

## State of Rhode Island and Providence Plantations

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# Journal of the Senate

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**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.**

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Volume 132, No. 43

Tuesday, May 3, 2005

Forty-third Day

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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 37 Senators present and 1 Senator absent as follows:

**PRESENT** – 37: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, 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.

**ABSENT** – 1: Senator DaPonte

### INVOCATION

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

(See Appendix for Invocation)

### PLEDGE OF ALLEGIANCE TO THE FLAG

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

### APPROVAL OF RECORD

The Senate Journal of Thursday, April 28, 2005 proceedings is read in part.

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

**GUESTS**

Upon suggestion of Senator Connors and by unanimous consent, the Honorable President welcomes to the Chamber the Honorable Robert Kells, former State Senator.

Upon suggestion of Senator McBurney and by unanimous consent, the Honorable President welcomes to the Chamber Joshua Helm.

**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 measures:

**Senate Bill No. 327 SUB A (Business Regulation)**

**BY** Senators Bates, Breene

**ENTITLED**, AN ACT RELATING TO INSURANCE -- FIRE INSURANCE POLICIES AND RESERVES (notice to policy holders about flood insurance)

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 548 SUB A (Business Regulation)**

**BY** Senators Bates, Walaska

**ENTITLED**, AN ACT RELATING TO INSURANCE -- UNFAIR COMPETITION AND PRACTICES (notice to all commercial insureds at renewal when premium or coverage changes)

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 772 SUB A (Lieutenant Governor)**

**BY** Senators Blais, Walaska, Bates, Breene, Algieri

**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- ECONOMIC DEVELOPMENT CORPORATION -- SMALL BUSINESS ADVOCATE (create a small business advocate at the economic development corporation)

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 1015 SUB A****BY** Senators Walaska, Bates, Paiva-Weed, Polisena**ENTITLED**, AN ACT RELATING TO INSURANCE -- PRODUCER LICENSING ACT (rules for compensation disclosure)

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 measure:

**Senate Bill No. 795 SUB A** as amended**BY** Senator Issa**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- LICENSING AND MONITORING OF CHILD CARE PROVIDERS (child day care programs operate without the necessity of a separate fire, building, or radon inspection certificate)

Read and ordered to be placed on the Calendar

**NEW BUSINESS****Senate Bill No. 1059****BY** Senator Levesque C**ENTITLED**, AN ACT RELATING TO THE TOWN OF PORTSMOUTH.

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

Also:

**Senate Bill No. 1060****BY** Senators Sosnowski, Gallo**ENTITLED**, AN ACT RELATING TO EDUCATION - EDUCATION EQUITY AND PROPERTY TAX RELIEF.

Read and referred to the Senate Committee on Finance

Also:

**Senate Bill No. 1061** (by request)**BY** Senator Algieri**ENTITLED**, AN ACT RELATING TO VOTING  
**BY** NONRESIDENT PROPERTY OWNERS IN THE TOWN OF WESTERLY.

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Resolution No. 1062**

**BY** Senators McBurney, Montalbano J, Doyle, Issa

**ENTITLED**, SENATE RESOLUTION HONORING JOSEPH ANTHONY CUNHA ON HIS RETIREMENT AFTER MORE THAN THIRTY-FIVE YEARS OF DEDICATED SERVICE TO THE CHILDREN OF RHODE ISLAND.

Senator McBurney requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator McBurney moves passage, seconded by the entire Senate.

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

Also:

**Senate Resolution No. 1063**

**BY** Senator Ruggiero

**ENTITLED**, SENATE RESOLUTION CONGRATULATING CHRISTINA BATASTINI ON BEING INDUCTED INTO THE SONS OF ITALY SPORTS HALL OF FAME.

Senator Ruggiero requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Ruggiero moves passage, seconded by the entire Senate.

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

**FROM THE HOUSE OF REPRESENTATIVES**

A message from the House of Representatives transmits with announcement of passage, of the following measures:

**House Bill No. 6189**

**BY** Crowley, Carter

**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES.

Senator Ruggiero requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Ruggiero moves passage, seconded by Senator Paiva Weed.

