

Legislative History for Connecticut Act

SB740	PA383	1945
House: 842, 901		2
Senate: 269		1
Liquor Control: 109-122		<u>14</u> 17pt.

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CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
JE 1945
SPECIAL SESSION

1946 REGULAR
SESSION

VOL. 1
PART 3
805-1182

6.4.1945

Favorable reports were received from the following committees and made the ORDER OF THE DAY: (SENATE BILLS) Tuesday June 5, 1945, at 12 o'clock noon. (Motion of Mr. Wanderer, Bethel.)

The committee on Finance to whom was referred Senate Bills Nos. 856; 857; 858; 859 and 860 - all committee bills, respectively:

An Act Concerning the Soldiers, Sailors and Marines' Fund.

An Act Concerning Cigarette Tax Stamps

An Act Concerning Proceeds of Cigarette Tax

An Act Concerning all Moneys so Paid to and Received by the American Legion.

An Act Providing for an Increase in the Soldiers' Sailors' and Marines' Fund.

Senate bills read the second time, the reports of the committees named received, and tabled for the Calendar were: (Except *)

*

LABOR: Senate Bill No. 34 (Substitute - An Act Concerning Employment of Minors in Tobacco Fields.- report from the majority of the members of the Senate on the committee on Labor. This bill was recommitted.)

APPROPRIATIONS: Senate Bill No. 431[✓] (substitute); CITIES AND BOROUGHES: Senate Bill No. 791[✓] (substitute); FINANCE: Senate Bill No. 95[✓] (substitute); Senate Bill No. 421[✓] (substitute); Senate Bill No. 720[✓] (substitute); INCORPORATIONS: Senate Bill No. 863 - Committee Bill; LIQUOR CONTROL: Senate Bill No. 712; No. 721[✓]; No. 728[✓]; No. 736[✓] and No. 740 (substitute); MOTOR VEHICLES: Senate Bill No. 747 (substitute); PUBLIC UTILITIES: Senate Bills Nos. 453 and 455.

Bills received from the Senate and tabled for the Calendar and Printing were: JUDICIARY: House Bill No. 1263 (Committee Bill) - An Act Concerning the State Housing Authority.

Bill referred to the Legislative Council:

House Bill No. 12 - Under a suspension of the rules, the report of the FINANCE committee was accepted and the bill so referred, under a suspension of the rules.

A report of the committee on BANKS on a bill entitled "An Act Concerning Savings Bank Life Insurance" was received from the Senate, the substitute bill having been amended by Senate amendment, Schedule "A" and passed and the report of the committee accepted. (The House had formerly amended the bill by House Amendment Schedule "A" and passed the substitute bill.) On motion of Mr. Ahrens of Suffield, the House voted to adhere to its former action.

6.5.1945

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Reports received from the committees named were received from the Senate and referred to the Legislative Council and to the Tax Commissioner for their consideration and report to the 1947 session of the General Assembly as follows:

FINANCE - Senate Bill No. 519. - Senate Bill No. 630.

the motion that
(On motion of Mr. Wanderer of Bethel/the printing
in the Journal of all bills acted upon which do
not appear in the files be waived prevailed)

The reports of the committees on licensed Occupations on House Bill No. 402 was accepted, the bill read the third time and passed without debate as amended by House Amendment Schedule "A" (printed in the Journal). This bill was explained by Mr. Parr, a member of the Committee.

Substitute for Senate Bill No. 95 - An Act Concerning budgeting and financing in the Town of Greenwich - FINANCE - This bill was explained by Mr. Holbrook of Madison, Chairman of the committee on Finance (House). The bill passed without debate in concurrence with the Senate.

All of the following bills were passed without debate: (In concurrence)

Substitute for Senate Bill No. 421 - FINANCE - An Act Amending the charter of the City of Stamford, explained by Mr. Stone of Hartland, a member of the committee.

Substitute for Senate Bill No. 431 - An Act Creating a Public School Commission. This bill was explained by Mr. Carpenter of Canterbury, a member of the committee on Appropriations, on whose motion the bill was amended by Senate Amendment Schedule "A". (See Journal.)

