

HB7014

PA 747

1971

Liquor Control 70-71, 94-96

House 4572

Senate 3403

**JOINT
STANDING
COMMITTEE
HEARINGS**

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LIQUOR CONTROL

WEDNESDAY

MARCH 24, 1971

Chairman Al Provenzano, presiding.

Members present: Senator Dupont.
Representatives Gormley, Hermanowski,
D'Onofrio, Crockett, Sherer, Stroffolino,
McHugh, Bruno, Esposito, Fabrizio,
Paoletta, Mastrianni, Gregorzek, Gagliardi,
Connors, Scully

Chairman Provenzano: The Liquor Control Committee will hold its hearing and we will hear from the legislators first. Would you please give your name and the subject matter on which you would like to speak.

Representative McHugh; 117th District: I would like to speak on Bill 7014, storage of alcoholic liquors. When Section 30-100 of the General Statutes was first enacted, and this is a bill which would amend that particular section of the General Statutes, the purpose of the Statute was to do away with Bottle Clubs which had sprung up throughout the State and which were operating after regular hours of legitimate places of business which were licensed by the Liquor Control Commission. The Section accomplishes its purpose except for isolated cases of violators. These clubs were successfully put out of business. In retrospect, however, it would seem that the framers of the legislation went further than was necessary and in so doing made many unsuspecting businessmen violators of this Section in the normal course of their regular business operations. While I cannot point to cases where the Statute has been enforced, and I am sure it is not the intention of the legislature to place legitimate businesses in jeopardy when a simple correction in this Section will not defeat its purpose and can correct the situation. Examples of possible violations are the following: the owner of a public hall rented it out for a wedding and permitted the lessee to bring in alcoholic liquors to the hall on the evening of the wedding or to leave what might be left over until the day after the wedding. He would be storing alcoholic liquors in violation of that Section. The owner of a motel might be considered to be in violation if a guest has alcoholic liquors on his premises even though it is without the owner's knowledge. To carry it probably to a wider conclusion, a person having a lodging house might possibly be in violation. In other words, all this bill does is to remove from Section

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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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Chairman Provenzano: Thank you Mr. Brennan. What you're saying then is that the law, if effective when enforced by the Commission--

Daniel E. Brennan: That's right. Unless the Commission feels that it needs some--

Chairman Provenzano: It is my intention to meet with the Commission and possibly we can sit down and find out what the story is. Anyone else wishing to support that bill, 7012? Anyone wishing to oppose 7012? We will continue with 7014. Representative McHugh spoke on 7014, anyone else wishing to speak on that bill? 7014, anyone wishing to speak in support of it? No one? If not, anyone wishing to speak in opposition to 7014? No support or opposition?

Jack Schmidt, Owner of the Harten House in Waterbury and Vice-President of the State Association: I just can't understand a bill like this, for or against it. Here we have a condition where the average businessman is required to put up \$1,200.00 for a license or \$1,700.00 for a license, invest a great deal of money in a permit and a place to do business and now we have a bill here that, the way I read it, permits somebody to hire a hall anyplace and bring in their own liquor and have a competitive thing without a permit. Isn't this what this says? I'm talking about 7014, bringing in liquor and storing it the day before a wedding, it doesn't say wedding, but a party, this doesn't say anything about a permit to do this. You're bringing it in and we've been through this many times with the Liquor Control Commission. We say, well what about this, these people aren't required to abide by the law, they don't need a permit, they can bring liquor in at any place, buy it from a package store and dispense it. There are even people that have a package that they will present to you in a letter and I can bring you a copy of one of these letters that will propose a package for a party or a letter including the liquor, including the bartender and they do not have a permit. I don't understand this law that they have to have permission to leave whiskey at a certain place without a permit. I just can't see why it should even be proposed because we're in a regulatory business, here we're letting somebody do something without even a permit.

Chairman Provenzano: Please come up and give your name if you want to speak in opposition to the bill.

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Walter Napierata, Attorney for the Federated Clubs of Connecticut: I don't know if I'm speaking in opposition to the bill but he mentioned something and I don't think that it applies to the present setup of renting out of halls and any club organizations or anything of that nature. I believe that this is applicable to Bottle Clubs. It says no person shall keep, maintain, operate or lease or otherwise furnish to its members, their guests or other persons any premises, guests or other persons may engage in the drinking of alcoholic liquors for fee or any consideration, including the sale of food, mixers, ice or other fluids including alcoholic drinks or the storage of alcoholic beverages. It would appear to me that this is the--directed toward Bottle Clubs or organizations who just have a storage facility to put their liquor in and, of course, they are under the requirement for restriction of the Liquor Control Commission anyway. There are Bottle Clubs which operate from the regular hours of sale, I understand under the Liquor Control Commission act, that they cannot operate after or during the prohibited hours of sale. This provides that storage is also prohibited. Without going any further into it, I haven't really looked at it and I didn't think that what the previous speaker spoke about had any application at all to it, this was not a situation of renting out halls. It certainly wasn't our bill and I don't know what Mr. McHugh has indicated. This is a prohibition, an additional prohibition, additional restriction, I believe. Not necessarily an abstention of any of the problems that the previous speaker has indicated in his testimony.

Jack Schmidt: When Mr. McHugh spoke on this bill, he definitely said that he wanted permission to bring in liquor the day before a wedding, those were his words, and to be left there to be picked up the day after a wedding.

Representative McHugh, 117th District: If a club, any club, rents out premises and people come and liquor is left overnight, they are in violation. A Motel is in violation if a guest comes into a motel and brings in liquor and a boarding house would be in violation if a boarder brought in liquor overnight.

