

Act Number	Session	Bill Number	Total Number of Committee Pages	Total Number of House Pages	Total Number of Senate Pages
PA 71-343		5374	2	5	3
<u>Committee Pages:</u> <ul style="list-style-type: none"> <i>Liquor Control 71-72</i> 				<u>House Pages:</u> <ul style="list-style-type: none"> 1649-1651 3189-3190 	<u>Senate Pages:</u> <ul style="list-style-type: none"> 1559-1560 1786

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
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**VOL. 14
PART 4
1451-1967**

Thursday, April 22, 1971

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DEPUTY SPEAKER:

The gentleman from the 118th.

MR. AJELLO: (118th)

Mr. Speaker, I move that Cal. 435, House Bill 8913 be Passed, Retaining its Place on the Calendar.

DEPUTY SPEAKER:

Is there objection to the matter being Retained. Hearing none, it is so ordered

THE CLERK:

Cal. 437, House Bill 5374, AN ACT CONCERNING THE SALE OF ALCOHOLIC LIQUOR TO CERTAIN PERSONS.

DEPUTY SPEAKER:

Representative Provenzano.

MR. PROVENZANO: (127th)

Mr. Speaker, the Clerk has an amendm ent.

THE CLERK:

House Amendment Schedule "A", offered by Mr. Prete, of the Town of New Haven.

Strike all after the enacting clause and substitute the following: Section 30-83 and Section 30-84 of the General Statutes are repealed.

MR. PROVENZANO: (127th)

Mr. Speaker, since our action by the Committee of this bill, we have a ruling from the Wisconsin Supreme Court which in effect would nullify what we tried to correct in the bill.

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The amendment, Mr. Speaker, would repeal the entire bill. I'd like to read to you the ruling from the Supreme Court and a letter rather from our Legislative Aide who did the research and he states, "the above-cited case, a copy of which is attached, is taken from the advance sheets - it holds that the law in Wisconsin which is similar to our Section 30-83 and 30-84 is unconstitutional in violation of due process." The main elements are lack of notice and hearing, arbitrary posting of the individual's name which classifies him and stigmatizes him. Our statute does provide that a notice can be sent out after verification but I doubt that would be strong enough to overcome the ruling of this case. There are dissenting opinions as you will note. In view of this, I move for the adoption of the Amendment.

DEPUTY SPEAKER:

Question is on adoption of House Amendment Schedule "A". Will you remark further. If not, all those in favor will indicate by saying AYE. Opposed. The Amendment is ADOPTED. The Chair rules it technical and we can proceed with a motion on the bill.

MR. PROVENZANO: (127th)

Mr. Speaker, I move for the passage of the bill, AS amended by House Amendment Schedule "A".

DEPUTY SPEAKER:

Question is on acceptance of the Joint Committee's

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favorable report and passage of the bill as amended by House Amendment Schedule "A". Will you remark further. If not, all those in favor of acceptance and passage as amended, will indicate by saying AYE. Those opposed. The bill is PASSED.

THE CLERK:

Cal. 443, Senate Bill 759, AN ACT CONCERNING ACTIONS AGAINST THE STATE ON HIGHWAY AND PUBLIC WORKS CONTRACTS.

DEPUTY SPEAKER:

The gentleman from the 15th.

MR. WILLARD: (15th)

Mr. Speaker, I move acceptance of the Committee's favorable report and passage of the bill in concurrence with the Senate.

DEPUTY SPEAKER:

Question is on acceptance and passage. Will you remark.

MR. WILLARD: (15th)

Mr. Speaker, this bill deals with the procedure in which actions on disputed claims can be brought against the State of Connecticut regarding contracts entered into between the State and private contractors concerning construction repair of highways and buildings of public works. The changes are two. First the law now provides that there has to be writing of notice to the State within two years after acceptance of the contract. This bill changes it to provide that the two years will run after the acceptance of the work by the agency head

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**CONNECTICUT
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Wednesday, May 19, 1971

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Calendar 982, which was passed temporarily, one is on page 17, Calendar 437.

MR. SPEAKER:

Ask the Clerk to call the item on page 17.

CLERK:

Page 17, Disagreeing Action, Calendar 437. House Bill 5374 - An Act Concerning the Sale of Alcoholic Liquor to Certain Persons. (As amended by Senate Amendment Schedule A and House Amendment Schedule A).

MR. SPEAKER:

Representative MORRIS.

REPRESENTATIVE MORRIS:

I move for immediate consideration of the committee's favorable report and passage of the bill in concurrence with the Senate.

