

Legislative History for Connecticut Act

HB 5099	PA 437	1971
Judiciary	—	
House	3216-3237, 3411, 3546-3554	(32)
Senate	2583	(1)
		1

Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate and House of Representatives Proceedings

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CONNECTICUT  
GEN. ASSEMBLY  
HOUSE

PROCEEDINGS  
1971

VOL. 14  
PART 7  
3011-3376

3216

Thursday, May 20, 1971 22.

states that we will have...we propose an eight-member authority, two ex officio members without the right to vote, who shall be the Finance Commissioner and Treasurer. I would move adoption of the Amendment.

EFH

MR. SPEAKER:

Question's on adoption of House Amendment Schedule "A". Will you remark further. If not, all those in favor indicate by saying "aye". Opposed. Amendment "A" is adopted. It's ruled technical. We may proceed with the Bill as amended.

ALBERT W. CRETELLA, JR.:

I now move that the Bill as amended by House Schedule "A" be adopted.

MR. SPEAKER:

Will you remark further.

ALBERT W. CRETELLA, JR.:

This Amendment merely sets forth an eight-member commission with two ex officio members without the right to vote. It was the intention of the Committee to have this when it originally appeared, and this language merely clarifies it.

MR. SPEAKER:

Will you remark further on the Bill as amended. If not, all those in favor indicate by saying "aye". Opposed. The Bill is passed.

THE CLERK:

Calendar No. 976, Substitute for H.B. No. 5099, an Act concerning grounds for divorce.

JOHN A. CARROZZELLA:

Thursday, May 20, 1971

23.

Mr. Speaker, I move for acceptance of the Joint Committee's favorable report and passage of the Bill.

EFH

MR. SPEAKER:

Will you remark.

JOHN A. CARROZZELLA:

Mr. Speaker, what this Bill does is change the ground of desertion for divorce from two years to one year. As you will recall, Mr. Speaker, we changed the time last Session or the Session before, from three years to two years. It is the opinion of the Committee that even two years is too long when a man should leave his family and with a complete neglect of duty. Therefore, we have recommended that the change be from two years to one year. I move acceptance and passage.

MR. SPEAKER:

Further remarks on the Bill.

JAMES F. BINGHAM:

Mr. Speaker, the Clerk has an Amendment, Mr. Speaker.

MR. SPEAKER:

The Clerk call House Amendment Schedule "A".

THE CLERK:

House Amendment Schedule "A", offered by Mr. Bingham, of the 157th. In Line 42, change the period to a semicolon, and insert "incompatibility." In Line 31, after the period, insert "as used in this section, incompatibility means the inability of the parties to the marriage to reconcile their differences resulting in destruction of legitimate objects of matrimony between them."

Thursday, May 20, 1971 24.

JAMES F. BINGHAM:

EFH

Mr. Speaker, I move adoption of the Amendment.

MR. SPEAKER:

Will you remark.

JAMES F. BINGHAM:

Mr. Speaker, the objective of the Amendment is to make it legally possible to terminate dead marriages without recrimination. Certainly this is so where both parties agree that the marriage is dead and furnish to the State evidence of that fact. In such cases, the party should not be required to resort to the hypocrisy of accusing one of the other of a marital wrong recognized by our present statutes or to the remedy of a migratory divorce, which may, in any event, be beyond their financial resources. I am equally convinced that where both parties are guilty of the offenses, one against the other, mutuality of fault should not be a bar to a divorce. This can be viewed only as an infliction of punishment by the State. I cannot be justified. The traditional grounds of adultery, desertion and cruelty are retained as causes or grounds for divorce. Further, fault was so asserted as a ground for relief will be a proper consideration for the Judiciary in dealing with alimony and support. The central policy advocated, however, is that it is legally possible to terminate dead marriages. In my judgement, a dead marriage is no less dead because only one of the parties is demonstrably at fault. It must be observed at this point that the demonstrable fault is frequently the result of rather than the cause of marital breakdown. Certainly the innocent and injured spouse must be regarded

Thursday, May 20, 1971 25.

specially in any generation, but the notion of divorce as a reward EFH for virtue and a punishment for sin is not accepted. I moreover am satisfied that to withhold a divorce in such circumstances does not reunite a family. Almost never does a defeated plaintiff resume cohabitation with a victorious defendant. He or she merely plans for the next round and sometimes cohabits with a partner of choice. Such is the social reality. At the same time, there is great ambivalence regarding divorce where one party is flagrantly at fault for the breakup. The (inaudible) of it is that he or she should get his just desserts. This emotional and often unjustified reaction is the strongest factor favoring the retention of fault grounds. It should be noted, however, that perhaps the penalty should fit the crime. The flagrant offender, whether plaintiff or defendant, husband or wife, may be subject to equitable principles when alimony, custody and property rights are determined. It is in the public interest, in private morality, in marriage as an institution, that is best served by terminating marriages that have failed. The outmoded policy of suspending in limbo the offending spouse is the wrong remedy in so far as public morality is concerned. At the same time there is no vested right to immunity from divorce nor to the satisfaction which may be gained in the "dog in the manger" fashion by blocking the offender from terminating a meaningless relationship and perhaps creating a socially desirable one. The incident of divorce has little to do with divorce statutes. Connecticut has restrictive divorce laws. There is no evidence, however, that this results in fewer marital dissolutions among Connecticut residents than among those

Thursday, May 20, 1971 26.

of any other state for there is no reliable evidence of how many Connecticut residents resort to migratory divorce and even less evidence of how many of our residents simply ignore a prior legal relationship and cohabit illicitly. We should not require dead marriages to continue for the sake of statistical neatness or comparison.

MR. SPEAKER:

Please give your attention to the good Colonel from Stamford.

JAMES F. BINGHAM:

Thank you, Mr. Speaker. We should not require dead marriages to continue for the sake of statistical neatness or comparison or on a misguided assumption that thereby family life is strengthened. The economics of divorce, especially as related to the poor, is a subject which requires consideration in great depth. There are indications that the poor have been priced out of the market in so far as matrimonial relief is concerned, with the resultant hardships on de facto families and a serious welfare ramification. Courts of law must be open and must be responsive to the legitimate needs of the poor if our boast of equal justice is to be meaningful. My recommendation of a new divorce ground will at least eradicate the specter of the affluent achieving a non-fault marriage dissolution and denied the poor only by economic inability to travel elsewhere for this remedy. Mr. Speaker, this is a good Amendment, and I urge its passage.

MR. SPEAKER:

Further remarks on the Amendment.

EFH

Thursday, May 20, 1971 27.

ROBERT D. KING:

Mr. Speaker, one word..."Amen".

MR. SPEAKER:

Would you remark further on the Amendment.

JOHN A. CARROZZELLA:

I'm not going to say "amen", Mr. Speaker. I have to rise in opposition to this Amendment. It seems quite strange that yesterday they debated up in the Senate no fault, and here we are debating no fault again relative to a different subject. I think that this Amendment is contrary to the basic philosophy that we, in Connecticut, at least, have relative to the family unit. I think everyone of us here is dedicated to the proposition that we should do all we can to keep that unit together once it is established, and I think it is certainly...this Amendment is inconsistent with the existing law in our State relative to fault for divorce. The reasoning behind this is that the State is a party and interest to every marriage, and it is a party and interest because the interest is the family unit, the children, and so forth. By putting divorce now on a so-called no fault proceedings, the State loses that interest, and the family unit is shaken. I submit to you, Mr. Speaker, that we should continue with our basic philosophy to preserve the family unit...to keep it together...to do all we can to strengthen that rather than, as this Amendment does, weaken it. Very honestly, Mr. Speaker, I'll say to you now, my wife has no grounds for divorce against me.

MR. SPEAKER:

Is there anyone here to speak for Annette Carrozzella?

EFH

JOHN A. CARROZZELLA:

EFH

Very honestly, Mr. Speaker...at least I don't think so. And very honestly, Mr. Speaker, I want to keep my family together, and will do all I can to keep it together. And I don't want to pass a Bill today that will allow my wife to say, "Well, I've had it with you, just because I've had it, and I'm going to get a divorce". I think this is what the Amendment does. I think it's a bad Amendment, and I think certainly it is not, as my distinguished colleague on the other side says, in the public interest. I, Mr. Speaker, feel that this Amendment is bad. I don't want our State with staid habits to become the divorce mill of the East. I oppose the Amendment.

MR. SPEAKER:

Will you remark further on the Amendment.

MARY B. GRISWOLD:

Mr. Speaker, I rise in favor of this Amendment. As I understand the Amendment, this would not allow one party simply to say, "I wish a divorce". I understand it would be both parties who wish a no fault divorce. And I do believe, from my long years of experience, as I am one of the elder citizens...about to be, that families can be better held together if they're not forced to live in crimanatory and unpleasant circumstances. I do think it's better for children often for the parents to separate and separate amicably, so that if there's bitterness, the children don't have to test one parent. I favor this Amendment, Mr. Speaker.

MR. SPEAKER:

Further remarks on the Amendment.

EFH

ALAN H. NEVAS:

Mr. Speaker, I rise in support of this Amendment. I think it's long overdue in our State. Those of us who practice in the Courts of our State and do any kind of volume in the area of family law have long been disillusioned with the manner in which divorce matters are handled. The spectacle of witnesses parading into the witness stand on days of short calendar when family relations or matters are heard and spewing out the same kind of testimony, case after case, I think has made many of us feel somewhat unclean as we leave the courtroom. I think that this Amendment would go a long way to curing that problem. As far as the remarks of the distinguished Chairman of the Judiciary Committee, citing the specter of Connecticut becoming a divorce mill, in nowhere in this Bill or in this Amendment do we change the resident requirement, which is still one year. That hardly would qualify Connecticut as a divorce mill. I think that anyone who has had the experience of coming to the point where two parties to a marriage come to a Court and in the oftentimes in the presence of their children have to hurl recriminations at one another, make horrible accusations at one another, oftentimes to the detriment of the relationship with the children...if any of you who have not so experienced this spectacle, if you could come into a courtroom and see it happen, then I think, without any hesitation, you would vote to support this Amendment.

