

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. 34

Tuesday, April 5, 2005

Thirty-fourth Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:08 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 Ruggerio to deliver the invocation.

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Thursday, March 31, 2005 proceedings is read in part.

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

GUESTS

Upon suggestion of Senators Paiva Weed, Walaska, Roberts, Ruggerio, Lenihan, Revens, Gallo, Blais, Breene, Sosnowski, Gibbs and by unanimous consent, the Honorable President welcomes to the Chamber Be a Hero to a Child Day; Deb Delasanta, Program Specialist/Network Coordinator, Nicole Van Loon & her Hero Ms. Benoit (Teacher), Rachel Manooshtay & her Hero her Mom, Rachel Walsh & her Hero her Mom, Shannon Garvey & her Hero her Dad, Victoria Sheehan & her Hero (Aunt) Janet, Jennifer Heng & her Hero her Mom, Jessica Proulx & her Hero Mrs. Wells (Teacher), Katie Padula & her Hero David Cohen, Khasan Dymov & Hero Mrs. Ross (Teacher), Kyle Mello & his Hero his Friend Mike Cloud

Upon suggestion of Senator Polisena and by unanimous consent, the Honorable President welcomes to the Chamber President Tom Sepe, CCRI, Dr. Judy Abbate, director CCRI Nursing Program, Mrs. Aliene Fournier, Dept. Chair CCRI Nursing Program, Barbara Boorbonniere, CCRI Nursing Student, Lisa Carrera, CCRI Nursing Student, Ruth Coffey, CCRI Nursing Student, Jennifer Darabrough, CCRI Nursing Student, Georgina Adugyamfi, CCRI Nursing Student, Dan Della Posta, Town of Smithfield

Upon suggestion of Senator McBurney and by unanimous consent, the Honorable President welcomes to the Chamber his daughter Mackenzie McBurney and Lucy Jackson.

Upon suggestion of Senator Cote and by unanimous consent, the Honorable President welcomes to the Chamber Joseph Le of Woonsocket.

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:

March 29, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-19-6 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Resource Recovery Corporation:

The Honorable Scott Avedisian of Warwick
(Chief Elected City/Town Official)

VICE
Wayne Salisbury

for a term expiring July 1, 2006.

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

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Environment.

Also:

March 29, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-19-6 of the Rhode Island General Laws, I have made the following reappointment to the Rhode Island Resource Recovery Corporation:

Michael A. Salvadore, Jr. of Warwick

for a term expiring July 1, 2007.

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

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Environment.

Also:

March 29, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-19-6 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Resource Recovery Corporation:

The Honorable Catherine Graziano of Providence

VICE
John St. Sauveur

for a term expiring July 1, 2007.

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

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Environment.

Also:

March 29, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-19-6 of the Rhode Island General Laws, I have made the following appointment of the Rhode Island Resource Recovery Corporation:

David Iglizzo of Providence

VICE
Austin Ferland

for a term expiring July 1, 2007.

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

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Environment.

Also:

March 29, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 16-61-4 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Public Telecommunications Authority:

Nancy Merrill of East Greenwich

VICE
James Leach

for a term expiring January 31, 2008.

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

Sincerely,



Donald L. Carcieri
Governor

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

Also:

March 31, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 16-61-4 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Public Telecommunications Authority:

Leo Thompson of Scituate

VICE
Chair/Designee of the House Finance Committee

for a term expiring January 31, 2008.

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

Sincerely,



Donald L. Carcieri
Governor

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

Also:

March 25, 2005

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 appointment to the Rhode Island State Council on the Arts:

Anne T. Quintero of Providence

VICE
Patricia Ann Doyle

for a term expiring March 1, 2006.

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

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Education.

Also:

March 25, 2005

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:

Mary K. Talbot of Barrington

for a term expiring March 1, 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 29, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 45-53-7 of the Rhode Island General Laws, I have made the following appointment to the State Housing Appeals Board:

Donald Goodrich of Narragansett
(Representing Zoning Official - under 25,000 in population)

for a term expiring January 1, 2008.

To this appointment, I 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 COMMERCE, HOUSING AND MUNICIPAL GOVERNMENT**

Senator Caprio, from the Committee on Commerce, Housing and Municipal Government, reports back, with recommendation of passage of the following measures:

Senate Bill No. 927**BY** Senator Algieri**ENTITLED**, AN ACT RELATING TO THE WESTERLY FIRE DISTRICT.