MR. SPEAKER:

Question is on acceptance and passage of the bill as amended by House Amendment Schedule A. The Clerk is in possession of Senate Amendment Schedule A.

The Clerk call Senate A. Does the gentleman wish to outline it as opposed to reading of it.

REPRESENTATIVE MORRIS:

The amendment and really the bill repeals Sec. 30-83 and 30-84, committee lists to be given to committees of liquor licenses in the town to prohibit those drinkers who are considered welfare drinkers or it also permits and we are

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repealing this section, permits relatives of drunkards to request that a selectman post a list on him to prohibit him from drinking in any of these establishments. I move passage of the amendment.

MR. SPEAKER:

The Clerk points out the amendment is printed in full in file 823, the question is on adoption of Senate Amendment Schedule A. Will you remark further on Senate Amendment Schedule A. If not, all those in favor indicate by saying Aye. Opposed, Senate A is adopted, ruled technical. The question now is on acceptance and passage as amended by House Amendment Schedule A and Senate Amendment Schedule A. Would you remark further.

REPRESENTATIVE MORRIS:

I so move, Mr. Speaker.

MR. SPEAKER:

Further remarks on the bill as twice amended. If not, all those in favor indicate by saying Aye. Opposed. The bill is passed.

CLERK:

Page 8, Calendar 982, Substitute for Senate Bill 1375 -
An Act Concerning Setting a Time Limit for the Transfer of Assets and Providing for Exceptions When Fair Value was not Received.

MR. SPEAKER:

Representative Chagnon.

REPRESENTATIVE CHAGNON:

I believe I have satisfied the question that was raised with regard to this. I therefore move the passage of this bill.

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**CONNECTICUT
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SENATE

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1457-1920**

May 6, 1971

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THE CLERK:

CAL. NO. 408. File No. 568. Favorable report of the joint committee on Liquor Control. House Bill 5374. An Act Concerning the Sale of Alcoholic Liquor to Certain Person. Clerk has an amendment.

SENATOR DUPONT:

I move passage of the bill. Clerk please, read the amendment.

THE CLERK:

SENATE AMENDMENT A, offered by Senator Dupont:

Strike out everything after the enacting clause and insert in lieu thereof the following:

Section 1. Sections 30-86 of the General Statutes is repealed and the following is substituted in lieu thereof: Any permittee who, by himself, his servant or agent, sells or delivers alcoholic liquor to any minor, or to any intoxicated person, or to any habitual drunkard, knowing him to be such an habitual drunkard, (or to any person after having received notice from the selectmen, as provided in Section 30-83 or 30-84, not to sell or give such liquor to such person,) and any person, except the parent or guardian of a minor, who delivers or gives any such parent or guardian of a minor, who delivers or gives any such liquors to such minor, except on the order of a practicing physician, shall be subject to the penalties of section 30-113.

If I could go back for one moment. after reading (knowing him to be such habitual drunkard, there are brackets. The clerk assumes that is a deletion in that section.

SENATOR DUPONT:

Yes. I move the passage of the amendment. This amendment in effect, ~~deletes from our general laws, those sections of the statutes that forbid the~~

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sale of intoxicating liquors to people who receive town aid or any member of his family and also the practicing of posting people as habitual drunkards.

It is my understanding a similar statute another jurisdiction has been struck down as unconstitutional.

THE CHAIR:

Question is on passage of the amendment. Will you remark further? If not all those in favor signify by saying, "aye". Opposed, "nay". The ayes have it. The amendment is passed. Ruled substantial, the amendment will be returned to the Legislative Commissioner's office and will be taken up, again when it is returned.

THE CLERK:

CAL. NO. 409. File 349. Favorable report of the joint committee on Finance. House Bill 5989. An Act Concerning the Property Tax Exemption of Servicemen and Ex-servicemen Having Disability Ratings.

SENATOR CUTILLO:

Mr. President, I move acceptance of the joint committee's favorable report and passage of the bill. This bill will complete the intent of twelve-90 of the 1960 supplement to the General Statutes, to allow blind persons to receive more than one exemption from taxation. I move passage.

THE CHAIR:

Question is on passage, will you remark further?

SENATOR IVES:

Mr. President, may I inquire from the Senator from the 15, it only applies to blind persons?

SENATOR CUTILLO:

Senator, that is my understanding, yes.