Jack Schmidt: Again, this bill is legalizing bringing of liquor into a club as Mr. McHugh said or a hall without a permit. I don't get the purpose of this bill. You're bringing liquor in for a party. The motel, you're

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bringing it into your room, that's something else but this is a group function, a great number of people, and I could take my restaurant tomorrow if this is true, forget my license and bring in liquor from package stores and conduct a business without a permit. Who's going to bother me? There's nobody in here that, he says you can bring it in on the party and take it out the day after the party, that's what he says.

Chairman Provenzano: All right, thank you very much, I am sure we will discuss this in executive session and Representative McHugh you want to do something and those that prepared the bill for you didn't do exactly what you wanted. That appears to be the case.

Joseph Begnal, President of the Waterbury Restaurants Association: I would like to speak in opposition to this bill. After all the talk that went on here we don't know why but we figure that (inaudible) should be drinking in restaurants instead of halls.

Chairman Provenzano: Thank you. Anyone else wishing to oppose 7014? Now we are going to get on to the last bill on the list which is 8214, 8214, an act concerning the local alcoholism problems. Anyone wishing to speak in support of that bill? Anyone wishing to oppose the bill? Then we wish to thank all of you for attending our--Yes?

Daniel E. Brennan: I just wanted to inquire about two bills on the list. 7260 and 7013.

Chairman Provenzano: They were both heard. 7260 was heard with 6120 and 7432. 7013 was heard with 5374 and 5375. They were similar in matter. If you've missed those two bills we will accept your testimony but would you please be brief. Would you come forward.

Daniel E. Brennan: Attorney for the Connecticut Package Store Association: I want to put the Association on record in favor of 7013 and point out that with the new changes in law that are being considered regarding insurance coverage on the highways, that the needs for a dram act will disappear and should be coupled with that. In 7260, this is a bill that now establishes a 1500 foot rule on a statewide basis. Most communities have this but most of them have been subject to a great

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On page 2, Calendar No. 1271, Substitute for House Bill No. 7014, An Act Concerning Sales Authorized Under Package Store Permits, file 1423.

Calendar No. 1285, Substitute for Senate Bill No. 0411, An Act Concerning the Use of Studded Tires, file 1307.

Calendar No. 1288, Senate Bill No. 853, An Act Concerning Benefits to Firemen While Engaged in Fire Fighting Activities Outside the Municipality in which they are Employees, as amended by Senate Amendment Schedule "A", file 1089.

Calendar No. 1289, Substitute for Senate Bill No. 1063, An Act Concerning the Filing of Returns, the Reconvaass of Votes, and Contested Elections, file 1269.

Calendar No. 1290, Senate Bill No. 1574, An Act Concerning the Elimination of the Health Department's Reagent Sales Fund, file 1250.

Calendar No. 1292, Substitute for Senate Bill No. 1548, An Act Providing for Legislative Budget Review of the State's Working Capital (Revolving) Funds., file 1326.

Calendar No. 1293, Senate Bill No. 1565, An Act Concerning the Preparation and Issuance by the Comptroller of Effective Accounting and Payroll Manuals for Use by State Agencies, file 1241.

On page 3, Calendar No. 1294, Substitute for Senate Bill No. 1567, An Act Concerning the Personnel Classification of Auditors, file 1242.

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File 1186; Cal. 643, House Bill 6904, File 1582; Cal. 1150, House Bill 7901
File 1342; Cal. 1192, House Bill 7148, File 1334; Cal. 1204, House Bill 7256
File 1393; Cal. 1214, House Bill 7014, File 1423; Cal. 1226, House Bill 8914
File 1073; Cal. 1257, House Bill 7048, File 1464; Cal. 1262, House Bill 8271
File 1474; Cal. 1267, House Bill 9020, File 1457; Cal. 1271, House Bill 5049
File 1628; Cal. 1272, House Bill 5415, File 1632; Cal. 1273, House Bill 5627
File 1616; Cal. 1274, House Bill 5709, File 1630; Cal. 1275, House Bill 5714
File 1575; Cal. 1276, House Bill 5834, File 1569; Cal. 1277, House Bill 5938
File 1585; Cal. 1278, House Bill 6210, File 1627; Cal. 1279, House Bill 6367
File 1565; Cal. 1280, House Bill 6561, File 1555; Cal. 1281, House Bill 6674
File 1586; Cal. 1285, House Bill 7077, File 1556; Cal. 1287, House Bill 8272
File 1566; Cal. 1289, House Bill 8578, File 1579; Cal. 1290, House Bill 8799
File 1640; Cal. 1293, House Bill 9246, File 1638; Cal. 1294, House Bill 9256
File 1637; Cal. 1295, House Bill 9001, File 737; Cal. 629, House Bill 7642
File 638; Cal. 721, House Bill 7802, File 1127; Cal. 755, House Bill 8761
File 773; Cal. 802, House Bill 8658, File 906; Cal. 964, House Bill 6197
File 1359; Cal. 975, House Bill 7609, File 876; Cal. 990, House Bill 8561
File 1172; Cal. 1041, House Bill 9196, File 1232.

Mr. President, I move for the adoption of all those bills, I move for suspension of the rules, first of all, for consideration of those which were not single starred or were not double starred rather.

THE CHAIR:

All those in favor of suspension of the rules indicate by saying, "aye"
All those opposed? Suspension is granted.

SENATOR CALDWELL: