

Legislative History for Connecticut Act

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HEARINGS

LIQUOR
CONTROL

CONN.
GENERAL
ASSEMBLY
1963

in the state. Just what you are going to do in order to protect a legitimate business man is a problem. I suggest that you give the same consideration to those who are engaged in the business of selling intoxicating liquors to the common ordinary person who is accused of any particular charge as a crime. I'm sure they don't ask any more than that. All they want is to be placed on an equal par with other individuals in this state rather than be placed in the class of second-class citizens. I believe that our present law does.

We have tried the affidavit. We have tried the ID cards. We have tried a great many things. But I think that if we can pass, Senator Lebon's bill, which is identical to the bill which I have had here for four terms. I think you can pass this bill and put it squarely on the courts to decide whether or not a person knowingly sold to a minor and leave it as a matter of evidence rather than a matter of presumption. I think in that way you will do the state of Connecticut and this business of ours, I say ours because I have been in it for years, I think you can do a good job for those particular citizens.

Chairman Lebon: What bill were you speaking on?

Rep. Schlossbach: It's your bill, Senator Lebon, SB-559. The other bill is the question of sale of the grocery store of wine. I really don't think grocery stores need to sell wine. Why do we disrupt what has gone along as a very nice situation? Wine is a liquor no matter what the percentage is. I think we ought to keep it where it is. Thank you very much.

Chairman Lebon: May I request that you refrain from applauding. This is going to be a long meeting.

Rep. Perri, Shelton: I'm here to oppose two bills. The first one is SB-380. Mr. Chairman and members of the committee, let's not take the business away from these little business men. It's hard enough as it is today with all the competition they have. On the other bill, SB-668, I'm opposed to that. I hope you give unfavorable reports to these bills. Thank you.

Rep. Michael Morano, Greenwich: I wish to speak in opposition to SB-380. I wish to concur with the two previous speakers and add that I oppose this bill as we are all aware of the problems created by teenage employees handling beer in grocery stores. In my opinion, it would be a mistake to add to the problem by permitting them to handle wine. At the same time, Mr. Chairman, I would like to speak in favor of SB-668. A license to operate

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a liquor retail sales business is a privilege granted by the state of Connecticut. We should try to see to it that the privilege is reserved for as many of our citizens as possible. This bill will protect the small retailer. It will prevent monopoly. It's a good bill and I urge a favorable report. Thank you.

Rep. Frate, Darien: I'm here to support SB-668 and I hope that you give this bill a favorable. Thank you.

Rep. Wright, Stratford: I have been asked to issue the following statement we have from the Planning Board from the town of Stratford. This would be for HB-2667. Their statement is:

"Unless legislation is enacted which will permit an appeal to the courts of action taken by the Liquor Control Commission, as is permitted by other use agencies such as planning and zoning authorities, inequities in land use will result with the Liquor Control Commission being permitted to approve locations with complete disregard to neighboring towns.

Liquor locations themselves are felt to be the most intense use of land as is indicated in the present statutes, therefore, local authorities or property owners within a reasonable distance should have the right of appeal if such approval by the State Liquor Control Commission will have a detrimental effect upon their property.

Once an approval of location is granted the local authority is unable to correct any inequities. It is, therefore, the responsibility of the legislature to provide every possible means of protection both value and safety-wise to the people affected by such approvals when given by a state appointed authority."

I'd also like to oppose SB-380.

Rep. Hemingway, Derby: Mr. Chairman, members of the committee, I come before you particularly to oppose SB-380 and HB-3894. Certainly, you wouldn't give a liquor dealer a permit to sell grocers items, would you. That's just about what this is in reverse - asking the grocery store to sell liquor. I oppose these bills as strenuously as I can. One other observation I would like to make while I am here and I would suggest that the committee in their deliberations on the question of liquor with this session might do well to come up with some way to protect the small liquor dealer in these cases of selling minors. They're at the mercy of everybody in this. There certainly must be some way that this can be overcome. Thank you.