MR. SPEAKER:

Will you remark further on the Amendment.

PHILIP N. COSTELLO, JR.:

EFH

Mr. Speaker, I favor the idea of (inaudible), but I think that this particular Amendment should be defeated for one reason, and that is that it, in my opinion, should specify that such a divorce could only be obtained between consenting parties. As a practical matter in our Courts every day, divorces are awarded on an uncontested basis where the grounds, or at least the allegations and the testimony, represent nothing more than incompatibility. And I think Representative Bingham has hit the nail on the head in suggesting this Amendment to our law to bring the law in line with practice. However, a divorce once granted then opens up for the Judge the responsibility of assessing a financial responsibility, usually against the husband, and if he is subjected to that on the basis of an incompatibility charge, which he would be as I read this Amendment under the grounds of incompatibility, I think that would be unfair. If this could be amended to require that the matter be uncontested, then I think it would be a good Amendment.

MR. SPEAKER:

Will you remark further on the Amendment.

HILDA S. CLARKE:

Mr. Speaker, I was quite surprised to receive quite a few communications from constituents who were contemplating divorce or who have had a divorce...

MR. SPEAKER:

Would the Members give their attention to the gracious lady from the 158th. Representative Clarke.

3275

HILDA S. CLARKE:

EFH

Thank you, Mr. Speaker. ...and told in their letters what a horrible experience it was under our present law. They were very much in favor of something that would make a divorce an easier and pleasanter thing when it was inevitable that it was really something they must go through with, especially for the children. So I think this may be a very good Amendment.

MR. SPEAKER:

Further remarks on the Amendment.

MICHAEL L. MORANO:

Mr. Speaker, while I envy the happy marriage of the gentleman from Wallingford, and his fine children, I did receive a great deal of mail from Parents Without Partners supporting such an Amendment, and to their behalf I report their feelings to you.

MR. SPEAKER:

Will you remark further on Amendment Schedule "A". If not, all those in favor indicate by saying "aye". Opposed. The Chair is in doubt.

GEORGE W. HANNON, JR.:

EFH

Mr. Speaker, I move you, sir, when the vote be taken it be taken by roll call.

MR. SPEAKER:

Motion's on a roll call. All those in favor indicate by saying "aye". More than 20% having called for it, a roll call will be ordered. Are there announcements or introductions to be made at this time while the...we await the return of some of our Members. The gentleman from the 163rd.

HERBERT V. CAMP, JR.:

Mr. Speaker, could I ask a question on the Bill?

MR. SPEAKER:

I suggest in view of the noise that it might be better if we waited for some of the Members to return.

HERBERT V. CAMP, JR.:

Trying to speed things up.

MR. SPEAKER:

Further announcements or introductions. If not, would the House be in order. For the benefit of the Members just returning to the Hall of the House, you're on Page 5, Calendar 976, Substitute for H.B. 5099, an Act concerning grounds for divorce. Amendment "A" has been offered by the gentleman from the 157th, which establishes the grounds for divorce...incompatibility. Debate has followed on that. A roll call has been ordered. Will you remark further on the Amendment?

HERBERT V. CAMP, JR.:

Mr. Speaker, please, a question to the proponent of the

3207

Amendment.

EFH

MR. SPEAKER:

Rep. Camp has the floor.

HERBERT V. CAMP, JR.:

For the purpose of the record and legislative history, I think it's not altogether clear from this Bill whether the "inability of the parties to the marriage to reconcile their differences" can be contested by one of the parties. This is an important matter, inasmuch as a contested divorce is a matter in which a, generally a husband, can, in effect, have a weapon against a greedy wife. For that reason I ask specifically, can the question of inability be contested by the spouse, and on those grounds, can a trial be requested?

MR. SPEAKER:

Does the gentleman care to respond?

JAMES F. BINGHAM:

Through you, Mr. Speaker, to the person proposing the question. This may be either contested or uncontested. This is a ground for divorce. The question of incompatibility is a justiciable question which will be determined by the Court. The Court will decide whether the parties are incompatible and they cannot reconcile their differences. The purpose of the Bill, Mr. Speaker, is to permit the parties to get a divorce without recrimination... without accusing one party of a fault which that party may not be responsible for that fault. The fault system in divorce, I think most psychiatrists, most psychologists will agree that when there is a fault such as a ground of adultery or desertion, the reason

Thursday, May 20, 1971 32.

for the matrimonial fault is the bad marriage...the inability of EFH  
the parties to reconcile their differences.