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THE CLERK:

Page 14 of your Calendar Calendar under the heading matters returned from the Legislative commissioner. Fourth item down, third item down, Cal. 403, File 823, Favorable report of the Committee on Liquor Control on H.B. 5374 An Act Concerning The Sale of Alcoholic Liquor To Certain Persons.

THE CHAIR:

Senator Dupont.

SENATOR DUPONT:

I move acceptance of the joint committee's favorable report and passage of the bill as amended by Senate Amend. Sch.A.

THE CHAIR:

* Will you remark?

SENATOR DUPONT:

This bill repeals in effect those sections of the General Statutes that prohibited the sale of alcoholic liquor to people receiving town aid or members of their family. And also the repeals those sections of the Statutes dealing with the practice of posting people as habitual drunkards.

THE CHAIR:

The question is on passage of the bill. Will you remark further? If not all those in favor of passage signify by saying aye. Opposed nay. The ayes have it. The bill is passed.

THE CLERK:

Cal. 477, File 870 Favorable report of the joint standing

**JOINT
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LIQUOR CONTROL

WEDNESDAY

MARCH 24, 1971

30-100 the provision therein takes out the words "or the storage of alcoholic liquors". By so doing, it would permit people to go to motels and have a drink in the motels and as I say, in catered places. And I ask for a favorable report from the Committee on this bill.

Chairman Provenzano: Are there any other legislators that would like to be heard? If not, we will open the hearings to the general public and we will commence with Senate Bill 7255 and House Bill 7663 which are generally the same in purpose, an act concerning the mandatory refusal of liquor permits. Excuse me, 725 and 7663. Anyone wishing to speak in favor of those two bills? Anyone wishing to speak in opposition to those two bills? Then we will continue with Senate Bill 1420. appeals from decisions of Liquor Control Commission, it appears that this is an early bill concerning that subject matter, so may we hear from those wishing to support that bill, 1420.

Representative Clark; 101st District: I have had letters from several package store owners in my town and they are very interested in House Bill 7261, the prohibition of alcoholic liquor sales on Independence Day and Labor Day. Some of them now close for part of the day and they just would love to have a holiday the way other people do on those days and I thought on their behalf I would put in a plea for a favorable report on that bill.

Chairman Provenzano: That's House Bill 7261. Attorney Brennan, you may continue if you would like on Senate Bill 1420 and thank you very much for your consideration.

Daniel E. Brennan, Attorney for the Connecticut Package Store Association: I simply want to put the Association on record in favor of the passage of Bill No. 1420.

Chairman Provenzano: Thank you. Anyone else wishing to support Senate Bill 1420? Anyone here in opposition to Senate Bill 1420? If not, we will continue with House Bill No. 5374, 5375, 7259. Those three bills will be heard together. Again, 5374, 5375 and 7259 which are basically the same in subject matter. Anyone wishing to speak in support of those three bills?

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Daniel E. Brennan, Attorney for the Connecticut Package Store Association: I want to speak very briefly on these three bills. They all relate to the problem that people involved in the liquor industry have of innocently becoming victims of violations of the criminal law. This is the only industry I know of where a man can act in all good faith and with complete belief that he is doing right and living in accordance with the law and find himself subject to criminal prosecution. So each of the particular acts relate itself to the question of knowledge, requiring that the person charged with the violation actually have knowledge or have a knowledge, would mean substantial reason to know where a reasonable person would know that would cover knowledge, know that such person is the person in 5374, that he is the person named in the particular prohibition against the sale of alcoholic liquor. In each of these bills it requires that specific knowledge. It is in keeping with our whole system of justice that an innocent man should never be prosecuted for a crime, the violation of which he was totally unaware of and these are good bills and they are in keeping, as I said, with our whole tradition and I urge their passage.

Chairman Provenzano: Anyone else wishing to support the three bills as outlined? I would like, however, to call the attention that 5374 and 5375, although the same in nature, are somewhat different, so if you will please check them. The three bills we are hearing now are 5374, 5375 and 7259.

Kevin Kenny, 75 Pearl Street, Hartford, Connecticut, Attorney for the Associated Restaurants of Connecticut: The Association would like to speak in favor of House Bill 5374 and 5375, amending the dram shop act, Dan Brennan has covered the problem very well. The dispenser of alcoholic beverages in Connecticut is put at a disadvantage and we would like to remove that disadvantage. Thank you.

Joseph Begnal, President of the Waterbury Restaurants Association: I would like to put our Association on record as being in favor of these three bills.

Chairman Provenzano: Anyone else wishing to support the three bills as outlined? Anyone wishing to oppose the three bills as outlined? We will proceed with House Bills