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Chairman Lebon: Anyone else wish to speak in opposition? If not, we'll close the hearing on both those bills and open the hearing on SB-668. Anyone wish to speak in favor?

SB-668 (Sen Lebon) ALCOHOLIC BEVERAGE RETAIL LICENSES.

Stanley Palaski: Mr. Chairman, I'll be very brief. The commission is taking no position on this and feels that if you gentlemen pass favorably on this, we will be abiding by the ruling of the General Assembly. Thank you.

Daniel Brennan: This bill is a bill of particular interest to the package store dealers. In brief, it provides that from this time forward, from the time of the enactment of this bill forward, no one shall acquire a beneficial interest in more than two retail permits. It preserves those cases where people now have interests in more than two such permits. To properly evaluate this bill, it is necessary to briefly consider the situation of the liquor industry, the retail liquor industry in Connecticut and the motivation of the legislation that we now have governing the retail sale of liquor in Connecticut.

The liquor industry is not and never was intended to be an unrestricted free enterprise kind of business. One of the basic policies of Connecticut has been and is that there shall be no artificial stimulation of sales to promote the liquor business. As a consequence, the state of Connecticut has seen fit to restrict this business in its operation and has recognized both in its criminal law and civil law the fact that the right - that there is no right to operate a liquor business in the state of Connecticut, that it is a privilege granted to those who qualify for a license before a commission.

Now, if this is a privilege and I insist that the - all of the basic law of Connecticut says that it is, then this privilege should be reserved insofar as it is possible to reserve it to the independent businessmen of the state of Connecticut; so that the citizens of Connecticut may aspire to enter this type of business and to become owners of a retail outlet.

We have seen in Connecticut and throughout the country the destruction of the neighborhood grocery store, the end of the neighborhood butcher. We have justified that termination of that small independent business man, we've justified the termination on the basis that this was the result of free enterprise; that this was the kind of thing that had to happen if we were to follow our free enterprise system.

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But gentlemen, in consideration of this bill, we have already recognized that this is not a free enterprise business as such; that this is a heavily regulated and controlled business with a deep public interest involved in its operation. Consequently, it would be a great mistake for the state of Connecticut to sit idly by and watch the independent liquor dealer go out of business so that all we had left were the large chains. (Record faded out). This bill is designed for that purpose. I'd be happy to answer any questions you may have.

Rep. Later: Mr. Brennan, under your interpretation of this bill, would this mean that say a husband, wife and three children making a total of five, would mean that there could be theoretically ten outlets in a family.

Mr. Brennan: That's right.

Chairman Lebon: Anyone else wish to speak in favor? Now we'll hear the opposition.

Richard Schatz, attorney from Hartford, speaking for the Seaboard Liquor Company of New Haven: Mr. Chairman, the gist of this bill and I'm speaking against it, of course, is that it cannot be justified as a valid exercise of the police power by the legislature. More specifically, obviously, it's not designed to protect the health, safety or morals of the populace. As such, it simply cannot be justified. Under the guise of the exercise of regulatory powers, this bill is no more or less than a blatant attempt to restrict fair competition and to unduly feather free enterprise. As such, it is alien to our system of government to the very basic concepts of that government.

Moreover, this bill or the passage of it would set a very dangerous precedent which might spread like a cancer to other areas of the business community, to other areas of business endeavor.

Finally and foremost perhaps, if you will note, at the end of the bill there is a statement of purpose, "to further effective alcoholic beverage control by avoiding concentration of retail permits and maintaining permit interests as widely diffused as practicable." This act would not accomplish the avowed statement of purpose; that is, to further effective control. It would do just the opposite. For all of these reasons, I would oppose it on behalf of my client. Thank you.

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Harry Schwalsky: The restaurant owners are not exactly opposed to SB-668 but they want to call attention to the committee in that they're very solicitous about establishing in the minds of the committee that if they grant this bill, and if they bring it out favorably that they do not use it as a precedent to apply to restaurants. Many of our members have more than one license. You have the Howard Johnsons and all those people, and it would do considerable damage to them. Other than that, they are not opposed to the bill. Thank you.