MR. SPEAKER:

Does the gentleman from the 163rd care to remark further?  
Further remarks on the Bill.

JOHN V. CASSIDENTO:

Mr. Speaker, another question to Representative Bingham  
...something along the lines as the previous question. In the e-  
vent of a twenty-year separation, for example, where the separa-  
tion is a result of the fault of the husband, can this matter be  
adjudicated as a contested matter by either party.

MR. SPEAKER:

Does the gentleman from the 157th care to respond?

JAMES F. BINGHAM:

Through you, Mr. Speaker, to the person proposing the  
question...yes, you may contest this question. That is why the  
Amendment is put to the causes of divorce. Either party may come  
in and offer proof, but they must offer proof that they are not  
incompatible...not just say so...not just come in "(inaudible)  
we're not incompatible. A Court must take evidence as to the com-  
patibility or to the non-compatibility, and a Court must decide  
whether they are incompatible and cannot reconcile their differ-  
ences.

MR. SPEAKER:

Further remarks on the Bill. Gentleman from the 81st  
speaking for the second time on the Amendment.

JOHN A. CARROZZELLA:

EFH

Mr. Speaker, with all due respect to the distinguished gentleman from the other side, he says on the one hand the reason for this is so that we could have no fault divorce, but then on the other hand he says you can also contest this. So which is it ...no fault divorce or is it another grounds that can be contested, and I submit, Mr. Speaker, that the law is presently what he says this will do. We have the grounds of intolerable cruelty, and as you know, Mr. Speaker, this can be contested, and the question there is whether or not the health and welfare of the wife or the husband is in danger, and if the family relation should continue, then it will be dissolved. I submit we have that already. What he's saying is that he wants this because he wants a no fault divorce, but yet he then says that it can be contested. He says on the one hand that you can...he doesn't want to have people accuse the other spouse. Yet he says that there is a contest here. I submit that it is adding a grounds of divorce that is not necessary, because we have intolerable cruelty. If there are differences between the parties, this can be resolved under the grounds of intolerable cruelty. If that's the case, I submit the Amendment doesn't do what he suggests it says.

MR. SPEAKER:

Further remarks on the Amendment before I announce the immediate roll call.

JAMES F. BINGHAM:

Mr. Speaker, was that a question or a speech?

MR. SPEAKER:

I didn't hear any question, Mr. Bingham.

Thursday, May 20, 1971 34.

JAMES F. BINGHAM:

EFH

Mr. Speaker, speaking for the second time, what this Amendment does is to acknowledge by the Legislature and to permit the Courts to acknowledge what actually in fact we have in the State of Connecticut today, except that because of the procedure demanded by the Courts in the State of Connecticut, one or the other party must go in and incriminate the other party. Now, I think it is good psychiatry and good psychiatric principle and most doctors, most psychiatrists, most marriage counsellors will tell you that where there is a matrimonial fault, for instance where there is a case of a person committing adultery, or a person not supporting the family, or desertion...that is a result of a marriage breakdown...that is the result of the fact that the people are incompatible, because these people would not commit these matrimonial faults unless there was some sort of incompatibility. Further, under the present law, if both parties...

MR. SPEAKER:

I suggest that the caucuses be broken up, that the Members return to their seats, so that we can have some orderly debate. The House will stand at ease until the Members return to their seats. Representative Bingham.

JAMES F. BINGHAM:

Thank you, Mr. Speaker. Under the present law as it is today in Connecticut, if both parties are guilty of matrimonial faults, a Court of equity may not grant a divorce, and therefore we are forcing two people guilty of matrimonial fault to live under a sham and a fiction of matrimonial unity when all and

Thursday, May 20, 1971 35.

everyone know there is no matrimonial unity. Mr. Speaker, this Bill will conform to practice what actually happens in Connecticut. If a person cannot get a divorce in the State of Connecticut under the fault system, that person, if he or she has money enough, will go to a state and obtain a migratory divorce. I respectfully submit to this Chamber that the fault system in Connecticut has not saved one marriage, has not prevented one divorce, and I respectfully submit that this Amendment is a good Amendment and should pass. Thank you, Mr. Speaker.

EFH

MR. SPEAKER:

Further remarks on the Amendment.

ALAN H. NEVAS:

Mr. Speaker, speaking for the second time. Mr. Speaker, briefly Mr. Carrozzella said that this was a no fault provision. I respectfully disagree with the distinguished Chairman of the Judiciary Committee. A no fault...so-called no fault divorce bill such as been adopted, for example, in California, requires no judicial finding of a grounds for divorce. It merely permits two people to follow through a procedure and get a divorce at the end of that procedure without any testimony or evidence with respect to any grounds. Mr. Bingham's Amendment adds as a ground for divorce incompatibility, which still requires a hearing before a Judge and a finding that there is in fact incompatibility. That is not no fault. Thank you, Mr. Speaker.