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, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Also:

**House Bill No. 5123**

**BY** Shanley, Kennedy, Lewiss, San Bento, Lally

**ENTITLED**, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- DUTIES OF UTILITIES AND CARRIERS (periodic equipment inspections)

Referred to Senate Financial, Technology and Regulatory Issues

Also:

**House Bill No. 5160**

**BY** Schadone, Kennedy, Lewiss, Picard, O'Neill

**ENTITLED**, AN ACT RELATING TO COMMERCIAL LAW -- CREDIT CARD SOLICITATION (college students)

Referred to Senate Financial, Technology and Regulatory Issues

Also:

**House Bill No. 5302 SUB A**

**BY** Flaherty, Landroche, Petrarca

**ENTITLED**, AN ACT RELATING TO INSURANCE -- CONTINUING EDUCATION REQUIREMENTS (change the number of years for continuing education exemption)

Referred to Senate Financial, Technology and Regulatory Issues

Also:

**House Bill No. 5456**

**BY** Gallison, Sullivan, Landroche, Slater, Carter

**ENTITLED**, AN ACT RELATING TO THE NATIONAL GUARD (delete the requirement that commissioned officers in the National Guard be "citizens of the state").

Received and referred to the Senate Committee on Finance

Also:

**House Bill No. 5318**

**BY** Shanley, Kilmartin

**ENTITLED**, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- REGULATION OF VICIOUS DOGS

Received and referred to the Senate Committee on Constitutional and Gaming Issues

Also:

**House Bill No. 5449**

**BY** Malik, Carter, San Bento, Faria, Gallison

**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- REGISTRATION OF VEHICLES (increase weight registration eligibility for war veteran plates).

Received and referred to the Senate Committee on Constitutional and Gaming Issues

Also:

**House Bill No. 6214**

**BY** Lewiss

**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES (permit golf clubs which have a Class D license to sell alcoholic beverages from mobile wagons or carts).

Received and referred to the Senate Committee on Constitutional and Gaming Issues

Also:

**House Bill No. 6101 SUB A**

**BY** Kilmartin

**ENTITLED**, AN ACT RELATING TO UNFAIR SALES PRACTICES (application for consumer discount card)

Received and referred to the Senate Committee on Commerce, Housing and Municipal Government

Also:

**House Bill No. 5360**

**BY** McNamara, Pacheco, Ginaitt, Landroche

**ENTITLED**, AN ACT RELATING TO MOTOR VEHICLES - EMERGENCY VEHICLES (roadside service vehicles to display flashing amber lights)

Received and referred to the Senate Committee on Commerce, Housing and Municipal Government

Also:

**House Bill No. 5770** (General Treasurer)

**BY** Kennedy, Lewiss, Coderre E, Moura, Kilmartin

**ENTITLED**, AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE -- UNCLAIMED INTANGIBLE AND TANGIBLE PROPERTY (delete all references with respect to gift certificates in connection with unclaimed intangible property).

Received and referred to the Senate Committee on Commerce, Housing and Municipal Government

Also:

**House Bill No. 6191**

**BY** Gemma, Sullivan, Lewiss, Caprio D, Scott

**ENTITLED**, AN ACT RELATING TO IDENTITY THEFT PROTECTION (establish strict standards).

Received and referred to the Senate Committee on Judiciary

Also:

**House Bill No. 5503** SUB A (Attorney General)

**BY** Kennedy, Crowley, Jackson, Rice, Lewiss

**ENTITLED**, AN ACT RELATING TO PROPERTY - RHODE ISLAND REAL ESTATE TIME-SHARE ACT (purchaser's ability to cancel a contract and extend the rescission period to 10 days)

Received and referred to the Senate Committee on Judiciary

Also:

**House Bill No. 5504** (Attorney General)

**BY** Kennedy, Sullivan, Lewiss, Gallison, Coderre E

**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - CONSUMER ENFORCEMENT OF MOTOR VEHICLE WARRANTIES (establish a motor vehicle arbitration board/arbitrating "lemon law").

Received and referred to the Senate Committee on Judiciary

Also:

**House Bill No. 5657**

**BY** Corvese

**ENTITLED**, AN ACT RELATING TO INSURANCE -- HEALTH MAINTENANCE ORGANIZATION (enrollee liability provision).

Referred to Senate Health and Human Services

Also:

**House Bill No. 5512**

BY Dennigan, Slater, Anguilla, Rose

**ENTITLED**, AN ACT RELATING TO INSURANCE - INDIVIDUAL HEALTH INSURANCE COVERAGE (change amount of time a health insurance carrier may not provide coverage in the individual market after the carrier elects to discontinue coverage).