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 952**BY** Senator Breene**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES - GENERAL POWERS (establish a municipal court in the town of Exeter).

Read and ordered to be placed on the Calendar

Also:

House Bill No. 5133**BY** Church**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS (registration of businesses in the town of North Smithfield)

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. 239 mandatory overtime shall be eligible for overtime work.**BY** Senators Ciccone, Tassoni, Felag, Lanzi, Damiani**ENTITLED**, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- MERIT SYSTEM (mandatory overtime shall be eligible for overtime work).

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 357**BY** Senators Lanzi, Badeau, Connors, Ciccone, Ruggerio**ENTITLED**, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES (state to rehire persons on disability/within sixty days).

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 360 (Department of Labor and Training)**BY** Senator Breene**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- EMPLOYMENT SECURITY -- GENERAL PROVISIONS (department of labor and training to share quarterly wage information with the US Census Bureau).

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 643**BY** Senators Ruggerio, McBurney, Lanzi, McCaffrey, Goodwin**ENTITLED**, AN ACT RELATING TO HOISTING ENGINEERS (decal issued by the state of RI for rental equipment)

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 644**BY** Senators Ruggerio, DaPonte, Connors, Ciccone, Badeau**ENTITLED**, AN ACT RELATING TO HOISTING ENGINEERS (licensing requirements)

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 697 (Governor)**BY** Senator Breene**ENTITLED**, AN ACT RELATING TO EMPLOYMENT SECURITY -- GENERAL PROVISIONS (department of labor and training/SUTA Dumping Prevention Act of 2004).

Read and ordered to be placed on the 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. 6163**BY** Church

ENTITLED, AN ACT AUTHORIZING THE TOWN OF NORTH SMITHFIELD TO FINANCE THE ACQUISITION OF LAND FOR A NEW MIDDLE SCHOOL AND IT'S FACILITIES AND THE CONSTRUCTION AND EQUIPPING OF A NEW MIDDLE SCHOOL AND IT'S FACILITIES IN THE TOWN BY THE ISSUANCE OF NOT MORE THAN \$30,000,000 BONDS AND/OR NOTES THEREFOR.

Read and referred to the Committee on Finance

NEW BUSINESS**Senate Resolution No. 998****BY** Senators Montalbano J, Paiva-Weed, Walaska, Blais, Algieri

ENTITLED, SENATE RESOLUTION EXPRESSING DEEPEST SYMPATHIES AND CONDOLENCES ON THE PASSING OF POPE JOHN PAUL II.

Senator Felag requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Felag moves passage, seconded by the entire Senate.

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

Also:

Senate Resolution No. 999**BY** Senator Paiva-Weed

ENTITLED, SENATE RESOLUTION CONGRATULATING IAN SHEPHERD FOR HIS 1ST, 5TH, AND 6TH PLACE FINISHES IN THE 2005 SPECIAL OLYMPICS.

Senator Paiva Weed requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Paiva Weed moves passage, seconded by the entire Senate.

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

CALENDAR

IN ORDER FOR TUESDAY, APRIL 5, 2005:

- 1 Appointment of Rafael A. Ovalles of Providence VICE Associate Justice Robert K. Pirraglia as Associate Justice of the Rhode Island District Court.

Committee on Judiciary recommends that the Senate give its Advice and Consent to this appointment.

Senator McCaffrey, seconded by Senators Pichardo, Metts, Algieri, Paiva Weed and the entire Senate moves that confirmation of the Senate be given this appointment.

Senators McCaffrey, Pichardo, Metts, Algieri and Paiva Weed discuss the confirmation.

By unanimous consent, the confirmation of the Senate is given this appointment, upon a roll call vote with 38 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 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, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

GUESTS

Upon suggestion of Senators Pichardo and Ciccone and by unanimous consent, the Honorable President welcomes to the Chamber the Honorable Rafael A. Ovalles, newly confirmed associate Justice of the Rhode Island District Court along with his wife Gladys M. Vargas, daughter Katherine Ovalles, Zoilo and Carmen Garcia, Jeremy and Vanessa Garcia, Maria Liberato, Ramona Liberato, Elyssa Perez, Tony and Karen Mendez, Melamie La Paz, Dilson Mendez, Israel Mercedes, Israel Mercedes Jr., Sherry Mulhearn, Anthony Ovalles, Bartola Ovalles, Darius Ovalles, Ivelise Ovalles, Ezequiel Perez, Elizabeth Perez, Charles Pisaturo, Concuelo Ramos, Angel Taveras.