Senate Bill No. 453; 455 (Public Utilities); Senate Bills Nos. 720-721-728 736; 740 (Senate Amendment Schedule "A"); Senate bill No. 747; Senate Bill No. 863 (See Journal for the day). These bills were explained by Mr. Hicks, Mr. Woodford, Mr. Mitchell of Greenwich, Mr. Barnes of Branford, Mr. Goslee of Windsor, Mr. Hagerty of Groton and Mr. Bronson of Portland. (See Journal)

A favorable report was received from the committee on House Joint Resolutions on House Joint Resolution No. 351 - Urging Adoption of the Free Press Principle on a World Wide Basis. The resolution was read by the Clerk the second time and tabled for the Calendar and printing.

(On motion of Mr. Wanderer of Bethel the House at 7:00 p. m. adjourned until Wednesday June 6, 1945 at 11:30 a. m.)

Thurza Gould
Secretary

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GEN. ASSEMBLY
SENATE

PROCEEDINGS
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- H.B. 306 - Explanation read by Sen. Spellman, 19th District.
- H.B. 1251 - Explanation read by Sen. Coles, 22nd District.
(As amended by Schedule A.)
- Sub. H.B. 996 - Explanation read by Sen. Constable, 30th District.
- H.B. 722 - Explanation read by Sen. Avitabile, 6th District.
- S.B. 154 - Explanation read by Sen. Leipner, 21st District.
- H.B. 439 - Recommitted on motion by Sen. RisCassi, 3rd Dist.
- S.B. 248 - Explanation read by Sen. Corkey, 18th District.
- S.B. 317 - Amended and explanation read by Sen. Spellman, 19th.
(Amendment Schedule A)
- S.B. 319 - Amended and explanation read by Sen. Spellman, 19th.
(Amendment Schedule A)
- S.B. 825 - Amended and explanation read by Sen. Foley, 8th.
(Amendment Schedule A)
- Sub. S.B. 556 - Amended and explanation read by Sen. Spellman, 19th.
(Amendment Schedule A.)
- S.B. 740 - Amended and explanation read by Sen. Leipner, 21st.
(Amendment Schedule A.)
- H.B. 1270 - Explanation read by Sen. Brock, 12th District.
- H.B. 1263 - Explanation read by Sen. Coles, 22nd District.
- H.B. 1268 - Explanation read by Sen. Damiani, 11th District.
- H.B. 1266 - Explanation read by Sen. Scott, 1st District.
- H.B. 1271 - Explanation read by Sen. Spellman, 19th District.
- H.B. 896 - Explanation read by Sen. Scott, 1st District.
- H.B. 1272 - Explanation read by Sen. Scott, 1st District.
- H.B. 357 - Explanation read by Sen. Corkey, 18th District.
- H.B. 747 - Explanation read by Sen. Aaron, 2nd District.
- H.B. 1267 - Explanation read by Sen. Aaron, 2nd District.
(Amended by Schedules A & B.)

JOINT
STANDING
COMMITTEE
HEARINGS

LIQUOR
CONTROL

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GENERAL
ASSEMBLY
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LIQUOR CONTROL

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John J. Fitzpatrick, Liquor Commission:

I wonder if this bill could go over until after you have heard the arguments on S B 740 - both and original and substitute. The fee bills are more or less tied up with the new type of permit.

Senator Foley:

S.B. 740

AN ACT CONCERNING AN AMENDMENT TO THE LIQUOR CONTROL ACT CHAPTER 151 AS AMENDED.

To define more clearly a restaurant business, to include stockholders of corporations as natural persons, and to define further a bona fide club.

We also have a substitute on that which we will hear at the same time.

Is there anybody in favor of this bill and its substitutes?

John J. Fitzpatrick, Liquor Commission:

With S.B. 740 will also probably be heard S.B. 812 which is a Committee bill.

