

Legislative History for Connecticut Act

HB 7690	PA 595	(FAY)	-	1969
Judiciary - 0				0
Senate - 3112 - 3113				2
House - 837 - 840, 3911, 3912				6
LAW/LEGISLATIVE REFERENCE				
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Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate and House of Representatives Proceedings

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CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1969

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PART 7
3074-3658

gainst each other and it provides that insurance companies and self insured companies must pay a pro-ratio share in the cost of administrating the act.

THE CHAIR:

Any further remarks on the passage of this bill as amended. If not, as many who are in favor signify by saying aye, opposed. The aye's have it, the bill is passed as amended.

THE CLERK:

Return to Calendar No. 1215, File No. 1164. Favorable report of the Joint Standing Committee on Judiciary and Governmental Functions on Substitute House Bill No. 7690. An Act concerning Releases of Satisfied or Partially Satisfied Mortgages and Liens.

SENATOR PICKETT:

Mr. President, I move for acceptance of the Committees favorable report and passage of the bill.

THE CHAIR:

Question is on passage of this bill. Will you remark.

SENATOR PICKETT:

Mr. President, all too often attorney's who have been trying to attain releases of mortgages or other liens and soforth, have encountered difficulty in obtaining these releases, even upon a bona fide attempt to pay off the encumbrance. By inspecting the statutes we find the fatality for the original grantee for failing to furnish with the release, is merely five dollars per week. The sum totally unrealistic, therefore, we have increased this penalty from five dollars to fifty dollars for each week with a

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one thousand dollar maximum.

There are other technical changes in the bill but I would like to comment on two sections in effect were legislative intent. In section 1, line 17, which reads "when a list pendent or other lien". For the record, it is our clear intent, that the term other lien, includes but certainly not limited to mechanics liens. Then in section 3, line 4, it discusses the possession of the property for at least 60 years. Obviously, this now has been lowered to forty years simply because of a bill which was passed a few days ago, regarding the examination of the title and the certification thereto known as the Markable Title Act. So again, it is our clear legislative intent that a period of sixty years should conform to the other piece of legislation and I am sure it does but, lest there be any question in the future on this, we mean that the period involved in section 3 line 4, should be as it is under the Markable Title Act, namely, forty years.

Otherwise, the bill is rather technical in its nature. Its a good bill and I move for its passage.

THE CHAIR:

Any further remarks on the passage of this bill. If there are none as many who are in favor signify by saying aye, opposed. The aye's have it. The bill is passed.

THE CLERK:

Calendar No. 1218, File No. 1184. Favorable report of the Joint Standing Committee on State Development on Substitute House Bill No. 7024. An Act to Limit the Time Campers May Use Camping

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466-992

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to the committees indicated. This is a most difficult day,

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Mr. Speaker.

MR. SPEAKER:

So ordered.

THE CLERK:

Business on the clalendar. Calendar 84. H.B. No. 7690.

An Act concerning Releases of Satisfied or Partially Satisfied Mortgage. Favorable report of Committee on Judiciary. (File No. 19).

REP. BRINCKERHOFF - 161st D.

Mr. Speaker, I move for acceptance of the J.C. favorable report and passage of the bill. The Clerk, Mr. Speaker, has an Amendment, a copy of which is on each desk in the House, unless there is objection I ask that the reading of the Amendment be waived?

MR. SPEAKER:

Question is on acceptance and passage.

~~REP. BRINCKERHOFF - 161st D.~~

The Clerk has in his possession House Amendment Schedule "A" - and in view of the fact the copies are on everyones desk I think that the reading can be waived, with the provision, of course if the gentleman will give us an explanation of the Amendment.

REP. BRINCKERHOFF - 161st D.

Mr. Speaker, I move for adoption of House Amendment Schedule "A".

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MR. SPEAKER:

Question is on adoption of House Amendment Schedule "A" -
Will you remark?

REP. BRINCKERHOFF - 161st D.

Mr. Speaker, there are times when a person has either paid off his mortgage obligation or desires to do so and finds for one reason or another that he has not been able to procure a release or satisfaction of that mortgage from the lender or the mortgagee. That is the purpose of this Amendment. I might call the attention of the House also to the fact that the Amendment is in fact, a substitute for the entire bill as it appears in our files. Section 1, of the Amendment, if adopted hence of the bill itself, provides that if a mortgage has been satisfied or if there is offer to satisfy the same, by the mortgagor, the borrower, or if there is an agreement to partially release the mortgage between the borrower and the lender, the mortgagor, mortgagee, then the mortgagee is required to deliver a release of that mortgage to the borrower against receipt of course of payment in full of the fund or partial funds, as the case may be. If he fails to do so, however, for a period of 30 days then there will be a penalty imposed upon him after that 30 day period at the rate of \$10.00 per day, for each day he fails to comply. In with that, however, there are cases were people don't scare so easily, so Section 2, provides for recourse of the courts, by a person who has either satisfied a mortgage or desires to

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do so, or where there have been no payments on account of a demand mortgage for a period in excess of seventeen years, or in the case where a mortgage itself has been declared invalid. In that instance, a person may bring an action in Superior Court in the county where the land is situated and action similar to one to acquire title and ask the court to declare such mortgage invalid. In such case, the court finds on evidence that the mortgagee has been satisfied or an offer made to satisfy the same, the court may then render a judgement, which judgement will be recorded on the land records, to indicate in fact that the obligation has been paid. Lastly, there is in the bill, and in the present law a provision that if a person has been in possession of a property, either that person or his successors in title for a period in excess of sixty years after the final payment date of a mortgage as such mortgage will be declared to be invalid, provided the party, the person in possession executes an affidavit and the same is then recorded on the land records. Mr. Speaker, I move adoption of House Amendment Schedule "A" - REP. AJELLO - 118th.