CALENDAR

2 2005-S 713

BY Blais

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

Committee on Judiciary recommends passage.

Upon suggestion of Senator Ruggerio and without objection, ordered to be placed on the Calendar for Thursday, April 7, 2005.

3 2005-S 189**BY Tassoni****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage.

Senator Tassoni moves passage, seconded by Senator McCaffrey.

The act is read and passed, by unanimous consent, upon a roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 35: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, Levesque, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

4 2005-S 216**BY Bates****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage.

Senator Bates moves passage, seconded by Senator McCaffrey.

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, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

5 2005-S 585**BY McCaffrey****ENTITLED, AN ACT RELATING TO CHILDREN**

Committee on Judiciary recommends passage.

Upon suggestion of Senator Ruggerio and without objection, ordered to be placed on the Calendar for Thursday, April 7, 2005.

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 Ciccone announces that the Committee on Labor will meet on Wednesday, April 6, 2005, at 3:00 o'clock P.M. in Room 212 of the State House.

Senator Felag announces that the Committee on Finance will meet today, at the rise of the Senate, in Room 211 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 Senators Paiva Weed and Felag, the Senate adjourns at 4:48 o'clock P.M. in memory of Pope John Paul II

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR DOMINICK J. RUGGERIO

Eternal Father, give us Your wisdom and grace to make this state a better place for your children. Guide all of us in this chamber and all others you have placed in a position of trust to uphold what is right and seek what is true. Amen.

Appendix**CALENDAR****IN ORDER FOR WEDNESDAY, APRIL 6, 2005:****1 2005-S 489****BY Bates****ENTITLED, AN ACT RELATING TO INSURANCE**

Committee on Financial, Technology, Regulatory recommends passage.

2 2005-S 541**BY Bates****ENTITLED, AN ACT RELATING TO THE INTERSTATE COMPACT ON
INSURANCE PRODUCT REGULATION**

Committee on Financial, Technology, Regulatory recommends passage.

3 2005-S 542**BY Bates****ENTITLED, AN ACT RELATING TO INSURANCE -- AGENTS, BROKERS AND
SOLICITORS**

Committee on Financial, Technology, Regulatory recommends passage.

4 2005-S 546**BY Bates****ENTITLED, AN ACT RELATING TO INSURANCE -- FIRE AND MARINE
INSURANCE RATING**

Committee on Financial, Technology, Regulatory recommends passage.

5 2005-S 549**BY Bates****ENTITLED, AN ACT RELATING TO INSURANCE**

Committee on Financial, Technology, Regulatory recommends passage.

6 2005-S 774**BY Bates****ENTITLED, AN ACT RELATING TO INSURANCE**

Committee on Financial, Technology, Regulatory recommends passage.

IN ORDER FOR THURSDAY, APRIL 7, 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 585**BY McCaffrey****ENTITLED, AN ACT RELATING TO CHILDREN**

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 927**BY Algieri****ENTITLED, AN ACT RELATING TO THE WESTERLY FIRE DISTRICT**

Committee on Commerce, Housing & Municipal Government recommends passage.

5 2005-S 952**BY Breene****ENTITLED, AN ACT RELATING TO TOWNS AND CITIES - GENERAL POWERS**

Committee on Commerce, Housing & Municipal Government recommends passage.

6 2005-H 5133**BY Church****ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS**

Committee on Commerce, Housing & Municipal Government recommends passage in concurrence.

7 2005-S 239**BY Ciccone****ENTITLED, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- MERIT SYSTEM**

Committee on Labor recommends passage.

8 2005-S 357

BY Lanzi

ENTITLED, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES

Committee on Labor recommends passage.

9 2005-S 360

BY Breene

**ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS --
EMPLOYMENT SECURITY -- GENERAL PROVISIONS**

Committee on Labor recommends passage.

10 2005-S 643

BY Ruggiero

ENTITLED, AN ACT RELATING TO HOISTING ENGINEERS

Committee on Labor recommends passage.

11 2005-S 644

BY Ruggiero

ENTITLED, AN ACT RELATING TO HOISTING ENGINEERS

Committee on Labor recommends passage.

12 2005-S 697

BY Breene

**ENTITLED, AN ACT RELATING TO EMPLOYMENT SECURITY -- GENERAL
PROVISIONS**

Committee on Labor recommends passage.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Tuesday, April 5, 2005