

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. 2

Wednesday, January 5, 2005

Second Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:19o'clock P.M.

The Honorable Senator Presents the Honorable Matthew A. Brown, Secretary of State.

OATH

The Oath of Office is administered to Senator-elect Pichardo by the Honorable Matthew A. Brown, Secretary of State.

The roll is called and a quorum is declared present with 36 Senators present and 2 Senators absent as follows:

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

ABSENT – 2: Senators Badeau, Lanzi.

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, January 4, 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.

ELECTION OF THE READING CLERK

The Honorable President declares that nominations for the office of Reading Clerk are now in order.

Senator Gallo nominates John S. Baxter, Jr., of Pawtucket, as Reading Clerk for the 2005 and 2006 Sessions. The nomination is seconded by Senators Polisena, Algieri and Blais.

The motion to elect John S Baxter, Jr., of Pawtucket, as Reading Clerk for the 2005 and 2006 Sessions 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, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, 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 McBurney and by unanimous consent, the Honorable President welcomes to the Chamber, the family of the Reading Clerk John S. Baxter, wife Stephanie, and his two sons Cameron and Tyler.

COMMUNICATION

The Honorable President presents the following communication:

January 5, 2005

To the Honorable Senate:

I have the honor to inform you that I administered this day the oath of engagement as Reading Clerk for the years 2005 and 2006 to John S. Baxter, Jr., of Pawtucket.

Respectfully yours,

Matthew Brown
Secretary of State

Read and ordered to be placed on file.

APPOINTMENTS

The Honorable President presents the following communication transmitting the following appointment:

January 5, 2005

The Honorable Senate
State House
Providence, RI 02903

Dear Colleagues:

Pursuant to Section 5.2 of the Senate Rules, I am making the following appointments to the Senate Committee on Rules:

Senate Committee on Rules

Daniel P. Connors, *Chairperson*

David E. Bates
Daniel DaPonte
J. Michael Lenihan
Dominick J. Ruggiero

* President Montalbano, Majority Leader Paiva-Weed and Minority Leader Algieri serve as ex-official members of all committees.

Sincerely,

JOSEPH A. MONTALBANO
President of the Senate

Read and ordered to be placed on file.

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:

January 4, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-61-1 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Lottery Commission:

Barry G. Hittner of Warwick

VICE

The Honorable Michael Damiani

for a term expiring March 25, 2008.

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

Sincerely,
Donald L. Carcieri
Governor

Read and referred to the Committee on Judiciary.

Also:

January 4, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-61-1 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Lottery Commission:

Sherry E. Ferdinandi of Cranston

VICE

The Honorable Robert Flaherty

for a term expiring March 25, 2008.

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

Sincerely,
Donald L. Carcieri
Governor

Read and referred to the Committee on Judiciary.

Also:

January 4, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-61-1 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Lottery Commission:

Patricia W. Farley of Providence

VICE

The Honorable William San Bento, Jr.

for a term expiring March 25, 2008.

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

Sincerely,
Donald L. Carcieri
Governor

Read and referred to the Committee on Judiciary.

Also:

January 4, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-61-1 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Lottery Commission:

Julie G. Duffy of Barrington

VICE

The Honorable David Bates

for a term expiring March 25, 2008.

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

Sincerely,
Donald L. Carcieri
Governor

Read and referred to the Committee on Judiciary.

Also:

January 4, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-61-1 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Lottery Commission:

Peri Ann Aptaker of Providence

VICE

The Honorable Maryellen Goodwin

for a term expiring March 25, 2008.

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

Sincerely,

Donald L. Carcieri
Governor

Read and referred to the Committee on Judiciary.

Also:

January 4, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-61-1 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Lottery Commission:

Richard L. Pastore of North Kingstown

VICE

The Honorable Joseph Scott

for a term expiring March 25, 2008.

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

Sincerely,
Donald L. Carcieri
Governor

Read and referred to the Committee on Judiciary.

Also:

January 4, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 46-23-2 of the Rhode Island General Laws, I have made the following appointment to the Coastal Resources Management Council:

William F. Meyer of Charlestown
Representing Coastal Community

VICE

The Honorable Daniel DaPonte

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 Judiciary.

Also:

January 4, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 46-23-2 of the Rhode Island General Laws, I have made the following appointment to the Coastal Resources Management Council:

Paul Hansen of South Kingstown
Representing Coastal Community

VICE

The Honorable Susan Sosnowski

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 Judiciary.

Also:

January 4, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 46-23-2 of the Rhode Island General Laws, I have made the following appointment to the Coastal Resources Management Council:

Anna F. Prager of South Kingstown
Public Member

VICE
The Honorable Thomas Palangio

for a term expiring January 31, 2007.

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

Sincerely,
Donald L. Carcieri
Governor

Read and referred to the Committee on Judiciary.

Also:

January 4, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 46-23-2 of the Rhode Island General Laws, I have made the following appointment to the Coastal Resources Management Council:

Leslie M. Gray, III of Bristol
Representing Coastal Community

VICE
The Honorable Eileen Naughton

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 Judiciary.

Also:

January 4, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 46-23-2 of the Rhode Island General Laws, I have made the following appointment to the Coastal Resources Management Council:

Janice Williams Oliver of Warren
Public Member

VICE
Thomas Ricci

for a term expiring January 31, 2007.

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

Sincerely,
Donald L. Carcieri
Governor

Read and referred to the Committee on Judiciary.

