

**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. 23

Thursday March 18, 2004

Twenty-third Day

---

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:23 o'clock P.M.

The roll is called and a quorum is declared present with 31 Senators present and 5 Senators absent as follows:

**PRESENT** – 31: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisen, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

**ABSENT** – 5: Senators Damiani, McBurney, Raptakis, Revens, Roberts.

**INVOCATION**

The Honorable President, by unanimous consent, presents The Reverend Giacomo D. Capoverdi of St. Mark's Parish in Cranston, to deliver the invocation.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

**NATIONAL ANTHEM**

His Honor, the Lieutenant Governor, by unanimous consent, presents the Honorable David P. Kerins to perform the National Anthem.

**APPROVAL OF RECORD**

The Senate Journal of Wednesday, March 17, 2004 proceedings is read in part.

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

**GUESTS**

Upon suggestion of Senator Gallo and by unanimous consent, the Honorable President welcomes to the Chamber Reverend Giacomo D. Capoverdi.

Upon suggestion of Senator Alves and by unanimous consent, the Honorable President welcomes to the Chamber Reverend Ronald Bengford of Sacred Heart Parish in Woonsocket.

Upon suggestion of Senator Polisena and by unanimous consent, the Honorable President welcomes to the Chamber Reverend Gerald E. Beirne of St. Philip's Church in Greenville.

Upon suggestion of Senator Cote and by unanimous consent, the Honorable President welcomes to the Chamber Guests of Senator Lenihan, his daughter Meghan Lenihan-Mageira, his granddaughter Victoria Katelynn and Victoria's "auntie" Melissa Rasberry.

Upon suggestion of Senator Fogarty and by unanimous consent, the Honorable President welcomes to the Chamber his mother Martha Fogarty, Ann McCoy Joan Doorley, Austin Coyne, Helen Moroney, Ann Polack and Barbara Lataille.

Upon suggestion of Senator Ciccone and by unanimous consent, the Honorable President welcomes to the Chamber Robert DiMaio, Corey Dottor, Anthony Gaglione and Gina Arailelian.

Upon suggestion of Senators Alves and Algiere and by unanimous consent, the Honorable President welcomes to the Chamber the Honorable Edward Morrone, former State Senator from Westerly.

**APPOINTMENTS BY THE GOVERNOR**

The Honorable President presents the following communication from His Excellency, the Governor, transmitting the following appointments and requesting the advice and consent of the Senate thereto:

March 15, 2004

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 20-8-4 of the Rhode Island General Laws, I have made the following appointment to the Atlantic States Marine Fisheries Commission:

**Everett A. Petronio, Jr. of Johnston**

VICE  
Gil Pope

for a term expiring January 1, 2005.

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

Sincerely,



Donald L. Carcieri  
Governor

Referred to the Committee on Environment and Agriculture.

Also:

March 1, 2004

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:

**Regina A. Partridge of Providence**

VICE  
Madelyn T. LaPlume

for a term expiring March 1, 2007.

To this appointment, I request your advice and consent.

Sincerely,



Donald L. Carcieri  
Governor

Referred to the Committee on Education.

**REPORTS OF COMMITTEES**

**TRANSFER OF BILLS**

Senator Alves for the Committee on Health and Human Services reports back the following measure, with recommendation of transfer to the Committee on Finance:

**Senate Bill No. 2677** (Lt. Governor)

**BY** Senators Alves, Roberts, Caprio F, McBurney, Goodwin

**ENTITLED**, AN ACT RELATING TO HUMAN SERVICES - LONG TERM HOME HEALTH CARE.

Read and referred to the Committee on Finance

Also:

Senator Roberts for the Committee on Health and Human Services reports back the following measure, with recommendation of transfer to the Committee on Finance:

**Senate Bill No. 2697**

**BY** Senators Roberts, Paiva-Weed, Parella, Gibbs

**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- MEDICAID EXPENDITURES -- ANNUAL REPORT.

Read and referred to the Committee on Finance

Also

Senator DaPonte for the Committee on Judiciary, reports back the following measure, with recommendation of transfer to the Committee on Financial Services, Technology & Regulatory Issues.

