

<b>Act Number</b>	<b>Session</b>	<b>Bill Number</b>	<b>Total Number of Committee Pages</b>	<b>Total Number of House Pages</b>	<b>Total Number of Senate Pages</b>
PA 71-569		482	5	1	2
<u>Committee Pages:</u> <ul style="list-style-type: none"> <li>• <i>Public Health Safety</i> 122-125</li> <li>• <i>Public Health Safety</i> 98</li> </ul>				<u>House Pages:</u> <ul style="list-style-type: none"> <li>• 5102</li> </ul>	<u>Senate Pages:</u> <ul style="list-style-type: none"> <li>• 1153-1154</li> </ul>

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**PUBLIC  
HEALTH  
AND  
SAFETY**

**PART 1  
1-491**

**1971  
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PUBLIC HEALTH AND SAFETY

TUESDAY

FEBRUARY 23, 1971

Rep. Lyons: Mr. Flanagan, I might add that's a fine name. Would you have any objection to a four year term of office?

Mr. Flanagan: If I may answer your question in this manner, Mr. Lyons, you will hear this morning a bill whiches the fire service is in favor of, 482, and I think and I think that all of the answers will be included in this particular bill affecting the fire marshalls who will be under the certification of the state fire marshalls office. This is really a good strong bill and would protect every municipality in the state.

And if I may, Mr. Chairman, while I have the opportunity to register in favor of S.E. 482, and also S.E. 492 as your committee will hear it later on. Thank you very much.

Richard H. Mulligan, Captain of State Police, Commanding Officer of the Division of Public Safety and Deputy State Fire Marshall: Representing Commissioner Mulcahy who is the State Fire Marshall, we wish to register in opposition to the provisions of S.E. 129. We feel that this would be defeating everything that we have been working towards over the last ten to fifteen years in upgrading the position of local fire marshalls. We have a bill that will come before you later in your calendar, S.E. 482, which hopefully will do what we've been attempting to achieve over the years which would provide for certification of the local fire marshalls. And it would maybe, or perhaps, spell out more clearly the tenure of office of this particular position.

I will have further to say on that when that bill comes up.

Sen. Pac: Any questions? Thank you. Anyone else?

Howard Reynolds, Chairman of the Legislative Committee of the Conn. Association of Fire Chiefs: Our organization wishes to go on record in opposition to S.B. 129. We agree with what has been previously said regarding this bill, in opposition to it, and we do not feel it would be in the public interest to have this bill become law. Thank you.

Rep. Cohen: What made these people want to put in this bill? They must have some-

Howard Reynolds: I'm not familiar with it. It's nothing that the fire service sponsored I assure you.

Sen. Pac: Any other firemen in the crowd? We'll move on to S.E. 131. AN ACT CONCERNING CONFIDENTIALITY OF RECORDS CONCERNING FORTITUDE AND MORTALITY. Anyone speaking in favor?

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Dr. Friedburg: Unovid is also used for acne.

Rep. Lyons: Right, fine, but one of your arguments was you don't want to use the generic name because it's obvious to the patient what it's being used for. It may be used for the cure of cancer and so on but I'm trying to find out, are there not trade name drugs which are used for exactly the same purpose? Because in my opinion the argument is not valid unless you can so advise me that trade names are not identifiable.

Dr. Friedburg: Very often I'll call the druggist and have him dispense a drug in that way so that there is no prescription written at all.

Rep. Cohen: You mentioned the pharmacist compounding drugs. What percentage of drugs are compounded? Probably a very small amount.

Dr. Friedburg: Well, maybe 20% of my prescriptions are compounded, I would think.

Rep. Cohen: Several years ago Commissioner Shapiro had an order for all welfare patients to be, to have only generic drugs prescribed for them. It saved the state several hundred thousand dollars a year. Do you think the people suffered because of the generic drugs?

Dr. Friedburg: I don't think that that was ever - this applied only in the relationship between the commissioner's office and the pharmacist. It did not go into the doctor's office and didn't have any relationship to the prescription writing. I don't know any more details than that.

Sen. Pac: Thank you, doctor. Anyone else wishing to speak on 363? We'll move on to S.E. 422 (Sen. Zajac of the 13th.) AN ACT CONCERNING ACCEPTANCE OF RECORDS OF ANALYSES BY THE STATE TOXICOLOGICAL LABORATORY AS LEGAL EVIDENCE. Anyone speaking for or against this bill?

I'll move on to S.E. 482 (Sen. Alfano of the 7th.) AN ACT CONCERNING APPOINTMENT AND CERTIFICATION OF LOCAL FIRE MARSHALS AND DEPUTIES. Anyone wishing to speak for or against S.E. 482?