Mr. Chairman and members of the Committee. This proposition offered by the Commission is an endeavor to clear up the situation in respect to some of our present permits. We have a restaurant permit, tavern and club, and also restaurant beer. In 1933 when this act passed, at that time there was provision for non-premise only and concerned the type known as a tavern permit. In December of 1933 the revocation of the appeal of the prohibition amendment took place and was permitted the sale of package goods in stores. The 1935 Session provided for the restaurant type permit. The language of the act defining the restaurant is very clear and it is very broad. Principally it says that a restaurant is a place that has a sufficiency of help, it is adequately equipped so far as kitchen and dining-room, etc. is concerned, and the service of two hot meals a day shall be the principal business thereof. Peculiarly, under that definition the Commission itself finds it hard for them to deny an application for the restaurant permit, provided all these qualifications are met with and suitability of the person applying is satisfactory to the Commission. Unfortunately,

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John J. Fitzpatrick, cont'd:

however, within a month of the time of granting a permit to that person the restaurant type permit then is subject to revocation unless the permittee can also qualify to that part of the act which requires a restaurant business and the service of two hot meals daily to be a particular part thereof. If the Commission were to invoke their power in respect to restaurants, a rough guess on my part would be that 50% to 70% of the present restaurants would not qualify within the definition of the act itself. The Commission has not invoked their authority or power. They have been very tolerant and lenient through the years with the restaurant permittees in an endeavor, or hope, that they would some day or other qualify. We have gone through ten years at the present time. We have some 1800 restaurant permits of two classes, restaurant liquor and beer. Originally there were 2000 or more permits. I think they are now down to 700. Gradually the tavern is out of the picture and the restaurant has been increasing in numbers. We have had many hearings on this question and definition of the act. We have in some cases found it necessary to revoke. In other cases we have found it necessary to suspend for varying periods until such time as they could qualify, but even then two-thirds cannot qualify. The Commission has considered this, and alike with other bodies throughout the country, the same problems have come to them and so the Commission introduced a bill creating a two-type tavern permit and leaving the restaurant permit as it is at the present time so that first I shall apply to the tavern permit. The tavern has a full liquor permit with the right to sell alcoholic liquor as well as beer and cider in a premises with full view from the street, with privileges for selling only until 12 o'clock of an evening and with no Sunday sale. I believe that really was the intent of those in Connecticut interested in the subject at the time the act was enacted, that the sale of liquor on Sundays, aside from clubs, be confined to hotels and restaurants. That really met the requirement on restaurant and hotel definition. Today we have many restaurants that do not meet definition and are open on Sundays. We have had restaurants, in an

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John J. Fitzpatrick, cont'd:

endeavor to stay in business that have gone to all sorts of lengths to deceive the Commission to amplify their restaurant figures, deliberately in many cases, and possibly in all. We had one the other day in one part of the state that showed us for three months a food business of \$69.00 against a liquor business of \$14,000, and the figures did attract our attention and an examination was requested. One of our inspectors was told to investigate and we got figures from the power companies as to the amount of power consumed in heating, gas and electricity used for heating food. Out of a total business of \$69.00 the inspector found that the gas bill for four months was \$14.88.

We do not want to put people out of business and the correction of this tavern type of permit is simply an endeavor to give some legitimacy to business conducted at the present time, and not have them put out of business. The tavern permit is suggested for that purpose. The fees were raised, as shown in another bill - a substantial revenue to the state. I think the state would be better off if we had no Sunday sales. If places closed at 12 o'clock, and what is now a privilege, - a very broad privilege, - will possibly be increased to a right, always subject to revocation upon conviction of someone who violates the liquor control act.

I speak strongly for this as a member of the Commission, as I have seen these cases during the four years I have been on the Commission. This is something to save him. I feel rightfully, that this argument may be used that this will be a return of the old saloon, and of course it is true that during prohibition times and in the early days following the shout did go out that the old saloon would not return. Even the tavern is called the old saloon, it is a very much improved one. Everything is open and will be open. Business will close at 12 o'clock, no Sunday sales, with state control and giving state commission sufficient power to remove those who offend. I think the state, even with the return of the tavern, will be much better off.

Senator Foley:

Anybody want to talk on the tavern end of it?