MR. SPEAKER:

Will you remark further before I announce the immediate Roll Call. If not, I will announce the immediate roll call. Are

Thursday, May 20, 1971 36.

there further announcements or introductions while Members return to the floor. If not, will you remark further before we vote? EFH

JOHN V. CASSIDENTO:

Mr. Speaker, one more question to Mr. Bingham, through you, if I may. I take it that the only issue then before the Court under this Amendment would be for the Court to determine whether this marriage can be saved. Is that so, sir?

MR. SPEAKER:

Does the gentleman from the 157th care to respond?

JAMES F. BINGHAM:

Through you, Mr. Speaker, to the person proposing the question, you may say that is the reverse way of putting it...yes. The Court will decide. The State has an interest in the marriage. The State necessarily has an interest in preserving the marriage. So, if this marriage can be preserved, the Court will say, "These people are compatible and you should follow certain practices to make sure that the marriage lasts." What this Bill does is take away from the Courts the useless sham of going in and accusing another party of a matrimonial fault when people really do not want to accuse the other party of a matrimonial fault. The underlying fault with the marriage is both of them. They're incompatible. Their marriage is dead. They cannot preserve the marriage. And this Bill allows people to go in and testify to what actually is the fact, and they do not have to be primed by attorneys in the hall to conform with one of the fault provisions in the statute. They can go in and actually tell what is the fact...the marriage is dead...we cannot reconcile our differences...and for the best

Thursday, May 20, 1971 37.

interest of the State...for the best interest of the children, we seek, Mr. Court, a divorce, under pleasant conditions, which is not the state in Connecticut today. EFH

MR. SPEAKER:

Further remarks on Amendment "A".

BERNARD L. AVCOLLIE:

Mr. Speaker, I only want to comment that I think Mr. Bingham is not doing justice either to the lawyers who he refers to as coaching people in the hall or to the present system. Perhaps he can tell by looking at a marriage whether it's dead or not, but I've seen a lot of marriages contrary to what he's indicated that might look dead on first glance that were not, in fact, dead. Because of the present system, they've been allowed some time to re-revive, some time to live. With this Amendment...with this ground added...they would not have that time, and I question Mr. Bingham's authoritativeness...his expertise...in this area. I don't think he, or anyone in this Hall, can say that a marriage is dead. Not until it's exhausted every remedy, and this Amendment would remove a remedy. I'm opposed to the Amendment.

MR. SPEAKER:

Further remarks on the Amendment before we vote.

GERARD S. SPIEGEL:

Mr. Speaker, speaking briefly in opposition to the Amendment. As a gentleman who will be celebrating his twenty-fifth wedding anniversary next year, I have never kept score. However, I am...however I am sure that there were more than twenty-five occasions when my wife and I felt that we were incompatible. And

Thursday, May 20, 1971 38.

I submit to those of you who have been married for any extensive period of time that there will be many occasions when you think things are incompatible, but it's the old sticktuitiveness that works, and I urge that you defeat this Amendment.

EFH

MR. SPEAKER:

Will you remark further. If not, will the Members be seated. Will the aisles be cleared.

OWEN L. CLARK:

Mr. Speaker, I'll only add that mine'll be 38 years this fall, and I can agree with Representative Spiegel. There's been more than one time when it would have been pretty easy to walk in together by agreement and say, "We're not compatible". I vote against the Amendment.

MR. SPEAKER:

Is there anyone else who would like anniversary greetings in the House?

HILDA S. CLARKE:

Mr. Speaker, as long as we have all these testimonials, may I say that I was married 53 years, but I don't...and I'm glad that I never considered seriously getting a divorce, but I can tell you this is a privilege of other people, and I believe this should be on the books. Thank you.

RUFUS C. ROSE:

Thank you, 41 years here. I do think, however, that...

MR. SPEAKER:

Can anybody top this? Continue.

RUFUS C. ROSE:

Thursday, May 20, 1971 39.

I do think, however, that the concern of having a divorce is not that final. I have heard of many people who have decided to have a divorce, have obtained it, and decided to remarry. There's nothing that prevents a remarriage on sound grounds if a person does get a divorce. EFH

WILLIAM C. LEARY:

Mr. Speaker, after having been married 183 days, 12 hours, and 15 minutes, I stand in opposition to this Amendment.

PHILIP N. COSTELLO, JR.:

Mr. Speaker, I think that all single Members of the House should disqualify themselves under Rule 18.

MR. SPEAKER:

The Chair can think of a few married Members who might disqualify themselves.

RUTH H. CLARK:

Mr. Speaker, I've been married for 31 years, and I favor the Amendment.

MR. SPEAKER:

Are there any more public confessionals? Mrs. Sarasin's husband, from the 95th.