Referred to Senate Health and Human Services

Also:

**House Bill No. 5023**

BY Lewiss, Kennedy, McHugh

**ENTITLED**, AN ACT RELATING TO TAXATION -- VETERANS' EXEMPTIONS -- WESTERLY ( increase veterans' exemptions and the blind exemption in the town of Westerly)

Received and referred to the Senate Calendar

**Statement of Conflict of Interest  
Pursuant to R.I. Gen. Laws § 36-14-6**

I, Senator M. Teresa Paiva-Weed, holding the position of

Majority Leader of the Rhode Island State Senate, hereby under oath depose and say:  
(job title or appointed/elected position and name of board/commission/agency/department)

1. A matter involving 2005S – 1055 An Act to Vacate the Forfeiture or Revocation of the Charter of W & H Realty Corp.

is presently before The Rhode Island State Senate.  
(name of board/commission/agency/department)

2. I have the following interest in the matter noted in paragraph 1 above:

The law firm to which I am employed, Moore, Virgadamo and Lynch, Ltd., lists W & H Realty Corporation as a client.

3. [Please select one of the following]:

(X) A. In compliance with R.I. Gen. Laws § 36-14-6(1), I hereby recuse from participating in the discussion of or taking official action relating to said matter. (This does not prohibit participation as a member of the public in an open meeting, pursuant to Commission Regulation 7003.)

( ) B. In compliance with R.I. Gen. Laws § 36-14-6(1), I hereby state that despite the interest described above, I believe I am able to participate fairly,



objectively and in the public interest regarding said matter for the following reasons:

Signed under the penalties of perjury this 3<sup>rd</sup> day of May, 2005.

Senator Paiva Weed  
Signature

Also:

**Statement of Conflict of Interest  
Pursuant to R.I. Gen. Laws § 36-14-6**

I, Senator M. Teresa Paiva-Weed, holding the position of

Majority Leader of the Rhode Island State Senate, hereby under oath depose and say:  
(job title or appointed/elected position and name of board/commission/agency/department)

1. A matter involving 2005S – 1056 An Act to Vacate the Forfeiture or Revocation of the Charter of Eastern Fish Farms, Inc.

is presently before The Rhode Island State Senate.  
(name of board/commission/agency/department)

2. I have the following interest in the matter noted in paragraph 1 above:

The law firm to which I am employed, Moore, Virgadamo and Lynch, Ltd., lists Eastern Fish Farms, Inc. as a client.

3. [Please select one of the following]:

(X) A. In compliance with R.I. Gen. Laws § 36-14-6(1), I hereby recuse from participating in the discussion of or taking official action relating to said matter. (This does not prohibit participation as a member of the public in an open meeting, pursuant to Commission Regulation 7003.)

( ) B. In compliance with R.I. Gen. Laws § 36-14-6(1), I hereby state that despite the interest described above, I believe I am able to participate fairly, objectively and in the public interest regarding said matter for the following reasons:

Signed under the penalties of perjury this 3<sup>rd</sup> day of May, 2005.

Senator Paiva Weed  
Signature

**CONSENT CALENDAR**

Upon suggestion of Senator Ruggerio and without objection, item 2 on the Consent Calendar is placed on the Calendar.

In order for the day is taken up as follows:

Upon motion of Senator Ruggerio, seconded by Senator Algieri, the following measures on today's Consent Calendar, by unanimous consent, are read and passed, with Senator Paiva Weed abstaining on 2005-S 1055 and 2005-S 1056, upon a voice vote:

**1** 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, 2008.

**3** **2005-S 979**

**BY Sosnowski**

**ENTITLED,** SENATE RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO PROVIDE FOR A DOMESTIC ENERGY POLICY THAT ENSURES AN AFFORDABLE SUPPLY OF NATURAL GAS AND EMBRACES A CONCERTED NATIONAL EFFORT TO PROMOTE GREATER ENERGY EFFICIENCY AND ENVIRONMENTALLY RESPONSIBLE NATURAL GAS PRODUCTION

**4** **2005-S 980**

**BY Issa**

**ENTITLED,** SENATE RESOLUTION RESPECTFULLY URGING THE UNITED STATES CONGRESS TO INTRODUCE AND SUPPORT LEGISLATION TO PROTECT OUR NATION'S VETERANS

**5** **2005-S 1055**

**BY Levesque C**

**ENTITLED,** AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF W&H REALTY CORP.

**6** **2005-S 1056**

**BY Levesque C**

**ENTITLED,** AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF EASTERN FISH FARMS INC.

**CALENDAR****IN ORDER FOR TUESDAY, MAY 3, 2005:**

**2** Reappointment of Michael M. Tikoian (Public Member - Representing A Coastal Community) of Narragansett to the Coastal Resources Management Council for a term expiring January 31, 2008.

Committee on Environment & Agriculture recommends that the Senate give its Advice and Consent to this reappointment.

Senator Sosnowski seconded by Senators Felag, Damiani, Gibbs, Bates, Algieri, Ruggerio and many others, moves that advice and consent of the Senate be given this appointment.

YEAS- 36: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

**GUESTS**

Upon suggestion of Senator Sosnowski and by unanimous consent, the Honorable President welcomes to the Chamber Michael M. Tikoian, chair of the Coastal Resources Management Council

**CALENDAR**

Upon suggestion of Senator Ruggerio, and without objection, the following appointment is removed from the Calendar for Wednesday, May 4, 2005 and ordered to be placed before the body.

Appointment of David R. Gifford, M.D., M.P.H. (Director of the Department of Health) VICE Dr. Patricia Nolan as Director of the Department of Health for a term expiring February 28, 2010.

Committee on Health & Human Services recommends that the Senate give its Advice and Consent to this appointment.

Senator Roberts seconded by Senators Lenihan, Perry, Polisena, Damiani, Sosnowski, Sheehan, Gibbs, Blais, Breene, Alves, Felag, Levesque and many others, moves that advice and consent of the Senate be given this appointment.

Senators Sheehan, Blais, Levesque, Damiani and Polisena discuss the appointment.

The advice and consent of the Senate is given this appointment, 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, Caprio, Ciccone, Connors, Cote, Damiani, 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 Lenihan and by unanimous consent, the Honorable President welcomes to the Chamber Dr. David R. Gifford along with his wife Dr. Deidre Difford.

### STATEMENT OF POTENTIAL CONFLICT

TO THE HONORABLE SENATE:

I, Dennis L. Algieri, under oath depose and say:

1. I am a duly elected member of the Rhode Island Senate.
2. This statement is made in accord with Rhode Island General Law section 36-14-6.
3. In my official capacity, I may be expected or required to vote or participate in the deliberations of bill(s) 2005-S 77 and now pending before the Senate or a committee thereof.
4. I request that I be excused from voting, deliberating or taking action on the matter.
5. I do not desire to vote or deliberate because I have a potential conflict of interest as follows:

I am an employee of The Washington Trust Company.

6. This statement is true to the best of my knowledge.

Dennis L. Algieri

Signed and sworn to before me this 3<sup>rd</sup> day of May, 2005.

Raymond T. Hoyas  
Notary Public

Read and ordered to be placed on file.

### CALENDAR

#### **1 2005-S 77 SUB A**

**BY Blais**

**ENTITLED, AN ACT RELATING TO COMMERCIAL LAW - GENERAL  
REGULATORY PROVISIONS - INTEREST AND USURY**

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

Upon suggestion of Senator Ruggerio, and without objection, ordered to be placed on the Calendar for Thursday, May 5, 2005.

**2 2005-S 193 SUB A**

**BY Paiva-Weed**

**ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --  
NEWPORT COUNTY CONVENTION AND VISITORS' BUREAU

Committee on Government Oversight recommends indefinite postponement of the original bill and passage of Substitute A.

Upon suggestion of Senator Ruggerio, and without objection, ordered to be placed on the Calendar for Thursday, May 5, 2005.

**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.

Upon suggestion of Senator Blais, and without objection, ordered to be placed on the Calendar for Thursday, May 5, 2005.

**4 2005-S 823 SUB A**

**BY Connors**

**ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --  
HISTORIAN LAUREATE OF RHODE ISLAND

Committee on Constitutional & Gaming Issues recommends indefinite postponement of the original bill and passage of Substitute A.

Senator Connors moves passage, seconded by Senators Goodwin, Paiva Weed and Sheehan.

Senator Connors seconded by Senator Lenihan, offers the following written motion to amend.

**FLOOR AMENDMENT**

2005 -- S 823 SUBSTITUTE A

Mr. President:

I hereby move to amend 2005 -- S 823 SUBSTITUTE A, entitled "AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- HISTORIAN LAUREATE OF RHODE ISLAND", as follows:

- (1) On page 1, lines 8 and 9, by deleting the words and punctuation "governor, subject to the advise and consent of the senate and may serve successive terms" and inserting the words "secretary of state".
- (2) On page 1, line 10, by deleting the word "a" and inserting the word "no".
- (3) On page 1, line 11, by deleting the words "equivalent to that paid to the State Poet".
- (4) On page 2, line 7, by deleting the word "governor", and inserting in place thereof the words "secretary of state".

Respectfully submitted,  
SENATOR CONNORS

The motion to amend prevails 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, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator Connors moves passage of the act as amended, seconded by Senators Sheehan, Pichardo and Sheehan

The act is read and passed, by unanimous consent, as amended, 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, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

**5 2005-S 170**

**BY Felag**

**ENTITLED,** AN ACT RELATING TO WATERS AND NAVIGATION - -  
COASTAL RESOURCES MANAGEMENT COUNCIL

Committee on Environment & Agriculture recommends passage.

Senator Felag moves passage, seconded by Senators Walaska, Sosnowski and Pichardo.

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, Caprio, Ciccone, Connors, Cote, Damiani, 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 303**

**BY Bates**

**ENTITLED,** AN ACT RELATING TO WATERS AND NAVIGATION --  
REGULATION OF BOATS

Committee on Environment & Agriculture recommends passage.

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

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, Badeau, Bates, Blais, Breene, Ciccone, Connors, Cote, Damiani, 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:

**7 2005-S 872**

**BY Breene**

**ENTITLED,** AN ACT AUTHORIZING THE CHARIHO REGIONAL SCHOOL DISTRICT TO ISSUE GENERAL OBLIGATION BONDS AND/OR NOTES NOT TO EXCEED \$99,824,000 TO FINANCE THE CONSTRUCTION, RENOVATION, IMPROVEMENT, ALTERATION, REPAIR, FURNISHING AND EQUIPPING OF SCHOOLS AND SCHOOL FACILITIES THROUGHOUT THE REGIONAL SCHOOL DISTRICT, SUCH PROJECT TO BE FINANCED IN TWO PHASES, THE SECOND PHASE NOT TO BE FINANCED BEFORE JUNE 1, 2007 AND SUBJECT TO THE CONDITIONS OF THIS ACT AS TO LEVELS OF STATE AID

Committee on Finance recommends passage.

Upon suggestion of Senator Ruggerio, and without objection, ordered to be placed on the Calendar for Thursday, May 5, 2005.

**8 2005-S 445**

**BY Blais**

**ENTITLED, AN ACT RELATING TO COMMERCIAL TRANSACTION**

Committee on Judiciary recommends passage.

Senator Blais moves passage, seconded by Senators Breene and Damiani.

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, Ciccone, Connors, Cote, Damiani, 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:

**9 2005-S 590**

**BY Polisena**

**ENTITLED, AN ACT RELATING TO MOTOR VEHICLE OFFENSES**

Committee on Judiciary recommends passage.

Senator Polisena moves passage, seconded by Senators Damiani, McCaffrey, Sosnowski, Breene, Algieri, Paiva Weed, Goodwin, Ruggerio, Roberts, Raptakis.

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, Caprio, Ciccone, Connors, Cote, Damiani, 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:

**Statement of Conflict of Interest  
Pursuant to R.I. Gen. Laws § 36-14-6**

I, \_\_\_\_\_ Senator James C. Sheehan \_\_\_\_\_, holding the position of

\_\_\_\_\_ Rhode Island State Senator \_\_\_\_\_, hereby under oath depose and say:  
(job title or appointed/elected position and name of board/commission/agency/department)

- 1. A matter involving 2005S – 0629 An Act Relating to Labor – School Teachers’ Arbitration.



is presently before The Rhode Island State Senate.  
(name of board/commission/agency/department)

2. I have the following interest in the matter noted in paragraph 1 above:

I am a public school teacher employed by the Warwick School Department.

3. [Please select one of the following]:

(X) A. In compliance with R.I. Gen. Laws § 36-14-6(1), I hereby recuse from participating in the discussion of or taking official action relating to said matter. (This does not prohibit participation as a member of the public in an open meeting, pursuant to Commission Regulation 7003.)

( ) B. In compliance with R.I. Gen. Laws § 36-14-6(1), I hereby state that despite the interest described above, I believe I am able to participate fairly, objectively and in the public interest regarding said matter for the following reasons:

Signed under the penalties of perjury this 3<sup>rd</sup> day of May, 2005.

Senator Sheehan  
Signature

**10 2005-S 629**

**BY Ruggiero**

**ENTITLED, AN ACT RELATING TO LABOR - SCHOOL TEACHER'S  
ARBITRATION**

Committee on Labor recommends passage.

Senator Badeau moves passage, seconded by Senators Polisena, Ciccone, Connors and Damiani.

The act is read and passed, upon a roll call vote with 33 Senators voting in the affirmative and 2 Senators voting in the negative and 1 Senator abstaining as follows as follows:

YEAS- 33: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Caprio, Ciccone, Connors, Cote, Damiani, Doyle, Felag, Fogarty, Gallo, Goodwin, Issa, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggiero, Sosnowski, Tassoni, Walaska.

NAYS- 2: Senators Blais, Breene.

ABSTAINED- 1: Senator Sheehan

**11 2005-S 638****BY Ruggerio****ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS --  
LABOR AND PAYMENT OF DEBTS BY CONTRACTORS**

Committee on Labor recommends passage.

Senator Badeau moves passage, seconded by Senators Ciccone, Connors 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, Caprio, Ciccone, Connors, Cote, Damiani, 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:

**12 2005-S 645****BY Ruggerio****ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS --  
TELECOMMUNICATIONS**

Committee on Labor recommends passage.

Senator Badeau moves passage, seconded by Senators Ciccone, Connors, Polisena 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, Caprio, Ciccone, Connors, Cote, Damiani, 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:

**13 2005-S 646****BY Ruggerio****ENTITLED, AN ACT RELATING TO ELECTRICIANS -- APPRENTICESHIP  
PROGRAMS**

Committee on Labor recommends passage.

Senator Badeau moves passage, seconded by Senators Ciccone, Damiani, and Bates.

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, Caprio, Ciccone, Connors, Cote, Damiani, 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:

**14 2005-H 5041 as amended**

**BY Crowley**

**ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --  
NEWPORT COUNTY CONVENTION AND VISITORS' BUREAU**

Committee on Government Oversight recommends passage as amended in concurrence.

Upon suggestion of Senator Ruggerio, and without objection, ordered to be placed on the Calendar for Thursday, May 5, 2005.

#### ANNOUNCEMENTS

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

Senator Fogarty announces that the Committee on Commerce, Housing and Municipal Government will meet today, at the rise of the Senate, in Room 212 of the State House.

Senator Bates announces that the Committee on Financial Services, Technology and Regulatory Issues will meet today, at the rise of the Senate, in the Senate Lounge of the State House.

Senator Ciccone announces that the Committee on Labor will meet on Wednesday May 4, 2005, at 3:00 o'clock P.M. in Room 212 of the State House.

#### CONGRADULATIONS

Senator Ciccone extends congratulations and best wishes to Senator Connors on being notified that he has passed the Rhode Island Bar Exam. The entire Senate joins in extending congratulations and best wishes to Senator Connors on this very special occasion.

#### 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 Ruggiero, seconded by Senator Algieri, the Senate adjourns at 5:01 o'clock P.M.

RAYMOND T. HOYAS, JR.  
Secretary of the Senate

**Appendix**

**INVOCATION**

**SENATOR DANIEL P. CONNORS**

Dear Lord, enable us to share our own good fortune with those of us who are less fortunate. As we lead our state, may we never be too proud to seek help or advice from those more fortunate or more knowledgeable than we. Amen.

**Appendix****CALENDAR****IN ORDER FOR WEDNESDAY, MAY 4, 2005:****1 2005-S 52****BY Blais****ENTITLED,** AN ACT RELATING TO MOTOR VEHICLES -- SPECIAL REGISTRATION PLATE -- COVENTRY -- POLICE CHIEF EMERITUS

Committee on Constitutional &amp; Gaming Issues recommends passage.

**2 2005-S 459****BY Sosnowski****ENTITLED,** AN ACT RELATING TO ALCOHOLIC BEVERAGES -- REGULATION OF SALES

Committee on Constitutional &amp; Gaming Issues recommends passage.

