

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. 38

Wednesday, April 13, 2005

Thirty-eighth Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:22 o'clock P.M.

The roll is called and a quorum is declared present with 34 Senators present and 4 Senators absent as follows:

PRESENT – 34: The Honorable President Montalbano and Senators Algieri, Alves, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Doyle, Felag, Fogarty, Gibbs, Goodwin, Issa, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisen, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT – 4: Senate Badeau, Gallo, Lanzi, Lenihan,

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Tuesday, April 12, 2005 proceedings is read in part.

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

GUESTS

Upon suggestion of Senators Blais and by unanimous consent, the Honorable President welcomes to the Chamber Wayne Salisbury, former House Minority Leader and Scituate Town Councilman.

REPORTS OF COMMITTEES**COMMITTEE ON ENVIRONMENT AND AGRICULTURE**

Senator Sosnowski, from the Committee on Environment and Agriculture, reports back, with recommendation of passage of the following measures:

Senate Bill No. 138 SUB A

BY Senators Raptakis, Damiani, Felag, Sosnowski, Paiva-Weed

ENTITLED, AN ACT RELATING TO WATERS AND NAVIGATION -- REGULATION OF RECEIVERS AND VESSELS (Rhode Island operational standards)

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 304 as amended

BY Senators Paiva-Weed, McCaffrey, Gibbs

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- RHODE ISLAND RESOURCE RECOVERY CORPORATION.

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 866

BY Senator Gallo

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- REFUSE DISPOSAL (amend the Rhode Island Refuse Disposal Act).

Read and ordered to be placed on the Calendar

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. 309 SUB A (Elderly Affairs)

BY Senators Gibbs, Blais, Breene

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - HOME AND COMMUNITY CARE SERVICES TO THE ELDERLY (extend the date for development of a prescription drug program and the reporting date to June 1, 2005)

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 565 SUB A

BY Senators Roberts, Sosnowski, Gallo

ENTITLED, AN ACT RELATING TO EDUCATION (decrease obesity and to improve health and wellness of students through nutrition, physical activity, and education)

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 812 SUB A

BY Senators Roberts, Perry, Pichardo

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- DENTISTS AND DENTAL HYGIENISTS (injectable oral local anesthesia)

Read and ordered to be placed on the Calendar

REPORTS OF COMMITTEES**TRANSFER OF BILLS**

Senator Goodwin for the Committee on Constitutional and Gaming Issues, reports back the following measure, with recommendation of transfer to the Committee on Judiciary:

Senate Resolution No. 762

BY Senator Lenihan

ENTITLED, JOINT RESOLUTION TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENTS TO THE CONSTITUTION OF THE STATE (ENFORCEMENT)

Read and referred to the Committee on Judiciary.

NEW BUSINESS

Senate Resolution No. 1020**BY** Senators Breene, Blais**ENTITLED**, SENATE RESOLUTION CONGRATULATING DONALD KETTELLE ON HIS RETIREMENT AFTER 44 YEARS OF DEVOTED AND DISTINGUISHED SERVICE TO THE CITIZENS OF RHODE ISLAND.

Senator Breene requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Breene moves passage, seconded by Senator Blais.

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

Also:

Senate Resolution No. 1021**BY** Senator Breene**ENTITLED**, SENATE RESOLUTION NAMING OCTOBER 15, 2005 AS "PREGNANCY AND INFANT LOSS REMEMBRANCE DAY".

Senator Breene requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Breene moves passage, seconded by Senator Blais.

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

Also:

Senate Resolution No. 1022**BY** Senator Blais**ENTITLED**, SENATE RESOLUTION CONGRATULATING WILLIAM A. SHELDON ON ATTAINING THE RANK OF EAGLE SCOUT.

Senator Blais requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Blais moves passage, seconded by Senator Breene.

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

CALENDAR

Upon suggestion of Senate Majority Leader Paiva Weed, and without objection, the Calendar is deferred until Thursday, April 14, 2005.

ANNOUNCEMENTS

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

Senator Sosnowski announces that the Committee on Environment and Agriculture will meet today, 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 today, at the rise of 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, the Senate adjourns at 4:30 o'clock P.M.

