

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 sixth day of January in the year of Our Lord two thousand and four.

Volume 131, No. 20

Tuesday, March 9, 2004

Twentieth Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:15 o'clock P.M.

The roll is called and a quorum is declared present with 35 Senators present and 2 Senators absent as follows:

PRESENT – 35: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisen, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT – 2: Senators Celona, Connors.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Thursday, March 4, 2004 proceedings is read in part.

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

GUESTS

Upon suggestion of Senator Breene and by unanimous consent, the Honorable President welcomes to the Chamber Mark Pari of Exeter.

Upon suggestion of Senator DaPonte and by unanimous consent, the Honorable President welcomes to the Chamber Luz Bravo- Gleicher of Providence.

Upon suggestion of Senator Gibbs and by unanimous consent, the Honorable President welcomes to the Chamber Kaite Jones of the Middletown COZ.

Upon suggestion of Senator Blais and by unanimous consent, the Honorable President welcomes to the Chamber Nancy Corvese.

COMMUNICATION

The Honorable President presents the following communication:

John A. Celona
51 Pinewood Drive
North Providence, RI 02904

March 9, 2004

By Hand Delivery

Mr. Raymond T. Hoyas, Jr.
Secretary of Senate
Senate Chamber
State House
Providence, RI 02903

To the Honorable, Secretary of the Senate:

Please be advised that I hereby resign from the Senate, where I serve District 7, effective immediately. Although I wish nothing more than to be able to represent in the Senate the voters of District 7 who have supported me and elected me to office, it has become all too evident that I can no longer function in the Senate. I had hoped to continue to represent my district and to complete my term, but I have concluded that under the present circumstances, I cannot do so.

It is with deep regret that I leave this institution, where I have dedicated the last nine years of my life to effective representation of my constituents. Regrettably, in light of the current investigation and

resultant distractions to the Senate and its members, I feel it is necessary to take this step in the best interest of my family and the institution.

I informed the Senate President today of my course of action, and I asked that he inform the Senate of my intentions. I will now devote my energies to my family, my career, and resolving the matters that led to my decision to resign.

Very truly yours,
John A. Celona

Read and ordered to be placed on file.

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. 2143

BY Senator Sosnowski

ENTITLED, AN ACT RELATING TO PROPERTY SUBJECT TO TAXATION -- SOUTH KINGSTOWN.

Read and ordered to be placed on the Senate Calendar.

Also:

Senate Bill No. 2175

BY Senators Tassoni, Cote, Fogarty P

ENTITLED, AN ACT RELATING TO TAXATION -- MUNICIPAL LIEN CERTIFICATES (North Smithfield).

Read and ordered to be placed on the Senate Calendar.

Also:

Senate Bill No. 2210

BY Senators Breene, Blais

ENTITLED, AN ACT RELATING TO THE EXETER-WEST GREENWICH SCHOOL DISTRICT.

Read and ordered to be placed on the Senate Calendar.

Also:

Senate Bill No. 2517**BY** Senator Breene**ENTITLED**, AN ACT RELATING TO TAXATION.

Read and ordered to be placed on the Senate Calendar.

Also:

Senate Bill No. 2523**BY** Senators Parella, Gibbs**ENTITLED**, AN ACT IN AMENDMENT TO AN ACT RELATING TO THE PORTSMOUTH WATER AND FIRE DISTRICT.

Read and ordered to be placed on the Senate Calendar.

Also:

Senate Bill No. 2827**BY** Senator Algieri**ENTITLED**, AN ACT IN AMENDMENT OF SECTION 2 OF AN ACT ENTITLED "AN ACT TO INCORPORATE THE WATCH HILL FIRE DISTRICT", APPROVED MAY 2, 1941.

Read and ordered to be placed on the Senate Calendar.

TRANSFER OF BILLS

Senator Walaska, in accordance with Senate Rule 6.14, moves to transfer the following bill from the Committee on Financial Services, Technology and Regulatory Issues to the Committee on Commerce, Housing and Municipal Government.

Senate Bill No. 2692**BY** Senator Connors**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- AUTOMOBILE BODY REPAIR SHOPS.

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

FROM THE HOUSE OF REPRESENTATIVES

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

House Bill No. 7085

BY Corvese, Brien T, Laroche, San Bento, Almeida

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS - - CORRECTIONAL OFFICERS – ARBITRATORS

Read and referred to the Senate Committee on Labor.

NEW BUSINESS

Senate Bill No. 2958

BY Senator Alves

ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS - KENT COUNTY WATER DISTRICT.

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

Also:

Senate Resolution No. 2959

BY Senators Gallo, Fogarty P, Walaska, Paiva-Weed, Polisena

ENTITLED, SENATE RESOLUTION URGING THE RHODE ISLAND DEPARTMENT OF HEALTH TO EVALUATE AND MAKE RECOMMENDATIONS FOR IMPROVING PUBLIC AWARENESS, ACCESS TO REGULAR SCREENINGS AND INCREASING SCREENING ACCURACY FOR CERVICAL CANCER.

