

## 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. 36

Thursday, April 7, 2005

Thirty-sixth 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 4:17 o'clock P.M.

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, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Cote, Damiani, DaPonte, Doyle, 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** – 2: Senators Connors, Felag.

### INVOCATION

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

(See Appendix for Invocation)

### PLEDGE OF ALLEGIANCE TO THE FLAG

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

### APPROVAL OF RECORD

The Senate Journals of Tuesday, April 5, 2005 and Wednesday, April 6, 2005 proceedings are read in part.

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

**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 31, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 16-60-2 of the Rhode Island General Laws, I have made the following appointment to the Board of Regents for Elementary and Secondary Education:

**Robert Camara of East Greenwich**

VICE  
Mario Mancieri

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 Education.

Also:

March 31, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-19-6 of the Rhode Island General Laws, I have made the following appointment of the Rhode Island Resource Recovery Corporation:

**Douglas C. Jeffrey, Sr. of Johnston**

VICE

The Honorable Joan Quick

for a term expiring July 1, 2008.

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

Sincerely,



Donald L. Carcieri  
Governor

Read and referred to the Committee on Environment and Agriculture.

Also:

April 5, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 16-59-2 of the Rhode Island General Laws, I have made the following appointment to the Board of Governors for Higher Education:

**Glenn B. Short, PhD., DDS of Barrington**

VICE  
The Honorable Daniel Issa

for a term expiring January 31, 2008.

To this appointment, I request your advice and consent.

Sincerely,



Donald L. Carcieri  
Governor

Read and referred to the Committee on Education.

Also:

April 4, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 16-59-2 of the Rhode Island General Laws, I have made the following appointment to the Board of Governors for Higher Education:

**Alicia Denise Monroe, M.D. of Rumford**

VICE  
Michael Schuster

for a term expiring January 31, 2007.

To this appointment, I request your advice and consent.

Sincerely,



Donald L. Carcieri  
Governor

Read and referred to the Committee on Education.

Also:

March 30, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 12-1.1-4 of the Rhode Island General Laws, I have made the following appointment to the State Crime Laboratory Commission:

**Nancy R. Haley of West Kingston**

VICE  
Chair/Designee of Senate Finance Committee

for a term to expire January 1, 2007.

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

Sincerely,  
Donald L. Carcieri



Governor

Read and referred to the Committee on Judiciary.

## REPORTS OF COMMITTEES

### COMMITTEE ON FINANCE

Senator Alves, from the Committee on Finance, reports back, with recommendation of passage of the following measure:

#### **Senate Bill No. 815**

**BY** Senators Alves, McBurney, Doyle, Issa, Walaska

**ENTITLED**, AN ACT RELATING TO HUMAN SERVICES -- ALL-INCLUSIVE CARE FOR THE ELDERLY (authorize and initiate a state program for all-inclusive care for the elderly).

Read and ordered to be placed on the Calendar

### COMMITTEE ON JUDICIARY

Senator McCaffrey, from the Committee on Judiciary, reports back, with recommendation of passage of the following measures:

#### **Senate Bill No. 348**

**BY** Senators Polisena, Damiani

**ENTITLED**, AN ACT RELATING TO CORRECTIONS DEPARTMENT ( prohibit the transfer or delegation of the supervision, custody & control of persons detained or confined by corrections to private persons or entities).

Read and ordered to be placed on the Calendar

Also:

#### **Senate Bill No. 351**

**BY** Senators Polisena, Damiani

**ENTITLED**, AN ACT RELATING TO THE RHODE ISLAND JUSTICE COMMISSION ( add the president of the RI Brotherhood of Correctional Officers and the Chief Justice of the Supreme Court to the Criminal Justice Oversight Committee).

Read and ordered to be placed on the Calendar.

**REPORTS OF COMMITTEES****TRANSFER OF BILLS**

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

**House Bill No. 5041** as amended

**BY** Crowley, Rice, Jackson, Gallison

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

Read and referred to the Committee on Government Oversight.

**TRANSFER OF BILLS**

Senator McCaffrey 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. 575**

**BY** Senators Metts, Pichardo, Levesque C, Caprio F

**ENTITLED**, AN ACT RELATING TO ELECTIONS (lost the right to vote upon a felony conviction will have that right restored upon discharge)

Read and referred to the Committee on Constitutional and Gaming Issues.

**CONSENT CALENDAR**

In order for the day is taken up as follows:

Upon motion of Senate Majority Leader Paiva Weed, seconded by Senator Algieri, the following measures on today's Consent Calendar, by unanimous consent, are read and passed, upon a voice vote:

- 1** Reappointment of Michael Isaacs of East Greenwich to the Rhode Island Public Telecommunications Authority for a term expiring January 31, 2008.
- 2** Reappointment of The Honorable Frank Caprio of Providence to the Board of Governors for Higher Education for a term expiring January 31, 2008.
- 3** Reappointment of Daniel J. Ryan of Barrington to the Board of Governors for Higher Education for a term expiring January 31, 2008.

**CALENDAR**

Upon suggestion of Senator Ruggiero, and without objection, the Calendar is deferred to Tuesday, April 12, 2005.

**NEW BUSINESS**

**Senate Bill No. 1004**

**BY** Senators Breene, Blais, Sosnowski

**ENTITLED**, AN ACT RELATING TO TAX EXEMPTION OF CERTAIN PROPERTY IN THE TOWN OF RICHMOND.

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

Also:

**Senate Bill No. 1005**

**BY** Senators Gibbs, Paiva-Weed

**ENTITLED**, AN ACT AUTHORIZING AN INCREASE IN THE AMOUNT OF REAL, PERSONAL, AND MIXED PROPERTY WHICH THE NEWPORT COUNTY COMMUNITY MENTAL HEALTH CENTER, INC. SHALL BE ENTITLED TO TAKE, HOLD, TRANSMIT AND CONVEY, AND GRANTING EXEMPTION FROM ALL TAXATION.

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

Also:

**Senate Bill No. 1006**

**BY** Senators Breene, Blais

**ENTITLED**, AN ACT RELATING TO TAXATION -- WEST GREENWICH.

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

Also:

**Senate Bill No. 1007**

**BY** Senators Blais, Breene, Paiva-Weed, Bates

**ENTITLED**, AN ACT RELATING TO THE PERMANENT JOINT COMMITTEE ON WATER RESOURCES.

Read and referred to the Senate Committee on Environment and Agriculture

Also:

**Senate Bill No. 1008**

**BY** Senators Tassoni, Ruggerio, Polisena, Doyle

**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY - - HEALTH CARE FACILITIES STAFFING.

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

Also:

**Senate Bill No. 1009**

**BY** Senators Gibbs, Paiva-Weed

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

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 1010**

**BY** Senator Sosnowski

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

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 1011**

**BY** Senator Perry

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

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 1012**

**BY** Senator Paiva-Weed

**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- COMMISSION ON UNIFORM STATE LAWS.

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Resolution No. 1013**

**BY** Senators Levesque C, Paiva-Weed

**ENTITLED**, SENATE RESOLUTION EXPRESSING ITS DEEPEST CONDOLENCES ON THE PASSING OF JOHN J. BENTO.

Senator Levesque requests unanimous consent for immediate consideration.



Unanimous consent for immediate consideration is granted.

Senator Levesque moves passage, seconded by the entire Senate.

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

#### ANNOUNCEMENTS

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

Senator Goodwin announces that the Committee on Constitutional and Gaming Issues will meet today, at the rise of the Senate, in Room 313 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 4:26 o'clock P.M.

RAYMOND T. HOYAS, JR.  
Secretary of the Senate

**Appendix**

**INVOCATION**

**SENATOR PAUL W. FOGARTY**

Dear God, we ask you today to grant us the strength and confidence to make the decisions that will be of the greatest benefit to our citizens. We are eternally grateful to have the opportunity to serve the people of our state, and therefore, serve you. Amen.

**Appendix****CALENDAR****IN ORDER FOR TUESDAY, APRIL 12, 2005:**

- 1** Appointment of Amy Beretta of East Greenwich VICE Jo-Eva Gaines to the Board of Regents for Elementary and Secondary Education for a term expiring January 31, 2008.

Committee on Education recommends that the Senate give its Advice and Consent to this appointment.

**2** **2005-S 713**

**BY Blais**

**ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- UNIFORM ANATOMICAL GIFT ACT

Committee on Judiciary recommends passage.

**3** **2005-S 585**

**BY McCaffrey**

**ENTITLED,** AN ACT RELATING TO CHILDREN

Committee on Judiciary recommends passage.

**4** **2005-S 133**

**BY Blais**

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

Committee on Commerce, Housing & Municipal Government recommends passage.

**5** **2005-S 927**

**BY Algieri**

**ENTITLED,** AN ACT RELATING TO THE WESTERLY FIRE DISTRICT

Committee on Commerce, Housing & Municipal Government recommends passage.