Chairman Lebon: Anyone else wish to speak in opposition. This closes our hearing.

Daniel Brennan: I understood that you did not hold a hearing on HB-2182 although some of the speakers spoke on that bill.

Chairman Lebon: We'll reopen it for you if you wish. Anyone want to speak in favor of it?

HB-2182 (Rep. Pattison) NOTICE PERIOD UNDER THE DRAM SHOP ACT.

Igor Sikorsky, attorney, Simsbury, practicing in Hartford: Mr. Chairman, it was at my suggestion that HB-2182 was introduced and I'd like to emphasize that I suggested that it be introduced as an individual. I'm appearing here as an interested individual. I do not represent as an attorney anyone in this case.

I suggested that this bill be introduced and I emphasize that I'm not here grinding any economic act because I think as a matter of fairness to the public of this state the notice provision under the so-called Dram Shop act should be increased from the 60 days currently provided to a period of six months.

The reason for that is, it is a practical matter. There are circumstances where the party either injured or the party causing the injury might not be in a situation where they could see an attorney and where they could be represented by one where their interest could be protected. It could happen very easily where someone was injured and incapacitated and was not out and actually seeing an attorney for the first 60 days. Those of you that are practicing attorneys know that this could very well happen in a number of cases. It seems to me to foreclose such a person from recovery or for pursuing whatever rights this act gave him would be unfair and that the period of time could be and should be extended.

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Calendars 902, 903, and 905 will stand over and retain their places on the Calendar.

THE CLERK:

Calendar No. 904. File No. 959. Modified Senate Bill No. 668. An act concerning alcoholic beverage retail licenses.

Favorable report of the Joint Committee on Liquor Control.

SENATOR LEBON:

Mr. President...

THE CHAIR:

Senator Lebon of the 2nd.

SENATOR LEBON:

The Clerk has an amendment.

THE CHAIR:

Clerk please read the amendment?

THE CLERK:

Senate Amendment Schedule "A".

In Section 2, line 3, strike out the comma before "drug-gist beer permit" and insert "and".

Strike out line 4.

SENATOR LEBON:

Mr. President, this amendment merely eliminates in the bill grocery store beer permits. I would like to have you rule it a technical amendment.

THE CHAIR:

Will you please move for the adoption of the amendment?

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SENATOR LEBON:

I move for the adoption of the amendment.

THE CHAIR:

The question is on the adoption of the amendment. All those in favor say "aye", "opposed".

SENATOR GLADSTONE:

Mr. President, there has been a request that the bill stand over with the amendment and if there is no objection from the Senator from the second, I would appreciate it if the bill stand over with the amendment.

SENATOR LEBON:

No objection.

THE CHAIR:

Therefore, the bill will be returned to the Legislative Commissioner's office for printing and redrafting.

THE CLERK:

Page 28 of the Calendar. Matters returned from Legislative Commissioner. Calendar No. 329. Files 331 and 750. Senate Bill No. 348. An act concerning appraisal of inventoried property of estates. (as amended by Senate Amendment Schedule "A".)

Favorable report of the Joint Committee on Judiciary and Governmental Functions.

SENATOR GLADSTONE:

Mr. President...

THE CHAIR:

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Senator from the 22nd.

SENATOR GLADSTONE:

May Calendars 329, 395, 425 and 449 stand over and retain their places?

THE CHAIR:

Calendars 329, 395, 425 and 449 will stand over and retain their places on the Calendar.

SENATOR GLADSTONE:

On page twenty-nine of the Calendar, may double starred actions stand over and retain their places on the Calendar except Calendar No. 344.

THE CHAIR:

All double starred Calendars on page twenty-nine will stand over and retain their places, except Calendar No. 344.

THE CLERK:

Disagreeing action. Calendar No. 344. Files 342 and 862. Senate Joint Resolution No. 25. Resolution recommending continuing the teenage liquor law coordination commission.

(As amended by House Amendment Schedule "A".)