Richard R. Pullivan, Captain of the State Police, Commanding Officer of the Division of Public Safety, and also Deputy State Fire Marshall: I speak for the Commissioner of State Police, Leo J. Mulcahy, who is also State Fire Marshall. We wish to go on record as supporting the provisions of

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S.B. 482 which we worked very closely with Senator Alfano and the Conn. State Fire Marshal's Association, in drafting. I should like to suggest the changing in the word:down towards the bottom of the page: "Each local fire marshall shall be sworn" and where the new wording is put in - and shall continue to serve in that office until removed for cause, special acts notwithstanding.

And I say that because we've run into a situation where a court decision was recently rendered and they overruled the provisions of the general statutes and went to the charter of that city in ruling against the incumbent fire marshal. We feel that the statutes are quite clear insofar as the appointment of a fire marshal is concerned, as well as the mechanics for his removal if he fails to perform faithfully the duties of his office.

I should like to refer, if I may, without taking a great deal of your time, to a decision that was handed down by Judge Borden in a similar case back in 1959. And in that, and I'm taking it in part, he said: it is obvious that the purpose of these provisions is to give stability, integrity and tenure to the office of fire marshall and to prevent a removal of an experienced official through whim and fancy of the appointing authority. He goes on to say: to hold that the alderman of the city of Ansonia can dismiss a fire marshal by enacting an ordinance which fixes a term for such office would destroy a needed continuity in such office and render it a political football to be kicked around by successive boards, as the ebb and flow of political fortunes dictate. To sanction such action would make a mockery of the statutes which give tenure and security to an efficient and faithful public servant, and a method of removing one who is inefficient and unfaithful. And he goes on and he rules in favor of the incumbent. We urgently ask your support of this bill.

Sen. Pac: Thank you. Anyone else wishing to be heard on S.B 482?

Howard Reynolds, representing the Conn. Association of Fire Chiefs:  
We wish to go on record as being in favor of this bill. Anyone who accepts a position of public trust, be it paid or volunteer, must be thoroughly trained to effectively carry out his duties and responsibilities of his office. This is especially true in the position of fire marshal. The duties and responsibilities as outlined by the statutes are quite voluminous and the penalties on the fire marshall if he does not carry out these duties are also quite severe.

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We feel that he should have the continuity of office and also that he should be properly trained in his office after he accepts it or before he accepts it. We feel that this bill will go a long way in securing the desired effects that would be in the public interest in this important job.

Also I would like to register in favor of HB, SB 492, at this time.

Sen. Pac: Thank you.

Andrew Flanagan, representing the Connecticut State Firemens Association: With their approval of H.B. or S.B. 482. This bill has been given quite considerable consideration by members of the fire marshals association in working in close cooperation with the state fire marshals office in the drafting of this bill in order to strengthen and by strengthening the fire marshals office of the appointment to the fire marshal position it will afford better protection. With your kind consideration I am hoping for a favorable report guaranteeing the people in the state of Conn. greater public protection. Thank you.

Richard Smallman, Fire Marshall, West Shore Fire District, City of West Haven: I would like at this time as a member of the West Shore Fire District and also as being a member of the state board of the Fire Marshals Association, to go on record as being in favor of S.B. 482 and 494 and 492.

John H. Tweed, Fire Chief and Fire Marshal, Town of Branford and also representing the Conn. State Fire Marshals Legislative Committee: We would like to go on record in favoring S.B. 482. This is a bill that is definitely needed in the state to upgrade the position of fire marshal. It is a very important position. As you probably are all familiar with the regulations as set forth in our state statutes and the duties of a fire marshal. This will bring it up to a certification which is definitely needed with the increase and changing in our laws. I'd also like to go on record in favoring S.B. 492 also. Thank you very much.

Joseph Howell, Chief, State Fire Department: I'd like to go on record in favor of 482 and 492. I think these are very important. I'd like to see them passed. Thank you.

Sen. Pac: Anyone else wishing to be heard?

Angelo Willey, Fire Marshal, Alleytown Fire District, City of West Haven: The Alleytown Fire District would like to go on record as being in favor of bills 492 and 482. Thank you.

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John Arthur, Fire Marshal of East Hartford: I would like to go on record as being in favor of bills 482 and 492.

Sen. Pac: Thank you. You create a very good impression on us. Anyone else to speak for or against this particular bill? In that case, is there any that wishes to speak on any bill. Let them come forward now.

Richard H. Sullivan, Captain, State Police and Deputy State Fire Marshal, Commanding Officer Division of Public Safety: We should like to go on record as being in favor of the provisions of S.P. 492 (Sen. Alfano of the 7th.) AN ACT CONCERNING REGULATING ACTIVITY INVOLVING EXPLOSIVES.