RONALD A. SARASIN:

Mr. Speaker, I'm glad we made that point very clear, Mr. Speaker. My Leader told me to sit down at this point. Mr. Speaker, I rise to support the Amendment, and I think it's about time we stopped playing the game that's played every Friday morning in the Courts of this State, and that's exactly what we're doing. The Courts we're driving a little bit out of their mind because they

Thursday, May 20, 1971 40.

hear the same thing over and over again. The grounds for divorce in this State are basically the same, and we go through the routine in such a manner that it could be done with a question and answer form, multiple choice. Did your husband beat you...yes or no? Did you lose weight? Yes. Did you gain weight? No. And on, and on, and on...to provide that one element that is necessary for mental cruelty to develop into the physical cruelty under the grounds we now have. I don't think that there's any doubt that the Amendment by Mr. Bingham is a good Amendment, and I strongly urge its passage.

EFH

MR. SPEAKER:

The machine will be opened. Has every Member voted? Is your vote recorded in the fashion you wish? The machine will be locked. The Clerk will take a tally. While we're awaiting the announcement, does the gentleman from the 118th have an announcement for the benefit of the Democratic Members?

CARL R. AJELLO, JR.:

Yes, Mr. Speaker, I'd like to indicate that there'll be a caucus of House Democrats tomorrow morning at 11 A.M. in, I now anticipate, the Judiciary Room, which we're checking out. It will be to take up matters pertaining to the fiscal program. It's of great importance, and we urge 100% attendance.

MR. SPEAKER:

The Clerk will announce the tally.

THE CLERK:

Total number voting 161. Necessary for adoption 82.  
Yea 77. Nay 84. Absent and not voting 16.

MR. SPEAKER:

Thursday, May 20, 1971 41.

The Amendment is lost. Will you remark further on the Bill. Further remarks on the Bill. If not, the question's on acceptance and passage. All those in favor indicate by saying "aye". Opposed. The Bill is passed.

EFH

THE CLERK:

Calendar No. 986, Substitute for H.B. No. 6466, an Act concerning a new plan for programs for seriously handicapped children.

JAMES F. GAFFNEY:

Mr. Speaker, I move acceptance of the Committee's favorable report and passage of the Bill.

MR. SPEAKER:

Will you remark.

JAMES F. GAFFNEY:

Mr. Speaker, this Bill directs the State Department of Education to prepare a plan together with feasibility and cost studies by next February 15th for regional day-care and residential programs for children requiring special education whose needs cannot be met in the regular public schools. The study would explore the needs for and desirability of a regional system for serving severely handicapped youngsters who otherwise are often placed in private facilities at considerable expense. We had much testimony in the Education Committee regarding the need for such a program. However, we were unable, with the time pressure that we were under, to do a cost or feasibility study of implementing such a program. I feel this is a good Bill. I think the study will give us the costs and the desirability of the regional approach,

H-115

CONNECTICUT  
GEN. ASSEMBLY  
HOUSE

PROCEEDINGS  
1971

VOL. 14  
PART 8  
3377-3877

in their own seats. The machine will be opened. Has every member voted? Is your vote recorded in the fashion that you wish? The machine will be locked and the Clerk will take a tally. The Clerk will announce the tally.

THE CLERK:

Total Number Voting		157
Necessary for Passage		79
Those voting Yea	84	
Those voting Nay	73	
Absent and not voting	20	

MR. SPEAKER:

The bill is passed.

RICHARD B. EDWARDS, 155th District:

Mr. Speaker, I wish to rise to make a motion, sir.

MR. SPEAKER:

Please state your motion.

RICHARD B. EDWARDS, 155th District:

Yesterday I was on the prevailing vote on the amendment on House Bill No. 5099, Calendar No. 976, file 1038 on page 5 of yesterday's calendar. I would like to move reconsideration of that item.

MR. SPEAKER:

Will the gentleman call it by bill title since the calendar of yesterday is not in the presence of most of the members?

RICHARD B. EDWARDS, 155th District:

Calendar No. 0976, Substitute for House Bill No. 5099, An

Friday, May 21, 1971

169.

MBS

Committee of Conference, Calendar No. 403, House Bill No. 5375.

CARL R. AJELLO, 118th District:

Mr. Speaker, may this item be passed retaining its place on the calendar.

MR. SPEAKER:

No report from the Committee on Conference yet available, so ordered.

THE CLERK:

Page 17, Calendar No. 661, Substitute for Senate Bill No. 490, also referred to the Committee on Conference.

CARL R. AJELLO, 118th District:

Same situation, Mr. Speaker, may I ask that it be passed retaining.

MR. SPEAKER:

So ordered.

THE CLERK:

The Clerk has a favorable report from the joint standing committee on Transportation, Senate Bill No. 703, An Act Amending the Tri State Transportation Compact.

MR. SPEAKER:

Tabled for the Calendar.

THE CLERK:

The House earlier heard a motion to reconsider Sub-  
stitute for House Bill No. 5099, An Act Concerning Grounds

for Divorce.