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Harry E. Olcott, Bloomfield:

I would like to speak in opposition to S.B. 708 which covers the tavern. We are considering the matter of taverns. This is covered by S.B. 708.

I do not care particularly whether the tavern that you would get under your bill is called the old saloon or not. I have been following history of this effort to put hard liquor in the tavern ever since the act was first adopted. I think that every Session of the Legislature from 1935 to 1937 and 1939, there were bills introduced to sell hard liquor in taverns in one form or another. All of those bills were defeated. I think they were all unfavorably reported by the committee to which they were assigned.

In 1941 two bills at least were introduced which would have accomplished approximately what S.B. 708 is designed to accomplish, but we never saw anything but the outside of those two bills.

I think the very existence of your Committee this Session reflects the fact that the people of Connecticut are much more concerned about this liquor problem than they have been during the last fifteen years, and it would seem to me that it would be very inconsistent if at this late date we should go back to authorize the legalized sale of liquor in taverns at a time when there was no where near the interest in the subject as now. Such a matter was repeatedly defeated.

Whether or not the tavern is passing out of existence does not tremendously concern me and I think it does not concern the people of the State of Connecticut. I do not think that the liquor control act was originally enacted as it now exists, largely for the purpose of protecting the people who are in the business.

I am very much opposed to the sale of hard liquor in taverns, whether it is called the old saloon or not.

I very much regret being obliged to come up here and say this because it is the only bill introduced by the Commission that I have not felt able to endorse, and the Commissioner knew that I was going to say exactly what I have said.

John J. Fitzpatrick, Liquor Commission:

The Commission was offered actually two bills. In a sense it is not endorsing the bills. It knows that something must be done and is placing them on the table for the Committee to consider.

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Senator Foley:

Anybody else want to talk on the tavern end of it?

Russell Patterson, Liquor Commissioner:

I quite agree with our senior member of the Commission, Mr. Fitzpatrick. We are talking on two subjects. The tavern, or restaurant that might take its place. Today you have the old saloon open on Sunday, but you have a restaurant that is selling liquor all day Sunday. We want to go into that class B. As Mr. Fitzpatrick has said, we have been very tolerant and we are waiting for this Legislature to further instruct us as to what we shall do. We want these two bills to be considered together as to your pleasure. Restaurant class B is a legitimate restaurant business. If we drive all those restaurants out that are not legitimate restaurants, what are you going to do with those drinking people? They will go some place. We must take care of them. We need restaurant B or taverns. The people are entitled to have their drinks. We must provide a place for them. There are two different schools of thought. We have thought on both, and we offer the two for your consideration.

Senator Foley:

Anybody else want to talk on that bill?

Frank R. Odum, Attorney:

My Association agrees with the Commission that they do have a problem and we commend them for placing this on the table for your consideration because we know that no one wants the return of the old saloon

Senator Foley:

Anybody else want to speak on the pros in regard to the tavern phase? Anybody against?

Lafayette Main, Stonington:

I have been here for the last 40 years trying to help the public free of charge. I am going to tell you that if you get back where we can live and let live and do away with curtains on the old saloon you will get out a lot of drunks, and furthermore you will save this younger generation coming up. It is the children of today that make the men of tomorrow. How can we have them go into those places where they drink beer. You must stop that stuff in those restaurants or you will ruin all those girls and boys. We must do what is best for the people.

Senator Foley:

Anybody else?

John J. Fitzpatrick, Liquor Commission:

As a substitute bill S.B. 740 has to do with the definition part of the present liquor control act, and changes the definition in respect to restaurant and issues two types, Class A and B.

As I mentioned before, in order to give the Committee the best thought of the Commission based upon its experience, we are offering this amendment and truly we hope that the Committee will look favorably upon this amendment.

The definition first is of a restaurant. A restaurant has to have space suitable for such a permit and serve at least two meals daily as the principal part of the business thereof. It can either be at meal hours, such as dinner and supper, or meals a la carte served throughout the day, or hot food served throughout the day. The real distinction will come when we start to distinguish what will be known as Class a and B.