GABRIEL REI
Deputy Clerk of the Senate

Appendix

INVOCATION

SENATOR TERESA M. PAIVA WEED

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**CALENDAR****IN ORDER FOR THURSDAY, APRIL 14, 2005:****1 2005-S 928****BY Ciccone****ENTITLED, AN ACT RELATING TO PARKING FACILITIES AND PRIVILEGES**

Committee on Constitutional & Gaming Issues recommends passage.

2 2005-S 929**BY Bates****ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES**

Committee on Constitutional & Gaming Issues recommends passage.

3 2005-S 759**BY Blais****ENTITLED, AN ACT RELATING TO THE OFFICE OF LIBRARY AND INFORMATION SERVICES**

Committee on Education recommends passage.

4 2005-S 418**BY Breene****ENTITLED, AN ACT RELATING TO MILK SANITATION CODE**

Committee on Health & Human Services recommends passage.

5 2005-S 337**BY Polisena****ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY - RHODE ISLAND RESOURCE RECOVERY CORPORATION**

Committee on Judiciary recommends passage.

6 2005-S 588**BY McCaffrey****ENTITLED, AN ACT RELATING TO COURTS -- SUPREME COURT JUSTICES**

Committee on Judiciary recommends passage.

7 2005-S 592

BY McCaffrey

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -
RHODE ISLAND JUSTICE COMMISSION

Committee on Judiciary recommends passage.

8 2005-S 709

BY Badeau

ENTITLED, AN ACT RELATING TO COURTS -- SUPERIOR COURT

Committee on Judiciary recommends passage.

9 2005-S 971

BY Montalbano J

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

10 2005-S 815

BY Alves

ENTITLED, AN ACT RELATING TO HUMAN SERVICES -- ALL-INCLUSIVE
CARE FOR THE ELDERLY

Committee on Finance recommends passage.

11 2005-S 348

BY Polisena

ENTITLED, AN ACT RELATING TO CORRECTIONS DEPARTMENT

Committee on Judiciary recommends passage.

12 2005-S 351

BY Polisena

ENTITLED, AN ACT RELATING TO THE RHODE ISLAND JUSTICE
COMMISSION

Committee on Judiciary recommends passage.

13 2005-S 644

BY Ruggiero

ENTITLED, AN ACT RELATING TO HOISTING ENGINEERS

Committee on Labor recommends passage.

14 2005-S 697**BY Breene****ENTITLED,** AN ACT RELATING TO EMPLOYMENT SECURITY -- GENERAL PROVISIONS

Committee on Labor recommends passage.

15 2005-H 5133**BY Church****ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS

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

16 2005-H 5177 as amended**BY San Bento****ENTITLED,** AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- COURTS

Ordered on the Calendar

IN ORDER FOR TUESDAY, APRIL 26, 2005:**1 2005-S 585****BY McCaffrey****ENTITLED,** AN ACT RELATING TO CHILDREN

Committee on Judiciary recommends passage.

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.

3 2005-S 952**BY Breene****ENTITLED,** AN ACT RELATING TO TOWNS AND CITIES - GENERAL POWERS

Committee on Commerce, Housing & Municipal Government recommends passage.

4 2005-S 138 SUB A**BY Raptakis****ENTITLED,** AN ACT RELATING TO WATERS AND NAVIGATION -- REGULATION OF RECEIVERS AND VESSELS

Committee on Environment & Agriculture recommends indefinite postponement of the original bill and passage of Substitute A.

5 2005-S 304 as amended

BY Paiva-Weed

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- RHODE ISLAND RESOURCE RECOVERY CORPORATION

Committee on Environment & Agriculture recommends passage as amended.

6 2005-S 866

BY Gallo

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- REFUSE DISPOSAL

Committee on Environment & Agriculture recommends passage.

7 2005-S 309 SUB A

BY Gibbs

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - HOME AND COMMUNITY CARE SERVICES TO THE ELDERLY

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

8 2005-S 565 SUB A

BY Roberts

ENTITLED, AN ACT RELATING TO EDUCATION

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

9 2005-S 812 SUB A

BY Roberts

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- DENTISTS AND DENTAL HYGIENISTS

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

Gabriel Rei
Deputy Clerk of the Senate