RICHARD B. EDWARDS, 155th District:

Mr. Speaker, I will again move that that item be reconsidered. If the vote is favorable on reconsideration I will move that it be passed retaining.

MR. SPEAKER:

Again, for the benefit of the members, the act was considered yesterday is entitled, Grounds for Divorce. The gentleman from the 155th indicated that he was in the prevailing vote and now moves to reconsider. Will you remark on reconsideration?

GEORGE W. HANNON, 16th District:

Mr. Speaker, I, for one, think the chamber is entitled to know why the gentleman wants it reconsidered and why he would move it pass retaining?

RICHARD B. EDWARDS, 155th District:

Mr. Speaker, the bill came upon my desk as an amendment to a bill. I considered it legislation of fairly major importance. I didn't feel that time had been given for consideration of this and all its aspects for getting back to constituents and finding out their feelings on it. Therefore, I've asked for reconsideration.

MR. SPEAKER:

Further remarks on reconsideration?

JAMES F. BINGHAM, 157th District:

Friday, May 21, 1971

171.

MBS

Mr. Speaker, I join with Rep. Edwards in the motion to reconsider and I support the motion to reconsider. It seemed to me that many people in this House who feel the same way as Rep. Edwards in this matter, that it came on before them and they had insufficient time to consider the matter prior to voting and therefore, they voted no. It appears that this is a matter of substance and I feel this is a proper parliamentary procedure and I support the motion to reconsider.

MR. SPEAKER:

Will you remark further on the motion to reconsider?

GEORGE W. HANNON, 16th District:

Mr. Speaker, that being the gentleman's intention I think it was aired in full debate yesterday and I would oppose reconsideration.

PAUL LA ROSA, 4th District:

Mr. Speaker, I rise in opposition to reconsideration. I think it is about time we move with the business of the state of Connecticut and therefore, I oppose the motion for reconsideration.

JOSEPH COATSWORTH, 76th District:

Mr. Speaker, I oppose reconsideration for the most special reason of all of any other member of this House, the reason is my wife is sitting in the gallery.

IRVING STOLBERG, 112th District:

Mr. Speaker, despite that, I would point out that the

Friday, May 21, 1971

172.

MBS

desire for reconsideration is bi-partisan. I think this is a major piece of legislation. Virtually none of us had a chance at consideration before we came to our desks for the day of the vote and I would urge in the interest of serious consideration of this important piece of legislation that it be reconsidered.

DAVID NEIDITZ, 12th District:

Mr. Speaker, I spoke in favor of this bill. I urge reconsideration.

MR. SPEAKER:

Are there further remarks on reconsideration?

JOHN A. CARROZZELLA, 81st District:

Mr. Speaker, very briefly, I would rise in opposition to reconsideration. We certainly debated this bill at length yesterday for about an hour and I'm sure all the members who were present in the hall certainly know the issue and I do not look forward to coming back and debating it for another hour and a half or two hours again. We've got a lot more important matters to take care of.

MR. SPEAKER:

Are there further remarks on reconsideration? If not, all those in favor indicate by saying aye, opposed? The Chair is in doubt.

FRANCIS J. COLLINS, 165th District:

Mr. Speaker, I move that when the vote be taken, it be

Friday, May 21, 1971

173.

MBS

taken by roll call.

MR. SPEAKER:

Speaking from his seat is the tired gentleman from the 165th who moved for a roll call.

FRANCIS COLLINS, 165th District:

It's a low crouch, Mr. Speaker.

MR. SPEAKER:

It is the proper kneel for the Lt. Governor. All those in favor of a roll call indicate by saying aye. A roll call will be ordered.

MICHAEL L. MORANO, 151st District:

Mr. Speaker, I wonder if the gentleman from Wallingford would care to give us that define the bill, define the amendment and give us that wonderful illustration of a happy married life that he gave us yesterday.

MR. SPEAKER:

Does the gentleman care to play the anniversary waltz again?

JOHN A. CARROZZELLA, 81st District:

Mr. Speaker, through you, are you really determined to get me divorced over this?

MR. SPEAKER:

I think in view of the rush of people coming into the Hall I ought to announce that again.

JAMES F. BINGHAM, 157th District:

Friday, May 21, 1971

174.

MBS

Mr. Speaker, through you, to the joint chairman of Judiciary, I would like to answer his question. I think he should answer vote yes on a reconsideration and we could put him out of his misery.

MR. SPEAKER:

The House will stand at ease because the Chair is not sure there is a quorum. The House will stand at ease and announce again.

The marching and chowder society has returned. For the benefit of the members who have just returned we are debating a motion to reconsider An Act Concerning Grounds for Divorce as debated in this Hall yesterday. A roll call has been ordered on the reconsideration vote. Will you remark on reconsideration?

