Senate.

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

Also:

Senate Resolution No. 990

BY Senators Perry, Goodwin, Ruggerio, McBurney, Caprio F

ENTITLED, SENATE RESOLUTION EXPRESSING CONDOLENCES ON THE PASSING OF GREGG, DAWN AND LELAND WEINGEROFF.

Senator Perry requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Perry moves passage, seconded by the entire Senate.

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

Also:

Senate Resolution No. 991

BY Senators Perry, Goodwin, Ruggerio, McBurney, Caprio F

ENTITLED, SENATE RESOLUTION EXPRESSING CONDOLENCES ON THE PASSING OF JEFFREY, KAREN AND ERIC JACOBBER.

Senator Perry requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Perry moves passage, seconded by the entire Senate.

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

Also:

Senate Resolution No. 992**BY** Senators Algieri, Breene, Sosnowski, Sheehan**ENTITLED**, SENATE RESOLUTION HONORING RICHARD C. ANTONELLI ON THE OCCASION OF HIS RETIREMENT AS PRESIDENT AND CEO OF THE SOUTH SHORE MENTAL HEALTH CENTER.

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 voice vote.

Also:

Senate Bill No. 993**BY** Senators Paiva-Weed, Goodwin, Caprio F**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC2873/1}

Read and referred to the Committee on Judiciary.

Also:

Senate Resolution No. 994**BY** Senators Caprio F, Cote, DaPonte, Algieri, Bates**ENTITLED**, SENATE RESOLUTION PROCLAIMING APRIL 2005 TO BE "FINANCIAL LITERACY MONTH" IN THE STATE OF RHODE ISLAND.

Senator Caprio requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Caprio moves passage, seconded by the entire Senate.

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

CONSENT CALENDAR

In order for the day is taken up as follows:

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

1 2005-S 987**BY Gibbs****ENTITLED, AN ACT AMENDING THE CHARTER OF THE UNITED CONGREGATIONAL CHURCH****CALENDAR****IN ORDER FOR WEDNESDAY, MARCH 30, 2005:****1 2005-S 109****BY Raptakis****ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- CHILDREN**

Committee on Judiciary recommends passage.

Senator Raptakis moves passage, seconded by Senators Polisena and Sheehan.

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, Breene, Ciccone, Connors, Cote, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Metts, Paiva Weed, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

2 2005-S 101**BY Bates****ENTITLED, AN ACT RELATING TO NAMING A BUILDING, BRIDGE, EDIFICE AND OTHER STATE CONSTRUCTIONS**

Committee on Constitutional & Gaming Issues recommends passage.

Senator Bates moves passage, seconded by Senator Algieri and others.

The act is read and passed, by unanimous consent, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 36: The Honorable President Montalbano and Senators Algieri, Alves, Bates, Blais, Breene, 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:

3 2005-S 773 SUB A**BY Felag****ENTITLED, AN ACT RELATING TO FINANCIAL INSTITUTIONS -- CHECK CASHING**

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

Senator Felag moves passage, seconded by Senator Walaska.

Senators Alves, Walaska, Metts and Felag, discuss the act.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, upon roll call vote with 32 Senators voting in the affirmative and 2 Senators voting in the negative and 1 Senator abstaining as follows:

YEAS- 32: The Honorable President Montalbano and Senators Badeau, Bates, Blais, Breene, Ciccone, Connors, Cote, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Levesque, McBurney, McCaffrey, Paiva Weed, Perry, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 2: Senators Metts and Pichardo.

ABSTAINED- 1: Senator Algieri

4 2005-S 244**BY McCaffrey****ENTITLED, AN ACT RELATING TO PROPERTY -- MECHANICS' LIENS**

Committee on Judiciary recommends passage.

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

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 Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, 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:

5 2005-S 270 as amended**BY Revens****ENTITLED, AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE
-- GUARDIANSHIP OF MINORS**

Committee on Judiciary recommends passage as amended.

Senator Revens moves passage, seconded by Senators Paiva Weed, Raptakis, Levesque and McCaffrey.

The act is read and passed, by unanimous consent, as amended, 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 Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, 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:

6 2005-S 430**BY Caprio F****ENTITLED, AN ACT RELATING TO PROBATE PRACTICE**

Committee on Judiciary recommends passage.

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

7 2005-S 431**BY Caprio F****ENTITLED, AN ACT RELATING TO PROPERTY -- POWERS**

Committee on Judiciary recommends passage.

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

8 2005-S 442**BY Montalbano J****ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE -- SEARCH
WARRANTS**

Committee on Judiciary recommends passage.

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

Senator Levesque discusses the act.

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 Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Ciccone, Connors, Cote, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisen, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

ANNOUNCEMENTS

Senator Roberts announces that the Committee on Health and Human Services will meet today, at the rise of the Senate, in Room 211 of the State House.

Senator Gallo announces that the Committee on Education will meet today, at the rise of the Senate, in the Senate Lounge of the State House.

Senator Goodwin announces that the Committee on Constitutional and Gaming Issues will meet today, at the rise of the Senate, in Room 212 of the State House.

Senator Polisen announces that the Committee on Judiciary will meet on Thursday, March 31, 2005, at 2:30 o'clock P.M. 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, and upon suggestion of Senator Perry, the Senate adjourns at 5:07 o'clock P.M. in memory of Jeffery, Karen and Eric Jacober as well as Gregg, Dawn and Leland Weingerroff.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR V. SUSAN SOSNOWSKI

Dear God, we beseech you to fit us for today's work and for the work in days ahead. May we profit by this moment by being still and knowing that You alone are sufficient for all our needs. Amen.

Appendix

CALENDAR

IN ORDER FOR THURSDAY, MARCH 31, 2005:

1 2005-S 430

BY Caprio F

ENTITLED, AN ACT RELATING TO PROBATE PRACTICE

Committee on Judiciary recommends passage.

2 2005-S 431

BY Caprio F

ENTITLED, AN ACT RELATING TO PROPERTY -- POWERS

Committee on Judiciary recommends passage.

3 2005-S 133

BY Blais

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

Committee on Commerce, Housing & Municipal Government recommends passage.

4 2005-S 247 as amended

BY Lenihan

ENTITLED, AN ACT RELATING TO THE GENERAL ASSEMBLY - LOBBYING

Ordered on the Calendar

IN ORDER FOR TUESDAY, APRIL 5, 2005:

1 2005-S 713

BY Blais

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

Committee on Judiciary recommends passage.

2 2005-S 189

BY Tassoni

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

3 2005-S 216

BY Bates

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

4 2005-S 585

BY McCaffrey

ENTITLED, AN ACT RELATING TO CHILDREN

Committee on Judiciary recommends passage.

Wednesday, March 30, 2005

RAYMOND T. HOYAS, JR.
Secretary of the Senate