Class A will provide that of the total receipts of a restaurant, from sales of liquor and food, the sale of food shall be at least 40% of the total. That is a distinguishment from the present definition requiring the principal business thereof and that should be explained in this way. Today with the tax on liquor greatly increased over the excise tax that was in existence when restaurant class was created - an average say of from 50 to 40% - it probably takes care of those taxes.

A restaurant Class A must serve two hot meals daily, hours spaced sufficiently, or a la carte meals, and must serve meals up to a time in the evening not later than 10 o'clock. If the ~~kk~~ restaurant is closed, - the kitchen - then the bar business must also cease. In many cases they are closing the kitchen late in the afternoon and that is not a restaurant in our opinion. That restaurant must provide hot meals until 8 o'clock and when the service is a la carte they must take place at all times that the restaurant is open for business. The restaurant must close early, but the bar must close too. It will be permitted to remain open until 1 o'clock in the morning, and later, for the benefit of people and provides the Sunday sales.

Class B. restaurant must serve hot meals twice daily, or hot food throughout the day, and there is no requirement, or any particular thought as to percentage of the gross receipts. In all respects it must comply with the general requirements of a restaurant.

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John J. Fitzpatrick, Liquor Commission; cont'd

It must be sanitary, have ample dishes, etc. Must have a seating capacity to seat twenty (20) patrons, and of course the tableware shall be ample. The main thing is on this gross business. We took a spot check of 91 places and of the 91 - 31 would qualify under Class A, and 60 would not qualify under Class A. That may be high. It may be that 91 was not a sufficient number. My thought is that to return to legitimate Class A would run somewhere between 35%, 33% and 30% of the permits now in existence. Naturally there is to be a lesser privilege for Class B restaurant than those enjoyed by Class A.

Arguments may be made that it is difficult for the present restaurant permittee to properly provide for the public. That is hardly a true argument, or a good argument, because any man in the restaurant business is able to get those points to which he is entitled, predicated upon the business he did in a certain period, and I think those that are successful restaurants may have difficulty. There would be some necessary changes and work to be done by the Commission in the event this type of class permit is allowed.

We have a bill in there, we might talk on it now, that on or before October 1st of this year the Commission is authorized and directed to examine all existing restaurant permits, particularly in respect to their food business - the gross business done for a period of six months, which would mean that the Commission, after this act is passed, and needing to become effective October 1st, send to all permittees a questionnaire which will be signed under oath. The business will then be examined for a six months period prior to October 1st and those falling in that particular class and having a food business of over 40% as a daily average for six months, will be placed in Class A. Those that have failed by their records and by examination of their books, which the Commission may require, and who have fallen below that 40% will be automatically put in Class B. The Committee is not doing this automatically.

The permittees will be entitled to all privileges which they enjoyed under the appeal section. He may ask for a hearing and it will be granted and if he disagrees with what happens he will have the right to have the Court declare that the Commission was arbitrary.

There are one or two other changes in S.B. 740, not at all in connection with restaurants. One is that a requirement of clubs - they shall file with the Liquor Control Commission on or before February 10th this year a list of its members and that each member added to the roster shall be sent into the Commission within a reasonable time. The Commission may require this list to be filed, but possibly in 98% of the cases the requirements will not be insisted upon.

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John J. Fitzpatrick, cont'd:

The reason for that is some Associations have a membership as high as 6,000 - find great difficulty in assembling those names.

Also, no provision that the word "person" means an natural person - includes corporations, stockholders, partnerships, etc. That will permit the Commission to consider the suitability of a person, member of the corporation, as well as a natural person. He may be a natural person as official of the corporation or as a member.

Senator Leipner:

Isn't S B 740 the one where the dining room had to be separate from the bar?

John J. Fitzpatrick, Liquor Commission:

The Commission still does require some existing places where a permittee has been found guilty of some offence, and Commission has ordered a separation. That particularly is true where there was any conviction in regard to sale to minors or permitting women to loiter around the premises.

Senator Leipner:

Would that do away with service bars?