Mr. Speaker, if I might ask a question to the gentlemen who reported the bill, from the 161st. It indicates that we refer to situations where mortgage has become invalid and I wonder whether he would care to indicate for the record, the type of these situations.

**** Please note that machine, soundsciber No. 2, failed to work and so the continuity of the session is not complete *

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three soundsciber machines were brought to the House by Victor, dem who is in charge of same, and all three failed to work. Hence, the session was recorded on one machine, and items missing will be typed from calendar on last page so as session will be completed under the conditions of mechanical error, not human error.

H.B. No. 7690. Continued from calendar for completion.

The amendment was discussed by Reps. Ajello of the 118th, Camp of the 163rd and Mayer of the 40th.

On a voice vote the amendment was adopted.

The Speaker ruled the amendment was substative.

THE CLERK:

M.H.B. No. 7528. An Act concerning the Grace Period for Cancellation in Home Solicitation and Referral Cases. Favorable Committee on General Law. (File No. 69).

REP. LEARY - 43rd D.

Mr. Speaker, I move acceptance of the Committees Favorable report and passage of the bill.

MR. SPEAKER:

Question is on acceptance and passage. Will you remark?

REP. LEARY - 43rd D.

Yes, Mr. Speaker. This bill amends the historic Home Solicitation and Referral Sales Act, adopted in the last session of this assembly. It extends the grace period for cancellation from a period of 24 hours to 72 hours. Mr. Speaker, I might add that test voting on the hearing of this bill indicated that

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Monday, May 26, 1969

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- Page 1 - Cal. 1038, Substitute for House Bill 5987, File 1156
 Cal. 1041, Substitute for House Bill 5549, File 1157
- Page 2 - Cal. 1043, Sub. for House Bill 8682, File 1158
 Cal. 1074, Sub. for House Bill 5068, File 1160
 Cal. 1075, House Bill 5102, File 1161
 Cal. 1078, Sub. for House Bill ⁷⁶⁹⁰~~7680~~, File 1164
 Cal. 1082, Sub. for House Bill 7628, File 1167
 Cal. 1084, Sub. for House Bill 6192, File 1186
 Cal. 1090, Senate Bill 644, File 1056
 Cal. 1092, Senate Bill 1403, File 1043
- Page 3 - Cal. 1096, Senate Bill 1530, File 1118
 Cal. 1097, Senate Bill 1531, File 1119
 Cal. 1098, Senate Bill 1563, File 1129
 Cal. 1099, Sub. for Senate Bill 109, File 1121
 Cal. 1100, Sub. for Senate Bill 114, File 1130
 Cal. 1102, Senate Bill 274, File 1051
 Cal. 1105, Sub. for Senate Bill 536, File 1054
- Page 4 - Cal. 1106, Senate Bill 733, File 1137
 Cal. 1109, Sub. for Senate Bill 1348, File 1126
 Cal. 1110, Modified Senate Bill 1349, File 1141
 Cal. 1113, Senate Bill 1504, File 1132
 Cal. 1120, Senate Bill 1234, Files 905 and 1173.

MR. CAMP: (163rd)

On Page 2, Cal. 1074, may that be removed please.

THE SPEAKER:

Your objection is noted. According to Rule 47, this

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will be removed from the Consent Calendar, placed on the regular calendar and retained. You have heard the motion from the gentleman of the 165th. All those in favor indicate by saying AYE. Those opposed. The bills are PASSED.

mr. collins: (165th)

Mr. Speaker, I might indicate that we have a rather list in view of the fact that we had a technical session the other day and I would ask the attention of the House members so that they can follow along this list.

Starting on Page 12, Mr. Speaker, I would move that the following items be placed on the Consent Calendar in accordance with Rule 47:

Page 12 - Cal. 1132, Substitute for House Bill 5244, File 1226

Cal. 1133, Sub. for House Bill 5626, File 1227

Cal. 1134, Sub. for House Bill 6593, File 1228

Cal. 1137, House Bill 5405, File 1231

Page 13 - Cal. 1139, House Bill 5979, File 1233

Cal. 1140, House Bill 5407, File 1234

Cal. 1142, Sub. for House Bill 6292, File 1236

Cal. 1143, Sub. for House Bill 6750, File 1237

Page 14 - Cal. 1149, Sub. for House Bill 8117, File 1243

Cal. 1152, Modified House Bill 7613, File 1246

Page 15 - Cal. 1153, House Bill 7927, File 1247

Cal. 1157, Sub. for House Bill 6770, File 1254

Cal. 1160, Sub. for House Bill 6296, File 1257

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