**Senate Bill No. 2871**

**BY** Senators DaPonte, Connors

**ENTITLED**, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- MOTOR PASSENGER CARRIERS.

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

Also:

Senator DaPonte for the Committee on Judiciary reports back the following measure, with recommendation of transfer to the Committee on Finance:

**Senate Bill No. 2859**

**BY** Senator DaPonte

**ENTITLED**, AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE -- UNCLAIMED INTANGIBLE AND TANGIBLE PROPERTY.

Read and referred to the Committee on Finance

Also:

Senator DaPonte for the Committee on Judiciary reports back the following measure, with recommendation of transfer to the Committee on Finance:

**Senate Bill No. 2922**

**BY** Senators DaPonte, Felag, Ruggerio

**ENTITLED**, AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE -- UNCLAIMED PROPERTY.

Read and referred to the Committee on Finance

Also:

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

**Senate Bill No. 2582**

**BY** Senators Gibbs, Perry, Roberts, Parella, Bates

**ENTITLED**, AN ACT RELATING TO THE AGE OF MAJORITY.

Read and referred to the Committee on Constitutional and Gaming Issues

**NEW BUSINESS**

**Senate Resolution No. 2979**

**BY** Senators Montalbano J, Paiva-Weed, Algieri, Tassoni, Fogarty P

**ENTITLED**, SENATE RESOLUTION COMMEMORATING THE CELEBRATION OF ST. PATRICK'S DAY.

Senator Paiva-Weed requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

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

Also:

**Senate Resolution No. 2980**

**BY** Senators Montalbano J, Paiva-Weed, Algieri, Tassoni, Fogarty P

**ENTITLED**, SENATE RESOLUTION COMMEMORATING THE FEAST OF ST. JOSEPH.

Senator Caprio requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Caprio moves passage, seconded by Senator Sheehan and the entire Senate.

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

**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 4:38 o'clock P.M.

RAYMOND T. HOYAS, JR.  
Secretary of the Senate

## Appendix

## CONSENT CALENDAR

## IN ORDER FOR TUESDAY, MARCH 23, 2004:

**1 2004-S 2297****BY Issa**

**ENTITLED,** SENATE RESOLUTION RESPECTFULLY REQUESTING THE PRESIDENT OF THE UNITED STATES OF AMERICA TO ORDER THE PENTAGON TO ISSUE CAMPAIGN-SPECIFIC MEDALS FOR OPERATION IRAQI FREEDOM AND THE CAMPAIGN IN AFGHANISTAN

Committee on Constitutional & Gaming Issues recommends passage.

**2 2004-S 2342****BY Connors**

**ENTITLED,** SENATE RESOLUTION RESPECTFULLY REQUESTING THE GOVERNOR OF THE STATE OF RHODE ISLAND TO OPPOSE RECOMMENDATIONS FROM GACT IN REGARD TO REALLOCATION OF HOTEL LODGING FUNDS AND THE CREATION OF A STATEWIDE TOURISM ORGANIZATION

Committee on Constitutional & Gaming Issues recommends passage.

**3 2004-S 2772****BY Ruggerio**

**ENTITLED,** SENATE RESOLUTION CREATING A SPECIAL SENATE COMMISSION TO STUDY THE HEALTH EFFECTS OF TOXIC MOLD

Committee on Constitutional & Gaming Issues recommends passage.

**4 2004-S 2976****BY Perry**

**ENTITLED,** JOINT RESOLUTION EXTENDING THE REPORTING DATE OF THE SPECIAL LEGISLATIVE COMMISSION TO STUDY SERVICES TO PERSONS WITH MENTAL ILLNESS IN THE CRIMINAL JUSTICE SYSTEM

Ordered to be placed on the Consent Calendar

**5 2004-S 2977****BY Cote**

**ENTITLED,** SENATE RESOLUTION PROCLAIMING MARCH 25, 2004 AS "APPRECIATION FOR CATHOLIC SCHOOLS DAY" IN THE STATE OF RHODE ISLAND AND HONORING THE



CONTRIBUTIONS OF RHODE ISLAND'S FIFTY-EIGHT  
CATHOLIC ELEMENTARY AND SECONDARY SCHOOLS

Ordered to be placed on the Consent Calendar

**6 2004-S 2978**

**BY Paiva-Weed**

**ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF  
THE CHARTER OF CHAPMAN ASSOCIATES, INCORPORATED**

Ordered to be placed on the Consent Calendar

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

**Appendix****CALENDAR****IN ORDER FOR TUESDAY, MARCH 23, 2004:****1 2004-S 2837 SUB A****BY Sosnowski****ENTITLED, AN ACT RELATING TO FISH AND WILDLIFE**

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

**2 2004-S 2301****BY Cote****ENTITLED, SENATE RESOLUTION PROPOSING A "REAL-TIME BILL TRACKING SYSTEM"**

Committee on Financial, Technology, Regulatory recommends passage.

**IN ORDER FOR THURSDAY, MARCH 25, 2004:****1 2004-S 2551****BY Goodwin****ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES**

Committee on Constitutional & Gaming Issues recommends passage.

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