I think it's quite obvious for the reasons for this. Today in this day and age, what we're going through of course, the country, the ready availability of explosives, the thefts and stealing and bombing of public buildings. The provisions of this bill would give the department of state police which presently regulates explosives, the authority to license people engaged in any type or in any connection with explosives. It also goes beyond that. There is a financial responsibility portion to this bill that would require the user to provide financial responsibility satisfactory to the state insurance commissioner. Hopefully, and I've been in touch with the state insurance commissioner's office, they can come up with a schedule that would work in with the provisions of this bill.

I should also like to speak in favor of the provisions of section, S.P. 494 (Sen. Alfano of the 7th.) AN ACT CONCERNING SEIZURE OF FIREWORKS.

This is merely to correct a defect in the existing statutes, insofar as the in rem procedure is concerned. This would remove the requirement of the public sign post in the town wherein such fireworks were seized and also that would be taken out. If we were caught short in a case in Bridgeport because we hadn't posted it on the town sign post, and if you can find the town sign post in Bridgeport, will you show it to me please. We would urgently ask your support of these two bills.

Rep. Cohen: If we pass 492, you'll guarantee no buildings will be blown up.

Capt. Sullivan: I will guarantee nothing, Doctor.

Sen. Pac: Thank you. Anyone wishing to be heard on any bill.

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such supervising relative be given assistance under the ADC program. Our present public act 730 allows only one such supervising relative to be given assistance. It's a good bill and I urge adoption.

THE CHAIR:

Question is on passage. 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. NO. 227. File No. 247. Favorable report of the joint committee on Public Health and Safety. Senate Bill 182. An Act Concerning Appointment and Certification of Local Fire Marshals and Deputies.

SENATOR PAC:

Mr. President, I move acceptance of the joint committee's favorable report and passage of the bill. Under the statutes, all the local Fire Marshalls are appointed by the local board of Fire Commissioners or the Council or some other local body. They do not set a term of office and because some of the towns have in effect, tried to get rid of their marshalls by setting a term of office, this bill is needed. That it will do is retain all fire marshalls in their office unless removed for just cause. And there is a provision in our statutes that after a hearing, they can be removed for this cause.

It also provides that, from two years from the date of this act, all fire marshalls will have to pass a test, oral or written exam given by the State Fire Marshall. Or else, they'd have to pass a program approved study conducted by some public agency and approved by the State Fire Marshall.

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THE CHAIR:

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

THE CLERK:

CAL. NO. 229. File No. 253. Favorable report of the joint committee on the Environment. Substitute for Senate Bill 639. An Act Concerning Tidal Wetlands.

SENATOR PAC:

Mr. President, I move acceptance of the joint committee's favorable report and passage of the bill.

This bill would give the Commissioner of Natural Resources a little more flexibility. During the process of mapping these wetlands, if he feels there is an immediate danger of their being spoiled, he can declare it a wetlands area. But, he must complete the mapping within sixty days. If he hasn't done this by sixty days, the area reverts to its previous status.

I think it is a good bill. It will stop some of this spoilation.

THE CHAIR:

Question is on passage. Will you remark further? If not, all those in favor signify by saying, "aye". Opposed, "nay". The bill is passed.

THE CLERK:

CAL. NO. 233. File No. 193. Favorable report of the joint committee on Transportation. House Bill 5590. An Act Concerning the Regulation of Bicycles and Tricycles.

SENATOR MONDANI:

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committee's favorable report and passage of the following bills.

Page 8, Calendar 548, Senate Bill 482, file 1059.

Page 15, Calendar 1130, House Bill 7455, file 1256.

MR. SPEAKER:

This particular instance, the previous motion for passage retaining is withdrawn. Is there objection. Hearing none, please proceed.

MR. O'NEILL:

Page 16, Calendar 1157, House Bill 5577, file 1289.

MR. SPEAKER:

Again, is there objection to withdrawal on the motion to pass retaining. If no objection, so ordered.

MR. O'NEILL:

Page 16, Calendar 1158, House Bill 5958, file 1299.

MR. SPEAKER:

Is there objection to the withdrawal of the motion to pass retaining. If no objection, so ordered.

MR. O'NEILL:

I move the adoption and passage of those four particular bills.

MR. SPEAKER:

Following the earlier procedure, is there objection to consideration of any of these four items in the motion. If not, the question is on acceptance and passage of the four bills indicated. All those in favor will indicate by saying Aye. Opposed. The bills are passed.

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CITATIONS, legal

- House 24 H.R. Proc., Pt. 10, 1981 Sess., p. -
- Senate 26 S. Proc., Pt. 4, 1983 Sess., p. -
- Hearings Conn. Joint Standing Committee Hearings,  
Judiciary, Pt. 2, 1981 Sess., pp. -
- Regulations Regs., Conn. State Agencies §31-40 (1986)