**3 2005-S 12 SUB A****BY Tassoni****ENTITLED,** AN ACT RELATING TO INSURANCE -- RATES CHARGED

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

**4 2005-S 552****BY Roberts****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- HEALTH CARE QUALITY PROGRAM

Committee on Health &amp; Human Services recommends passage.

**5 2005-S 779****BY Walaska****ENTITLED,** AN ACT RELATING TO INSURANCE -- ACCIDENT AND SICKNESS INSURANCE POLICIES

Committee on Health &amp; Human Services recommends passage.

**6 2005-S 816****BY Roberts****ENTITLED,** AN ACT RELATING TO INSURANCE -- NONPROFIT HOSPITAL AND MEDICAL SERVICE CORPORATIONS

Committee on Health & Human Services recommends passage.

**7 2005-S 874**

**BY Walaska**

**ENTITLED,** AN ACT RELATING TO INSURANCE - NONPROFIT HOSPITAL  
AND MEDICAL SERVICE CORPORATIONS

Committee on Health & Human Services recommends passage.

**8 2005-S 435**

**BY Caprio F**

**ENTITLED,** AN ACT RELATING TO FIDUCIARIES

Committee on Judiciary recommends passage.

**9 2005-S 683 as amended**

**BY Breene**

**ENTITLED,** AN ACT RELATING TO LABOR AND LABOR RELATIONS

Committee on Labor recommends passage as amended.

**IN ORDER FOR THURSDAY, MAY 5, 2005:**

**1 2005-S 77 SUB A**

**BY Blais**

**ENTITLED,** AN ACT RELATING TO COMMERCIAL LAW - GENERAL  
REGULATORY PROVISIONS - INTEREST AND USURY

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

**2 2005-S 193 SUB A**

**BY Paiva-Weed**

**ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --  
NEWPORT COUNTY CONVENTION AND VISITORS' BUREAU

Committee on Government Oversight recommends indefinite postponement of the original bill and passage of Substitute A.

**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 872****BY Breene**

**ENTITLED,** AN ACT AUTHORIZING THE CHARIHO REGIONAL SCHOOL DISTRICT TO ISSUE GENERAL OBLIGATION BONDS AND/OR NOTES NOT TO EXCEED \$99,824,000 TO FINANCE THE CONSTRUCTION, RENOVATION, IMPROVEMENT, ALTERATION, REPAIR, FURNISHING AND EQUIPPING OF SCHOOLS AND SCHOOL FACILITIES THROUGHOUT THE REGIONAL SCHOOL DISTRICT, SUCH PROJECT TO BE FINANCED IN TWO PHASES, THE SECOND PHASE NOT TO BE FINANCED BEFORE JUNE 1, 2007 AND SUBJECT TO THE CONDITIONS OF THIS ACT AS TO LEVELS OF STATE AID

Committee on Finance recommends passage.

**5 2005-S 709****BY Badeau**

**ENTITLED,** AN ACT RELATING TO COURTS -- SUPERIOR COURT

Committee on Judiciary recommends passage.

**6 2005-S 331****BY Perry**

**ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - SOCIAL SECURITY NUMBER PRIVACY ACT

Committee on Judiciary recommends passage.

**7 2005-S 327 SUB A****BY Bates**

**ENTITLED,** AN ACT RELATING TO INSURANCE -- FIRE INSURANCE POLICIES AND RESERVES

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

**8 2005-S 548 SUB A****BY Bates**

**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.

**9 2005-S 772 SUB A****BY Blais**

**ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- ECONOMIC DEVELOPMENT CORPORATION -- SMALL



## BUSINESS ADVOCATE

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

**10 2005-S 1015 SUB A****BY Walaska****ENTITLED, AN ACT RELATING TO INSURANCE -- PRODUCER LICENSING ACT**

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

**11 2005-S 795 SUB A as amended****BY Issa****ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- LICENSING AND MONITORING OF CHILD CARE PROVIDERS**

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

**12 2005-H 5023****BY Lewiss****ENTITLED, AN ACT RELATING TO TAXATION -- VETERANS' EXEMPTIONS -- WESTERLY**

Ordered on the Calendar

**13 2005-H 5041 as amended****BY Crowley****ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- NEWPORT COUNTY CONVENTION AND VISITORS' BUREAU**

Committee on Government Oversight recommends passage as amended in concurrence.

**Raymond T. Hoyas, Jr.**  
**Secretary of the Senate**

Tuesday, May 3, 2005