Favorable report of the Joint Committee on Public Health and Safety.

SENATOR HICKEY:

Mr. President...

THE CHAIR:

Mr. President, Senator Hickey of the 27th.

SENATOR HICKEY:

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THE CHAIR:

The Chair will state that the legislative intent of this bill is not to include the American Red Cross. This is made a matter of record. Question is on acceptance of the committee's favorable report, as amended by Schedule "A" and "B". All in favor, say AYE. Opposed? Passed.

THE CLERK:

Page 4 of the calendar.

SENATOR GLADSTONE:

Mr. President, on page 4 of the calendar may calendars 903, 920, 950 and 960 stand over and retain their places on the calendar?

I believe, Mr. President, that calendar 925 was recommitted yesterday and should not be on the calendar.

THE CLERK:

That's correct. Calendar 925 was recommitted yesterday.

SENATOR GLADSTONE:

And may calendar 928 stand over and hold its place on the calendar?

THE CHAIR:

Calendars named will stand over retaining.

THE CLERK:

Calendar 904, file 959, modified SB 668, An Act concerning Alcoholic Beverage Retail Licenses. (As amended by Senate Amendment Schedule "A"). Favorable report of the Joint Committee on Liquor Control.

SENATOR LEBON:

Mr. President, I move for acceptance of the committee's favorable report and passage of the bill, as amended. This bill provides that no one

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shall hereafter hold or be a backer of more than two package stores or two drug stores that have liquor permits. The purpose is to prevent further expansion of chain stores in the retail liquor field. For the unlimited facilities and financial backing that the chain stores and discount houses possess, we can readily see that it will affect the thousands of small package stores. Many of them have gone out of business because of their inability to compete. This bill would aid the little man. It is similar to bills adopted in neighboring states. I urge its passage. This bill is intended that in no way should it affect restaurants.

THE CHAIR:

Further remarks? All in favor, say AYE. Opposed? Passed.

THE CLERK:

Calendar 919, file 796, substitute for HB 3706, An Act concerning the Requirement of Bonds by the Probate Court. Favorable report of the Joint Committee on Judiciary and Governmental Functions.

SENATOR FALSEY:

Mr. President, I move acceptance of the committee's favorable report and passage of the bill. This bill would allow a judge of probate to exempt an executor from filing a bond where the will so permits. Presently, he is required to file a bond relative to the amount of debt in the succession tax. This bill would give him more discretion in the matter.

THE CHAIR:

Further remarks? All in favor, say AYE. Opposed? Passed.

THE CLERK:

Page 5 of the calendar.

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SENATOR GLADSTONE:

On page 5, Mr. President, may calendar 976 be recommitted? May calendars 978, 979, 980, and 982 hold their places on the calendar?

THE CHAIR:

976 recommitted, and the other four bills named stand over retaining their place.

THE CLERK:

Calendar 974m file 1101, SB 19, An Act providing for Expansion of the Waterbury Branch of the University of Connecticut. Favorable report of the Senate Committee on Appropriations.

SENATOR VERRIKER:

Mr. President, I believe the calendar should state Senate Committee on Finance.

THE CLERK:

That's correct, Senator, it should read favorable report of Senate Committee on Finance, not Appropriations.

SENATOR VERRIKER:

Mr. President, I move for acceptance of the Senate Finance Committee's favorable report and passage of the bill. The Clerk has an amendment. Will he please read the amendment?

THE CLERK:

Senate Amendment Schedule "A": Strike out all after the enacting clause and insert in lieu thereof the following: There is appropriated from the resources of the state general fund the sum of one million dollars for the purpose of drawing plans and specifications, acquiring and improving land, and acquiring, constructing, reconstructing and equipping a building to provide additional educational facilities for a

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THE CLERK:

Calendar 1219, File 959, Modified Senate Bill
No. 668, An Act concerning Alcoholic Beverage Retail
 Licenses. (As amended by Senate Amendment, Schedule "A").
 Favorable report, Joint Committee on Liquor Control.

