

## 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. 10

Thursday, January 27, 2005

Tenth Day

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The Senate meets pursuant to adjournment and is called to order by the Honorable John C. Revens, President Pro Tempore 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 3 Senators absent as follows:

**PRESENT** – 35: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Connors, Cote, DaPonte, 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.

**ABSENT** – 3: Senators Ciccone, Damiani, Montalbano.

### INVOCATION

The Honorable President Pro Tempore, by unanimous consent, presents Senator Badeau, to deliver the invocation.

(See Appendix for Invocation)

### PLEDGE OF ALLEGIANCE TO THE FLAG

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

### APPROVAL OF RECORD

The Senate Journal of Tuesday, January 25, 2005 proceedings is read in part.

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

**GUESTS**

Upon suggestion of Senator Doyle and by unanimous consent, the Honorable President Pro Tempore welcomes to the Chamber Peter Fontaine.

Upon suggestion of Senator DaPonte and by unanimous consent, the Honorable President Pro Tempore welcomes to the Chamber John O'Hare of Rumford.

Upon suggestion of Senator Paiva Weed and by unanimous consent, the Honorable President Pro Tempore welcomes to the Chamber the Honorable J. Clement Cicilline, Former State Senator.

**APPOINTMENTS BY THE GOVERNOR**

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

January 25, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 46-25-1 of the Rhode Island General Laws, I have made the following appointment to the Narragansett Bay Commission:

**Leslie M. Gray III of Bristol**

VICE

Laurie A. Montanaro-Kijak

for a term expiring April 1, 2006.

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 14, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-6-3 of the Rhode Island General Laws, I have made the following appointment as Director of the Department of Children Youth and Families:

**Patricia Martinez of Pawtucket**

VICE  
Jay G. Lindgren, Jr.

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 14, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-14.5-1 of the Rhode Island General Laws, I have made the following appointment as Health Insurance Commissioner:

**Christopher F. Koller of Rumford**

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

Sincerely,



Donald L. Carcieri  
Governor

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

Also:

January 26, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-6-9 of the Rhode Island General Laws, I have made the following appointment as Director of the Department of Health:

**David R. Gifford, M.D., M.P.H.**  
(Director of the Department of Health)

VICE  
Dr. Patricia Nolan

for a term expiring February 28, 2010.

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

Sincerely,



Donald L. Carcieri  
Governor

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

**NEW BUSINESS**

**Senate Bill No. 132**

**BY** Senators McCaffrey, Walaska

**ENTITLED**, AN ACT RELATING TO AERONAUTICS -- NOISE MONITORING

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

Also:

**Senate Bill No. 133**

**BY** Senator Blais

**ENTITLED**, AN ACT RELATING TO MILITARY SERVICE -- ACTIVE DUTY TAX EXEMPTION

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

Also:

**Senate Bill No. 134**

**BY** Senators Sosnowski, Damiani, Polisena, Paiva-Weed, Algieri

**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- FIRE SAFETY CODE

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

Also:

**Senate Bill No. 135**

**BY** Senators Connors, Badeau, Issa

**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES

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

Also:

**Senate Bill No. 136**

**BY** Senators Polisena, Damiani, Sosnowski, Ruggerio

**ENTITLED**, AN ACT RELATING TO COMMERCIAL LAW -- UNFAIR SALES PRACTICES

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

Also:

**Senate Bill No. 137**

**BY** Senators Blais, Breene

**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY - MERCURY REDUCTION AND EDUCATION ACT

Read and referred to the Senate Committee on Environment and Agriculture

Also:

**Senate Bill No. 138**

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

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

Read and referred to the Senate Committee on Environment and Agriculture

Also:

**Senate Bill No. 139** (Lieutenant Governor)

**BY** Senators Connors, Perry, Gallo, Doyle, Polisena

**ENTITLED**, AN ACT RELATING TO HUMAN SERVICES -- ESTABLISHING A LONG-TERM CARE IMPROVEMENT FUND

Read and referred to the Senate Committee on Finance

Also:

**Senate Bill No. 140** (Lieutenant Governor)

**BY** Senators Connors, Damiani, Gallo, Doyle, Polisena

**ENTITLED**, AN ACT RELATING TO TAXATION -- PERSONAL INCOME TAX

Read and referred to the Senate Committee on Finance

Also:

**Senate Bill No. 141**

**BY** Senators McCaffrey, Polisena, Walaska

**ENTITLED**, AN ACT RELATING TO SALES AND USE TAXES - LIABILITY AND COMPUTATION

Read and referred to the Senate Committee on Finance

Also:

**Senate Bill No. 142**

**BY** Senators McCaffrey, Walaska

**ENTITLED**, AN ACT RELATING TO AIRPORTS AND LANDING FIELDS

Read and referred to the Senate Committee on Finance

Also:

**Senate Bill No. 143**

**BY** Senators McCaffrey, Polisena, Walaska

**ENTITLED**, AN ACT RELATING TO SALES AND USE TAXES -- LIABILITY AND COMPUTATION

Read and referred to the Senate Committee on Finance

Also:

**Senate Bill No. 144**

**BY** Senators McCaffrey, Walaska, Raptakis

**ENTITLED**, AN ACT RELATING TO SALES AND USE TAXES -- LIABILITY AND COMPUTATION -- FOOD

Read and referred to the Senate Committee on Finance

Also:

**Senate Bill No. 145**

**BY** Senators Perry, Goodwin, Roberts, Gibbs, Pichardo

**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- THE SHELTER TO HOUSING PROGRAM

Read and referred to the Senate Committee on Finance

Also:

**Senate Bill No. 146**

**BY** Senators Perry, Goodwin, Polisena, Damiani, Levesque C

**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES - RELIEF OF INJURED AND DECEASED FIREFIGHTERS AND POLICE OFFICERS.

Read and referred to the Senate Committee on Finance

Also:

**Senate Bill No. 147**

**BY** Senators Badeau, Ruggerio, Ciccone, Fogarty P, Doyle

**ENTITLED**, AN ACT RELATING TO LABOR -- AFL-CIO DISLOCATED WORKERS' FUND

Read and referred to the Senate Committee on Finance

Also:

**Senate Bill No. 148**

**BY** Senators McCaffrey, Polisena, Walaska

**ENTITLED**, AN ACT RELATING TO PERSONAL INCOME TAX -- VETERAN PENSIONS

Read and referred to the Senate Committee on Finance

Also:

**Senate Bill No. 149**

**BY** Senators Blais, Goodwin, Alves

**ENTITLED**, AN ACT RELATING TO PUBLIC FINANCE -- PROHIBITING THE USE OF PUBLIC FUNDS FOR ABORTIONS

Read and referred to the Senate Committee on Finance

Also:

**Senate Bill No. 150**

**BY** Senators Polisena, Damiani, Sosnowski, Paiva-Weed

**ENTITLED**, AN ACT RELATING TO TAXATION -- PERSONAL INCOME TAX

Read and referred to the Senate Committee on Finance

Also:

**Senate Bill No. 151**

**BY** Senators Walaska, Bates

**ENTITLED**, AN ACT RELATING TO INSURANCE -- UNFAIR COMPETITION AND PRACTICES

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

Also:

**Senate Bill No. 152**

**BY** Senators McCaffrey, Polisena

**ENTITLED**, AN ACT RELATING TO FINANCIAL INSTITUTIONS -- COMMUNITY OBLIGATIONS AND BANKING OFFENSES

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

Also:

**Senate Bill No. 153**

**BY** Senators Walaska, Fogarty P, McCaffrey, Blais, Raptakis

**ENTITLED**, AN ACT RELATING TO ABORTION

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 154**

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

**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- HEALTH CARE FOR CHILDREN AND PREGNANT WOMEN

Read and referred to the Senate Committee on Judiciary

Also:



**Senate Bill No. 155****BY** Senators Badeau, Ruggerio, Ciccone, Cote, Doyle**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- COURTS

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 156****BY** Senators Connors, Perry, Doyle, Polisena**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- LAW PRACTICE

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Resolution No. 157****BY** Senators Walaska, Issa, Gallo, McCaffrey**ENTITLED**, SENATE RESOLUTION COMMENDING THE REPUBLIC OF CHINA (TAIWAN) ON ITS CONTRIBUTIONS TO PROMOTE WORLD HEALTH

Placed on the Senate Consent Calendar

Also:

**Senate Resolution No. 158****BY** Senators Walaska, Issa, Gallo, Raptakis, Fogarty P**ENTITLED**, SENATE RESOLUTION SUPPORTING A TAIWAN-UNITED STATES FREE AGREEMENT

Placed on the Senate Consent Calendar

Also:

**Senate Resolution No. 159****BY** Senators Bates, Walaska, Felag, Connors, Tassoni**ENTITLED**, SENATE RESOLUTION HONORING THOMAS A. TAYLOR ON THE OCCASION OF HIS RETIREMENT AFTER 35 YEARS OF SERVICE WITH AMICA MUTUAL INSURANCE COMPANY.

Senator Bates requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Bates moves passage, seconded by the entire Senate.

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

**ADJOURNMENT**

Upon motion of Senator DaPonte, seconded by Senator Algieri, and upon suggestion of Senator Doyle, the Senate adjourns at 4:21 o'clock P.M. in memory of Scott Millard of Pawtucket.

RAYMOND T. HOYAS, JR.  
Secretary of the Senate

**Appendix**

**INVOCATION**

**SENATOR ROGER R. BADEAU**

Dear God, we pray that you keep our purposes clear and our visions keen that we may face today's challenges with high resolve. Amen.

**Appendix**

**CONSENT CALENDAR**

**IN ORDER FOR TUESDAY, FEBRUARY 1, 2005:**

**1 2005-S 157**

**BY Walaska**

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

Ordered to be placed on the Consent Calendar

**2 2005-S 158**

**BY Walaska**

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

Ordered to be placed on the Consent Calendar

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

**Thursday, January 27, 2005**