**6** **2005-S 952**

**BY Breene**

**ENTITLED,** AN ACT RELATING TO TOWNS AND CITIES - GENERAL POWERS

Committee on Commerce, Housing & Municipal Government recommends passage.

**7 2005-H 5133****BY Church****ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS**

Committee on Commerce, Housing & Municipal Government recommends passage in concurrence.

**8 2005-S 239****BY Ciccone****ENTITLED, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- MERIT SYSTEM**

Committee on Labor recommends passage.

**9 2005-S 357****BY Lanzi****ENTITLED, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES**

Committee on Labor recommends passage.

**10 2005-S 360****BY Breene****ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- EMPLOYMENT SECURITY -- GENERAL PROVISIONS**

Committee on Labor recommends passage.

**11 2005-S 643****BY Ruggiero****ENTITLED, AN ACT RELATING TO HOISTING ENGINEERS**

Committee on Labor recommends passage.

**12 2005-S 644****BY Ruggiero****ENTITLED, AN ACT RELATING TO HOISTING ENGINEERS**

Committee on Labor recommends passage.

**13 2005-S 697****BY Breene****ENTITLED, AN ACT RELATING TO EMPLOYMENT SECURITY -- GENERAL PROVISIONS**

Committee on Labor recommends passage.

**14 2005-S 29****BY Walaska****ENTITLED, AN ACT RELATING TO REGISTRATION OF VEHICLES --  
VETERANS' PLATES**

Committee on Constitutional &amp; Gaming Issues recommends passage.

**15 2005-S 296****BY Levesque C****ENTITLED, AN ACT RELATING TO ANIMALS**

Committee on Constitutional &amp; Gaming Issues recommends passage.

**16 2005-S 379 SUB A****BY Tassoni****ENTITLED, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY  
-- ANIMAL CARE**

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

**17 2005-S 384****BY Perry****ENTITLED, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY  
-- ANIMAL CARE**

Committee on Constitutional &amp; Gaming Issues recommends passage.

**18 2005-S 503 SUB A****BY Felag****ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES --  
REGISTRATION OF VEHICLES**

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

**19 2005-S 825 SUB A****BY Tassoni****ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES --  
REGISTRATION OF VEHICLES**

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

**20 2005-S 863 SUB A****BY Ruggiero****ENTITLED, AN ACT RELATING TO REGISTRATION OF VEHICLES**

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

**21 2005-S 928****BY Ciccone****ENTITLED, AN ACT RELATING TO PARKING FACILITIES AND PRIVILEGES**

Committee on Constitutional & Gaming Issues recommends passage.

**22 2005-S 929****BY Bates****ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES**

Committee on Constitutional & Gaming Issues recommends passage.

**23 2005-S 759****BY Blais****ENTITLED, AN ACT RELATING TO THE OFFICE OF LIBRARY AND INFORMATION SERVICES**

Committee on Education recommends passage.

**24 2005-S 418****BY Breene****ENTITLED, AN ACT RELATING TO MILK SANITATION CODE**

Committee on Health & Human Services recommends passage.

**25 2005-S 337****BY Polisena****ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY - RHODE ISLAND RESOURCE RECOVERY CORPORATION**

Committee on Judiciary recommends passage.

**26 2005-S 588****BY McCaffrey****ENTITLED, AN ACT RELATING TO COURTS -- SUPREME COURT JUSTICES**

Committee on Judiciary recommends passage.

**27 2005-S 592****BY McCaffrey****ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -**

## RHODE ISLAND JUSTICE COMMISSION

Committee on Judiciary recommends passage.

**28 2005-S 709****BY Badeau****ENTITLED, AN ACT RELATING TO COURTS -- SUPERIOR COURT**

Committee on Judiciary recommends passage.

**29 2005-S 971****BY Montalbano J****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage.

**30 2005-H 5573****BY Landroche****ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS --  
HAWKERS AND PEDDLERS****IN ORDER FOR WEDNESDAY, APRIL 13, 2005:****1 2005-S 815****BY Alves****ENTITLED, AN ACT RELATING TO HUMAN SERVICES -- ALL-INCLUSIVE  
CARE FOR THE ELDERLY**

Committee on Finance recommends passage.

**2 2005-S 348****BY Polisena****ENTITLED, AN ACT RELATING TO CORRECTIONS DEPARTMENT**

Committee on Judiciary recommends passage.

**3 2005-S 351****BY Polisena****ENTITLED, AN ACT RELATING TO THE RHODE ISLAND JUSTICE  
COMMISSION**

Committee on Judiciary recommends passage.

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