Read and ordered to be placed on the Consent Calendar

Also:

Senate Bill No. 2960

BY Senators Fogarty P, Caprio F, Tassoni, Breene, Blais

ENTITLED, AN ACT RELATING TO CITIES AND TOWNS - LOW AND MODERATE INCOME HOUSING.

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

Also:

Senate Resolution No. 2961

BY Senators Walaska, McCaffrey

ENTITLED, SENATE RESOLUTION SUPPORTING A TAIWAN-UNITED STATES FREE AGREEMENT.

Read and ordered to be placed on the Consent Calendar

Also:

Senate Bill No. 2962

BY Senator DaPonte

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES.

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2963

BY Senator Breene

ENTITLED, AN ACT RELATING TO REGIONAL SCHOOL DISTRICTS - EXETER - WEST GREENWICH.

Read and referred to the Senate Committee on Education

Also:

Senate Resolution No. 2964

BY Senators Issa, Walaska, McCaffrey, Alves, Caprio F

ENTITLED, SENATE RESOLUTION COMMENDING THE REPUBLIC OF CHINA (TAIWAN) ON ITS CONTRIBUTIONS TO PROMOTE WORLD HEALTH.

Read and ordered to be placed on the Consent Calendar

Also:

Senate Resolution No. 2965

BY Senators Fogarty P, Connors, Tassoni, Walaska, Sheehan

ENTITLED, SENATE RESOLUTION THANKING FIREFIGHTER GERALD W. FOURNIER SR. FOR HIS 50 YEARS OF SERVICE TO HARRISVILLE HOSE COMPANY NO. 1 AND THE HARRISVILLE FIRE DISTRICT.

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. 2966**BY** Senator Blais**ENTITLED**, SENATE RESOLUTION RECOGNIZING AND COMMENDING JOSEPH B. LANG UPON ACHIEVING SCOUTING'S MOST DISTINGUISHED HONOR, 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 the entire Senate.

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

Also:

Senate Resolution No. 2967**BY** Senator Blais**ENTITLED**, SENATE RESOLUTION CONGRATULATING SCOTT A. THACKER 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 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 Piava-Weed, seconded by Senator Algieri, the following appointment on today's Consent Calendar, by unanimous consent, is read and passed, upon a voice vote:

1. Appointment of Robert M. Stillings (Representing architects) of Providence VICE Steve Durkee to the State Building Codes Standards Committee.

CALENDAR

In order for the day is taken up as follows:

1 2004-S 2256 SUB A as amended

BY McCaffrey

**ENTITLED, AN ACT RELATING TO DOMESTIC RELATIONS --
SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends indefinite postponement of the original bill and passage of Substitute A as amended.

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

Senator McCaffrey, seconded by Senators Damiani, Polisena, Breene, Blais and Felag, offers the following written motion to amend.

**F L O O R A M E N D M E N T
T O**

2004 -- S 2256 SUBSTITUTE A, AS AMENDED

**AN ACT RELATING TO DOMESTIC RELATIONS -- SOLEMNIZATION OF
MARRIAGES**

Mr. President:

I hereby move to amend 2004 -- S 2256 SUBSTITUTE A, AS AMENDED, entitled "AN ACT RELATING TO DOMESTIC RELATIONS -- SOLEMNIZATION OF MARRIAGES", as follows:

On page 2, line 8, by deleting the words "secretary of state" and inserting in place thereof the word "governor".

Respectfully submitted,

SENATOR MCCAFFREY

The Motion to amend prevails 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, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator McCaffrey, moves passage of the act as amended, seconded by Senators Polisena and Damiani.

The act is read and passed, by unanimous consent, as amended, upon a roll call vote with 34 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 34: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Also:

2 2004-S 2096

BY Polisena

ENTITLED, AN ACT RELATING TO CORRECTIONS DEPARTMENT

Committee on Labor recommends passage.

Senator Polisena, moves passage, seconded by Senators Damiani, DaPonte, Blais, Algieri, Tassoni and others.

Senators Perry, Polisena, and Roberts, discuss the act.

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, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Also:

3 2004-S 2288**BY Bates****ENTITLED, AN ACT RELATING TO MECHANICAL TRADES**

Committee on Labor recommends passage.

Upon suggestion of Senator Ruggiero, and without objection Ordered to be recommitted to the committee on Labor

Also:

4 2004-S 2803**BY Badeau****ENTITLED, AN ACT RELATING TO INSURANCE -- WORKERS'
COMPENSATION INSURANCE FUND**

Committee on Labor recommends passage.

Senator Badeau, moves passage, seconded by Senator Ciccone.

The act is read and passed, by unanimous consent, upon a roll call vote with 30 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 30: The Honorable President Montalbano and Senators Algieri, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Issa, Lanzi, Lenihan, McCaffrey, Parella, Perry, Pichardo, Polisenia, Raptakis, Revens, Roberts, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

ANNOUNCEMENTS

Senator Gallo announces that the Committee on Finance will meet today, at the rise of the Senate, in Room 211 of the State House.

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

Senator Goodwin announces that the Committee on Constitutional and Gaming Issues will meet on Wednesday, March 10, 2004, at the rise of the Senate, in Room 211 of the State House.