THE SPEAKER:

The Gentleman from Wethersfield.

MR. LATER (WETHERSFIELD):

Mr. Speaker, will - I move for acceptance of
 the joint committee's favorable report and passage of
 the bill in concurrence with the Senate.

THE SPEAKER:

Sir, I believe we have to read the Senate amendment.
 Will the Clerk please read the Senate amendment.

THE CLERK:

This is Senate Amendment Schedule "A" offered
 by Senator Lamont of the 2nd District. The bill, 668
 is in your files as 959. The amendment is as follows:
 Section 2, line 3, strike out the comma before "druggist-
 beer permits" and insert "and". Strike out line 4.

THE SPEAKER:

The Gentleman from Wethersfield.

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MR. LATER (WETHERSFIELD):

Mr. Speaker, I move for acceptance of the joint committee's favorable report and passage of the act in concurrence with the Senate as amended by the Senate amendment "A".

THE SPEAKER:

Sir, I believe the motion should be adoption of Senate Amendment "A".

MR. LATER (WETHERSFIELD):

I move for adoption of Senate amendment "A".

THE SPEAKER:

The question is on adoption of Senate amendment "A". Will you remark?

MR. LATER (WETHERSFIELD):

This does nothing but clarify the language in the intent of the bill.

THE SPEAKER:

The question is on adoption of Senate amendment "A". Will you remark further? All those in favor signify by saying AYE; the gentleman from Shelton.

MR. TAYLOR (SHELTON):

Mr. Speaker, I understand these amendments in

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essence kill this bill.

THE SPEAKER:

I am sorry I could not hear you Sir.

MR. TAYLOR (SHELTON):

Will the Clerk please read the amendment.

THE CLERK:

This is Senate Amendment Schedule "A" offered by Senator Lamont of the 2nd District. Senate Bill 668, in your file 959. The amendment is as follows: In Section 2, line 3, strike out the comma before "druggist-beer permit", and insert "and". Strike out line 4.

THE SPEAKER:

The Gentleman from Wethersfield.

MR. LATER (WETHERSFIELD):

Mr. Speaker, as stated previously, all this does is clarify the language by including druggist and beer permits and I would presume that since it is a clarification, there should be no objection.

THE SPEAKER:

The question is on the adoption of Senate Amendment Schedule "A". Will you remark further? All those in favor signify by saying AYE; those opposed; the amendment.

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is adopted. The Gentleman from Wethersfield.

MR. LATER (WESTHERSFIELD):

Mr. Speaker I move for acceptance of the joint committee's favorable report and passage of the bill in concurrence with the Senate.

THE SPEAKER:

The question is on adoption of the favorable report as amended by the Senate's amendment Schedule "A". Will you remark?

MR. LATER (WETHERSFIELD):

Mr. Speaker, this is only another continuation of the fact that the liquor is a privilege not a right - a controlled item, and this does nothing more than cut out the extension of department stores, etc. selling.

THE SPEAKER:

Will you remark further? The Gentleman from Farmington.

MR. NOYES (FARMINGTON):

Mr. Speaker, I am by no means an expert on this bill, but I oppose it on the grounds that it has a grandfather clause of very substantial degree to the extent I think is bad in any legislation and I don't see the reason

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for such a restriction to be applied now for future acquisition of business interest.

THE SPEAKER:

Will you remark further? The Gentleman from Newington.

MR. SATTER (NEWINGTON):

Mr. Speaker, -- my question is answered.

THE SPEAKER:

My question is on the adoption of the joint committee's favorable report and passage of the bill as amended by Senate Amendment Schedule "A". Will you remark further? All those in favor signify by saying AYE; those opposed; the bill is passed.

THE CLERK:

The Clerk is now going into a series of one-starred Senate items. The first item is Calendar 1222, File 1422, Senate Bill No. 1358. An Act concerning Technical Amendments to the Charter of the City of Middletown. Favorable report, Joint Committee -- Cities and Boroughs.

THE SPEAKER:

Is there objection to suspension of the rules for consideration of such as are not objected to?