John J. Fitzpatrick, Liquor Commission:

We do not consider a service bar as being a bar. A bar is where people stand and drink. Not where liquor is prepared and served by waitresses.

Mr. Milo Mitchell:

Any other state have this?

John J. Fitzpatrick, Liquor Commission:

It is true that other states are much stricter than Connecticut in respect to restaurants. They all have some problems. There are eight or ten states before the Legislature now with bills to do something about restaurants, or to create another class, or provide for sales of liquor, as well as taverns.

Milo Mitchell:

I think we discussed this matter before. If you will recall we both agreed there is a certain amount of padding done on food. Won't this lead to more of that?

John J. Fitzpatrick, Liquor Commission:

No. Along with this we have an increase in fee bill and an application will be made for sufficient help to make possible a proper enforcement of this act. We would probably have to set up an accounting system and have forms

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John J. Fitzpatrick, cont'd:

and have them complied with by permittees. That I think may be devised so as to do away with it. We have no difficulty whatsoever in checking a permittee if he is deceiving. We know all their tricks. For instance, in one case the first ten or twelve sales for a period of several months always ran to \$1.25, \$1.50, \$1.75, until the sum approximated \$15 on the register each morning. After that the tape was stretched and there was nothing about 10¢ sales. Then in the evening there 25¢ and 30¢ sales and at night, or later, 75¢ and \$1.00.

This permittee is going to welcome this. The man who is in business - bottlegging business when the amendment was repealed - the Commission saw fit to give him a permit this man wanted to go right and I believe that 75% of them want to do right. They have to lie, and there is great danger, not that they are fooling the Commission, but when this deceit goes on day after day and then becomes a disregard and disrespect for other laws. It may lead to other things. They are not going to hurt by the absence of the Sunday sale, but they are going to be greatly ~~injured~~ relieved not to feel that an inspector is liable to come in at any moment, or that their permit can be taken away from them simply because they cannot comply with the definition of this part of the business that they run. We have to try to fix this things and have the public satisfied too.

Rep. Milo Mitchell:

In this type of restaurant, or spaghetti house, the average price of a meal will run to 40¢ or 50¢ for dinner and you know, and I know, that you only have to have a couple of drinks and your check is tripled what your food is.

John J. Fitzpatrick:

I think as far as a spaghetti house is concerned - the average spaghetti house doesn't want the sale of hard liquor. At present there is no permit to sell wine except in a place selling hard liquor. If the restaurant class was changed to permit the sale of wine who would object to that, because if this State of Connecticut or any legislation would encourage the consumption of beer and wine it might be doing the people of Connecticut real good.

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Rep. Milo Mitchell:
Have we such a bill?

John J. Fitzpatrick, Liquor Commission:
The Committee should consider that.

Senator Leipner:
Doesnot S.B. 812 cover the same matter?

John J. Fitzpatrick, Liquor Commission:
It is simply a classified bill that would only be in existence, I think, for such period of time as they are classified. I may say there is a provision that hereafter in considering application for restaurant permits the Commission shall not issue a permit until a restaurant has been in existence for three months and possibly longer, and it may be that that should be ample. That the restaurant permits should go into Class A. If once an application is denied they cannot make an application again within a period of six months and no two applications will be received in any one year.

Senator Foley:
Anybody else in favor of that bill:

Harry E. Olcott, Bloomfield:
I would like to say I am very glad that that Mr. Main has been up here for forty years and still has a clear conscience.
I would like to have you permit me for about three minutes to go back again to the history of this Liquor Control act and the circumstances under which it was framed.
At the time it was framed it was thought that if beer were made readily accessible to people they would not want hard liquor. So the restaurant was to be a place where the sale of liquor was incidental to the sale of food. That word in expression of the act, and I think in one of the original forms of the act itself, was repeated over and over again, that there should be the tavern where people would get beer and a restaurant where people would wish to have their meals, and be served with liquor as incidental to the meal.
There has grown up within the last 15 years a situation that was not visualized by this law. The Commission is now presenting to you a method of practically dealing with this condition in providing for the restaurant which is primarily in existence for the purpose of selling liquor and incidentally for the purpose of selling food.