Senator Sheehan announces that the Committee on Health and Human Services will meet on Wednesday, March 10, 2004, at the rise of the Senate, in Room 212 of the State House.

Senator Sosnowski announces that the Committee on Environment and Agriculture will meet on Wednesday, March 10, 2004, at 3:00 o'clock P.M. in the Senate Lounge of the State House.

Senator DaPonte announces that the Committee on Financial Services, Technology and Regulatory Issues will meet on Wednesday, March 10, 2004, at the rise of the Senate, in the Senate Lounge 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 4:32 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR DENNIS L. ALGIERE

Almighty God, we ask today that You help us to live wisely, to fight for justice and truth, and to always try to live up to the expectations of our constituents. Amen.

Appendix

CONSENT CALENDAR

IN ORDER FOR WEDNESDAY, MARCH 10, 2004:

1 2004-S 2106 SUB A**BY Bates****ENTITLED, AN ACT RELATING TO LIABILITY INSURANCE -- RENTAL VEHICLE COVERAGE**

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

2 2004-S 2107 SUB A**BY Bates****ENTITLED, AN ACT RELATING TO INSURANCE - FIRE INSURANCE APPLICATIONS**

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

3 2004-S 2686**BY Blais****ENTITLED, AN ACT RELATING TO INSURANCE**

Committee on Financial, Technology, Regulatory recommends passage.

4 2004-S 2688**BY Blais****ENTITLED, AN ACT RELATING TO INSURANCE -- MANDATORY PRELICENSING EDUCATION REQUIREMENTS**

Committee on Financial, Technology, Regulatory recommends passage.

5 2004-S 2754**BY Bates****ENTITLED, AN ACT RELATING TO INSURANCE -- RHODE ISLAND LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION ACT**

Committee on Financial, Technology, Regulatory recommends passage.

6 2004-S 2738**BY McCaffrey****ENTITLED, AN ACT RELATING TO PROPERTY - MECHANICS' LIENS**

Committee on Judiciary recommends passage.

Raymond T. Hoyas, Jr.
Secretary of the Senate

Appendix

CALENDAR

IN ORDER FOR WEDNESDAY, MARCH 10, 2004:

1 2004-S 2106 SUB A**BY Bates****ENTITLED, AN ACT RELATING TO LIABILITY INSURANCE -- RENTAL
VEHICLE COVERAGE**

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

2 2004-S 2107 SUB A**BY Bates****ENTITLED, AN ACT RELATING TO INSURANCE - FIRE INSURANCE
APPLICATIONS**

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

3 2004-S 2686**BY Blais****ENTITLED, AN ACT RELATING TO INSURANCE**

Committee on Financial, Technology, Regulatory recommends passage.

4 2004-S 2688**BY Blais****ENTITLED, AN ACT RELATING TO INSURANCE -- MANDATORY
PRELICENSING EDUCATION REQUIREMENTS**

Committee on Financial, Technology, Regulatory recommends passage.

5 2004-S 2754**BY Bates****ENTITLED, AN ACT RELATING TO INSURANCE -- RHODE ISLAND LIFE
AND HEALTH INSURANCE GUARANTY ASSOCIATION ACT**

Committee on Financial, Technology, Regulatory recommends passage.

6 2004-S 2738**BY McCaffrey****ENTITLED, AN ACT RELATING TO PROPERTY - MECHANICS' LIENS**

Committee on Judiciary recommends passage.

IN ORDER FOR TUESDAY, MARCH 16, 2004:**1 2004-S 2143****BY Sosnowski****ENTITLED,** AN ACT RELATING TO PROPERTY SUBJECT TO TAXATION --
SOUTH KINGSTOWN

Committee on Commerce, Housing & Municipal Government recommends passage.

2 2004-S 2175**BY Tassoni****ENTITLED,** AN ACT RELATING TO TAXATION -- MUNICIPAL LIEN
CERTIFICATES

Committee on Commerce, Housing & Municipal Government recommends passage.

3 2004-S 2210**BY Breene****ENTITLED,** AN ACT RELATING TO THE EXETER-WEST GREENWICH SCHOOL
DISTRICT

Committee on Commerce, Housing & Municipal Government recommends passage.

4 2004-S 2517**BY Breene****ENTITLED,** AN ACT RELATING TO TAXATION

Committee on Commerce, Housing & Municipal Government recommends passage.

5 2004-S 2523**BY Parella****ENTITLED,** AN ACT IN AMENDMENT TO AN ACT RELATING TO THE
PORTSMOUTH WATER AND FIRE DISTRICT

Committee on Commerce, Housing & Municipal Government recommends passage.

6 2004-S 2827**BY Algieri****ENTITLED,** AN ACT IN AMENDMENT OF SECTION 2 OF AN ACT ENTITLED
"AN ACT TO INCORPORATE THE WATCH HILL FIRE DISTRICT",
APPROVED MAY 2, 1941

Committee on Commerce, Housing & Municipal Government recommends passage.

Raymond T. Hoyas, Jr.
Secretary of the Senate