Also:

January 4, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 46-23-2 of the Rhode Island General Laws, I have made the following appointment to the Coastal Resources Management Council:

Cynthia Fuller of Barrington
Public Member

VICE

Gerald Zarella

for a term expiring January 31, 2007.

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

Sincerely,
Donald L. Carcieri
Governor

Read and referred to the Committee on Judiciary.

Also:

January 4, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 46-23-2 of the Rhode Island General Laws, I have made the following appointment to the Coastal Resources Management Council:

Carol Hueston of North Kingstown
Representing Coastal Community

VICE
Dave Abedon

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 Judiciary.

Also:

January 4, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 46-23-2 of the Rhode Island General Laws, I have made the following appointment to the Coastal Resources Management Council:

Cristina T. Harsch of Jamestown
Representing Coastal Community

VICE

K. Joseph Shekarchi

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 Judiciary.

NEW BUSINESS

Senate Bill No. 1

BY Senators Issa, Walaska, McCaffrey, Montalbano J, Felag

ENTITLED, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE -- NATIONAL GUARD

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 2

BY Senators Ciccone, Connors, Damiani, Polisena, Ruggerio

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- IMPERSONATION AND IDENTITY FRAUD

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 3

BY Senators Ciccone, Polisena, Ruggerio, Sosnowski, DaPonte
ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- HIGHWAYS

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 4 (Lieutenant Governor)

BY Senators Tassoni, Doyle, Issa, McBurney
ENTITLED, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE -- NATIONAL
GUARD

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 5 (Lieutenant Governor)

BY Senators Tassoni, Doyle, Issa, McBurney
ENTITLED, AN ACT RELATING TO TAXATION

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 6

BY Senators Issa, Tassoni, Doyle, McBurney
ENTITLED, AN ACT RELATING TO MILITARY SERVICE -- MILITARY SERVICE DEBT
RELIEF ACT

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 7

BY Senators Issa, Tassoni, Doyle, McBurney
ENTITLED, AN ACT RELATING TO THE NATIONAL GUARD

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 8

BY Senators Issa, Tassoni, Doyle, McBurney
ENTITLED, AN ACT RELATING TO MILITARY AFFAIRS -- NATIONAL GUARD RE-
ENLISTMENT BONUS

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 9

BY Senators Tassoni, Issa, Doyle, McBurney

ENTITLED, AN ACT RELATING TO THE NATIONAL GUARD

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 10

BY Senators Algieri, Breene

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF CROSS'S MILLS'S VOL. FIRE DEPT.

Placed on the Senate Consent Calendar

Also:

Senate Bill No. 11

BY Senators Tassoni, Polisena, Caprio F, Raptakis

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

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

Also:

Senate Bill No. 12

BY Senators Tassoni, Doyle, Polisena

ENTITLED, AN ACT RELATING TO INSURANCE -- RATES CHARGED

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

Also:

Senate Bill No. 13

BY Senators Tassoni, Doyle, Polisena

ENTITLED, AN ACT RELATING TO ADOPTION OF CHILDREN

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 14

BY Senators Tassoni, Doyle, Polisena

ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE -- VICTIM'S RIGHTS

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 15

BY Senators Tassoni, Doyle, Polisena

ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE -- CRIMINAL INJURIES
COMPENSATION

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 16

BY Senators Tassoni, Doyle, Polisena

ENTITLED, AN ACT RELATING TO CHILDREN WITH DISABILITIES

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 17

BY Senators Tassoni, Doyle, Polisena, Caprio F

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- FAILURE TO PAY CHILD
SUPPORT

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 18

BY Senators Fogarty P, Tassoni, Gallo, Walaska, Breene

ENTITLED, AN ACT RELATING TO STATE AID

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 19

BY Senators Tassoni, Fogarty P, Cote

ENTITLED, AN ACT RELATING TO TAXATION -- NORTH SMITHFIELD

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

Also:

Senate Bill No. 20

BY Senators McBurney

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY

Read and referred to the Senate Committee on Health and Human Services

Also:

Senate Bill No. 21

BY Senators Bates, Felag, Levesque C

ENTITLED, AN ACT VALIDATING AND RATIFYING AMENDMENTS TO THE CHARTER OF THE TOWN OF BRISTOL

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

Also:

Senate Bill No. 22

BY Senators Bates, McCaffrey

ENTITLED, AN ACT RELATING TO DOMESTIC RELATIONS -- CHILD SUPPORT ENFORCEMENT

Read and referred to the Senate Committee on Judiciary

ANNOUNCEMENTS

Senator Paiva Weed announces that the Senate Winter Weather Advisory Hotline is now in operation and can be reached by calling 222-4019.

ADJOURNMENT

Upon motion of Senator DaPonte, seconded by Senator Algieri, and upon suggestion of Senator Perry, the Senate adjourns at 4:35 o'clock P.M. in memory of Florence Weintraub of Providence, a beloved woman who is greatly missed.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR TERESA M. PAIVA WEED

Lord, we pray for your guidance in understanding the problems and issues we will face during this new General Assembly session. May our actions always be guided by your supreme law of love and tolerance. Amen.

January Session, A. D. 2005

SENATE CONSENT CALENDAR

IN ORDER FOR TUESDAY, JANUARY 11, 2005:

1 2005-S 10

BY Algieri

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE
CHARTER OF CROSS'S MILLS'S VOL. FIRE DEPT.

Ordered to be placed on the Consent Calendar

Raymond T. Hoyas, Jr.
Secretary of the Senate

Wednesday, January 5, 2005