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Harry E. Olcott, cont'd:

We deal with the condition, not with the theory, and I am very much opposed always to the idea where the law has been flagrantly violated it should be adjusted to the acts of the violator.

This does not seem to be within that class. Many of these men who are in what would be the Class B restaurant business are not deliberately violating any law. They are just doing something that seems to be legal for them to do. Why not give them the opportunity to do it under the protection of the law and keep the restaurant Class A in the situation where it was intended to be, where the sale of liquor was incidental to the sale of food.

As to the 40% requirement. I think that the requirement that all restaurants as they are now set up should show 40% of their business to be for food, would probably be unjust, or at least impractical. But if you make the two classifications I see no reason why it is not right and proper that the 40% limit should not be exacted of the Class A restaurant. The Class B does not have to have that 40% requirement and that would seem to meet the suggestion made by Mr. Mitchell regarding the whole proposition.

Senator Foley:

Anybody else in favor of this bill?

Mr. Harmon A. Genlot, Connecticut Restaurant & Liquor Dealers Board of Trade:

This is the first time since 1933 that I must frankly admit that I have not been able to keep up with the introduction of liquor legislation. It seems to me that the Liquor Control Commission in its desire to correct certain evils has gone all over the lot. In all legislation virtues evaporate and evils magnify. This legislation is definitely class legislation and discrimination. Senate Bill 812 (AN ACT CONCERNING RESTAURANT PERMIT CLASSIFICATIONS) asks for very broad and sweeping discretionary powers, a body with almost unlimited powers of discretion. This bill is a bill to whitewash all powers and to reduce restaurants to simple arithmetic. I am operating a restaurant with meals for thirty-five cents and my neighbor is selling lobster at \$2.50. I have to serve eight meals to his one. During prohibition anyone who could afford it could buy a drink. It was the poor man who couldn't afford to pay seventy-five cents for liquor that was affected. Had it not been that the better citizens of the country were not denied by prohibition, we would not have had thirteen years of prohibition. Where are our poor people going on Sunday for their drinking? Many of these things we have no control over. When this act was made, the tax on liquor was \$4.00. Now the tax has been raised and we have had to increase the price of liquor. Permits have been issued where it will be physically impossible to do business with this new bill. I ask you to correct all those measures. We are glad and willing to have the Liquor Commission have those powers, but the power and responsibility should not be divided. Their responsibility should be to carefully consider these restaurants and to consider the nature of the business they are in. I say the working man should have the same right in the neighborhood restaurant to go out and buy beer on Sunday as the man who can drive to a high-class place and buy drinks. This bill is discriminatory against the little man and not typical of the Connecticut way of doing things.

Today we cannot get all the food we want. A year ago with the same amount of business we could get 120 pounds of butter. Today we can get only 35 pounds, which is a cut of 20 percent on food points. Very soon, regardless of all testimony, we are going to get the most drastic food regulations since the war began.

The only people who seem to be interested in changing the liquor act is the commission. This is no time to be going into that. When the war is over and we are back to normal, then changes can be made.

You say we have the right of appeal. What is it that we are going to appeal from? A man can't go back and falsify his records. If he is not running his restaurant properly, call him in for a hearing. When you close places on Sunday, where are the other people going to go? They will not be able to find a place to eat. People who want to consume liquor should have the right to consume it under normal conditions. If a Class A restaurant gets all of the liquor business, it will automatically drive the owner into Class B. There is nothing too complicated about it. The present act is one of the best and the people who voted for drinking on Sunday were not interested in the sale of food. They weren't voting on a percentage basis. You are all familiar with the liquor business and should look at it as a liquor business and treat it accordingly. The government increased the liquor price for us, thus making a higher price for liquor, whereas it is more than possible food will be served cheaper. This is no time to start chopping up the Liquor Control Act which is now one of the best.

Mr. H. E. Olcott;

The Temperance Society has introduced no legislation for the reason that having made a careful study of the plans of the Liquor Control Commission and its members, we decided they had covered every item.

Mr. Russell Patterson;

The Liquor Control Commission does not care to legislate. We want the committee to be informed of our troubles for your guidance. This whole bill is to make these fellows behave or legislate so they cannot continue to sell. Otherwise the commission should put a large number of them out of business.

Mr. Genlot;

For the record, you are actually introducing legislation and sponsoring it.

Mr. Patterson;

We submit it for the committee's consideration so that we can express our troubles.

Mr. Frank R. Odlum;

We are against this bill, although we recognize it is a worthy attempt to correct evils. We think, however, the best solution is to take out the definition of a restaurant and allow the restaurant to sell as much food and liquor as the customers want. Then there is no problem. The problem of percentage is an arbitrary figure. It is impossible to follow it. Business may fluctuate and just as the drug store sells more articles than drugs, the restaurant sells more liquor than food. The commission desires that food be the principal source of business. If those words are taken out, the bill will be all right.

Representative Milo A. Mitchell, Greenwich;

You mean eliminate Class A and leave Class B?

Mr. J. J. Fitzpatrick;

There is no reason for classes. The act calls for percentage proposition. It states "principal part thereof". It is in the bill today.

Representative Milo A. Mitchell, Greenwich;

Isn't it true we have to face the fact that liquor sale is greater than the food sale?

Mr. J. J. Fitzpatrick;

If it is, it is very easy for the permittee to live up to the act. When he notices his sales are exceeding the sale of food, he has the alternative of stopping the sale of liquor. There is a percentage requirement of 51 percent. I think Mr. Genlot must realize this commission has been pretty fair.

Senator Foley;

According to Mr. Odlum, by eliminating the word "restaurant", wouldn't it bring back a modern saloon?

Mr. Frank R. Odlum;

No, if you give us a definition such as in 1933, "place with space enough to run a restaurant, with hot meals twice daily". A meal is

Mr. Frank R. Odlum (Continuing):

what you want. If you want a sandwich, that is your meal. If you have a restaurant which is open, clean and has help and you can get food which you select, it is a restaurant.

Mr. Harmon A. Genlot:

They introduce these bills and we don't have a chance to go over them. What I have said is not in criticism of the present commission but I might answer the commissioner by saying that I have never seen anything about 51 percent. I can show him that I can do business and my principal business is food. I think this whole thing is out of line.

Mr. Wayne W. Womer:

I think we are getting away from the intent of these bills. It is down to this. The idea that has been the mainstay of the liquor act in Connecticut from the time of adoption is this - the avoidance of having a permittee who sold hard liquor and practically nothing else. Some wanted to sell hard liquor in this state so they attached it to an established business with other interests such as hotel and restaurants, sold hard liquor and kept a bit of register so as not to revert to a place doing nothing but a liquor business. This argument is nullifying that business, and repealing the whole philosophy that has been built in these twelve years and which originally modified this act as now on the book. That is the issue before you. This bill is a compromise bill. We recognize that today sixty percent of the restaurants are illegal. Maybe the Liquor Control Commission should put them out of business. Therefore it has been suggested that we make it easier to stay in business by selling some food. Other speakers have suggested that we do away with that. If we do away with the restrictions, there will be no such thing as a restaurant. It will be an outlet free from restrictions. I think the state wants to avoid that position. I am for this bill.

Representative Mitchell:

We have to admit there are places only selling liquor. What they are trying to do is get around that particular point.

Mr. Wayne W. Womer:

I am arguing that if they do that, safeguards have to be put in.

Chairman Foley:

Any other opposition?

Closed.

SENATE BILL 718 - AN ACT CONCERNING AN AMENDMENT TO THE LIQUOR CONTROL ACT CHAPTER 151 AS AMENDED. (SENATOR RISCASSI).

SUBSTITUTE FOR SENATE BILL 718 - SAME TITLE.

Mr. J. J. Fitzpatrick:

I think we can dispense with Senate Bill 718 and only consider the substitute bill. Senate Bill 718 is practically the same as the substitute bill with one or two exceptions in that it provides for the fee for new tavern permits. I think possibly in that case we should