WILLIAM F. RYAN, 84th District:

Mr. Speaker, I would like to remark that contrary to Rep. Costello's suggestion yesterday, I feel that those persons in the Hall who are married should absent themselves as I think only a person who is single can make an objective decision on a matter such as this.

PHILIP N. COSTELLO, 72nd District:

Mr. Speaker, at last I have an excuse to absent myself, Mr. Speaker. Thank you for the suggestion, Rep. Ryan.

MR. SPEAKER:

Rep. Bonetti...Rep. Avcollie from the 94th District:

BERNARD AVCOLLIE, 94th District:

Mr. Speaker, I just want to make two observations and one of them is that I'm getting tired of voting on reconsiderations. I think we should change these rules. I voted in favor of some but it is beginning to get to be a little bit burdensome on all of us. I think we can go down in the records as the legislature with the cracked record because we're heard more than once and secondly, if we don't get to the point where we can adjourn we are all going to need this amendment.

MR. SPEAKER:

Further remarks on reconsideration?

RICHARD B. EDWARDS, 155th District:

Mr. Speaker, for the benefit of those who were not here when I moved for reconsideration, the purpose is that the amendment came without time for consultation with constituents at home as to their feelings on it. I realize that there was debate....

MR. SPEAKER:

Lateness is no excuse for interrupting someone speaking.

RICHARD B. EDWARDS, 155th District:

I realize that there was a good bit of debate yesterday, however, I'm here to represent the people back home and they are entitled to have this opinion and that is why I moved for reconsideration. Possibly others feel differently.

Friday, May 21, 1971

176.

MBS

PAUL LA ROSA, 4th District:

Mr. Speaker, I rise in opposition to reconsideration. As you all know the bill was completely aired yesterday. I'm sure there is no new evidence today pertaining to this particular bill because I'm sure that the Representative from the 155th District has had ample time to meet with his constituents because these same remarks were said to me yesterday and I'm sure that the overwhelming vote was maybe not as much, therefore I would suggest that everyone vote against reconsideration.

MR. SPEAKER:

The motion is to reconsider. If you wish to reconsider vote yes, if you oppose reconsideration vote no. Has every member voted? Is your vote recorded in the fashion you wish? The machine will be locked, the Clerk will take a tally.

THE CLERK:

Total number voting	103
Necessary for Reconsideration	52
Those voting Yea	47
Those voting Nay	56
Absent and not voting	74

MR. SPEAKER:

Reconsideration is lost.

THE CLERK:

Page 16, Reconsideration, Calendar No. 997, House Bill No. 6018,.....

CARL R. AJELLO, 118th District:

Friday, May 21, 1971

177.

MBS

Mr. Speaker, may this item be passed retaining its place on the calendar.

MR. SPEAKER:

Unless there is objection, so ordered.

THE CLERK:

The Clerk has no further business for this week.

MR. SPEAKER:

Are there announcements or introductions? Rep. Ajello....

CARL R. AJELLO, 118th District:

Present, sir. If there's nothing further, Mr. Speaker, I move that we adjourn until Monday....

FRANCIS J. COLLINS, 165th District:

Mr. Speaker, may I make an announcement briefly before we adjourn.

CARL R. AJELLO, 118th District:

Of course, if he stands up to do it.

FRANCIS J. COLLINS, 165th District:

Mr. Ajello, you didn't see me standing before? I would like to announce, Mr. Speaker, there will be a Republican house caucus at 12:15 on Monday in Room 409A. Thank you.

MR. SPEAKER:

Further announcements or introductions.

CARL R. AJELLO, 118th District:

Have I got a tax for them. Mr. Speaker, I move that we adjourn until Monday afternoon at 1:30 P.M.

S-81

CONNECTICUT  
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1971

VOL. 14  
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May 27, 1971

97

THE CLERK:

SENATE AMENDMENT A. In Line 30, delete the word "SUBJECT TO" and insert in lieu thereof the word "NOTWITHSTANDING".

SENATOR RUDOLF:

Mr. President. I move the acceptance of the Joint Committee's favorable report and passage of the amendment. Mr. President, it is a technical change and it is self-explanatory. I move adoption.

THE CHAIR:

The question is on adoption of the amendment. All those in favor, please signify by saying aye. Opposed nay. The amendment is adopted. Will you remark on the bill as amended?

SENATOR RUDOLF:

Mr. President. The bill simply changes the wording from wheels to axels on the weights. It further places the regulation in the hands of the Commissioner. This is a bill that requires special permits by the Commissioner of Transportation on all movements of materials on an intra-state movement. I move for adoption of the bill.

THE CHAIR:

Any further remarks? Being none, the question is on acceptance and passage as amended. All those in favor please signify by saying aye. Opposed nay. The bill is passed.

THE CLERK:

Please turn to page 16, Calendar No. 945. File No. 1038. Favorable report of Joint Standing Committee on Judiciary. Sub. H.B. 5099. An Act Concerning Grounds for Divorce.