

Legislative History for Connecticut Act

SB287

PA 346

1974

Senate: P. 1444-1446, 2592 - 2593

House: P. 5085-5092, 5123-5131

PH&S: P. 46, 59-62

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CONNECTICUT  
GEN. ASSEMBLY  
SENATE

PROCEEDINGS  
1974

VOL. 17  
PART 4  
1360-1817

April 24, 1974

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C.G.C.

favorable report of the Committee on Government Administration and Policy.

THE CHAIR:

Senator Winthrop Smith

SENATOR WINTHROP SMITH:

Mr. President, I urge acceptance of the Joint Committee's favorable report and passage of the bill.

THE CHAIR:

Will you remark?

SENATOR WINTHROP SMITH:

Yes, Mr. President. What this does is desolves the Village boundary districts in the Town of Ridgefield and would consolidate the whole town into one area thus facilitating the extension of the sewer lines out of the village district. If there is no objection, I like this placed on the Consent Calendar.

THE CHAIR:

Is there any objection? Hearing none, so ordered.

THE CLERK:

Turning to Page 2 of the Calendar, Calendar No. 326, File No. 254, Substitute for Senate Bill No. 287. AN ACT DEFINING PHYSICALLY DISABLED, with a favorable report of the Committee on Public Health and Safety, the Clerk has an amendment which is on the desk.

THE CHAIR:

Senator Berry

SENATOR BERRY:

Mr. President, I move the acceptance of the committee's favorable

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report and passage of the bill. There is an amendment which we need before we continue discussion on this Mr. President.

THE CHAIR:

Do you move adoption of the amendment. Will the Clerk please call the amendment.

SENATOR BERRY:

Yes, I would move adoption of the amendment Mr. President.

THE CLERK:

Senate Amendment Schedule A offered by Senator Berry the 29th, for Substitute Senate Bill 285, File No. 254, it is on the desk, the LCO number is 2265.

THE CHAIR:

Do you waive the reading Senator?

SENATOR BERRY:

Yes, Mr. President.

THE CHAIR:

Hearing no objection, the reading will be waived.

SENATOR BERRY:

I shall explain the amendment deletes section 2, thereby only leaving the definition of the term physically disabled and I would urge the approval of the amendment.

THE CHAIR:

Question on adoption, all those in favor signify by saying Aye, Opposed, Nay. The Ayes have it. The amendment is adopted and ruled technical. Senator Berry.

SENATOR BERRY:

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Speaking on the main bill, Mr. President, the purpose of this bill is to define physically disability for the purposes of applying the term to the state's fair employment practices act and to our public accomodation laws. I would urge passage on the Consent Calendar. C.G.C.

THE CHAIR:

Motion of the bill as amended to the Consent Calendar is there an objection? Hearing none, so ordered.

THE CLERK:

Mr. President, returning to Page 1 of the Calendar under favorable reports, I understand Calendar No. 252 is to be taken up under suspension of the rules.

THE CHAIR:

Call the bill please.

THE CLERK:

Calendar No. 252, Senate Bill No. 383, AN ACT AUTHORIZING THE COMMISSION ON CLAIMS TO CONSIDER THE CLAIM OF FRANK PAUL DONROE, ADMINISTRATOR OF THE ESTATES OF MICHAEL JOSEPH DONROE AND WALTER ANDREW DONROE, favorable report of the Committee on Government Administration and Policy.

THE CHAIR:

Do you move suspension Senator?

SENATOR COSTELLO:

Yes, I move suspension for immediate consideration.

THE CHAIR:

Is there an objection? Hearing none, the rules are suspended.

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Tuesday, May 7, 1974

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activities or state or local licensed sporting activities. I think that in the months ahead as the department promulgates these regulations and conducts public hearings in connection therewith, we will all learn a great deal more about the extremely complex science of noise control and regulation. I think this is a good start. It's a beginning of which we will all be proud in the years to come. I would move passage of the bill on the Consent Calendar.

THE CHAIR:

Motion is to Consent. Is there objection? There being none, it is so ordered.

THE CLERK:

Page 3 of the Calendar. Under Disagreeing Actions. Cal. 326, File 254. Substitute for Senate Bill 287. AN ACT DEFINING PHYSICALLY DISABLED, as amended by Senate Amendment Schedule A and House Amendment Schedule A. Favorable report of the Committee on Public Health and Safety.

THE CHAIR:

Senator Berry.

THE PRESIDENT IN THE CHAIR

SENATOR BERRY: (29th)

Mr. President, I move the acceptance of the Committee's favorable report and passage of the bill as amended by Senate Amendment Schedule A and House Amendment Schedule A.

THE CHAIR:

Will you remark?

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SENATOR BERRY: (29th)

roc

Yes, Mr. President. House Amendment A requires, actually it shortens the definition of the phrase physically handicapped and defines it to be chronic in nature and deletes the language of the bill which would have required any infirmity and impairment malformation or disfigurement to be included in this definition. In addition to that it deletes any specific mention of certain conditions and I would urge its passage on the Consent Calendar.

THE CHAIR:

Motion is to the Consent Calendar. Is there any objection?  
Hearing none, so ordered.

THE CLERK:

Cal. 384, File 341. Substitute for Senate Bill 21, AN ACT CONCERNING THE LICENSING OF SEWAGE DISPOSAL SYSTEM INSTALLERS AND CLEANERS, AS AMended by Senate Amendment Schedule A and House Amendment Schedules A, B, C, D, and E. Favorable report of the Committee on Finance. The Clerk has an amendment.

THE CHAIR:

Senator Costello.

SENATOR COSTELLO: (33rd)

Mr. President, I move acceptance of the Joint Committee's favorable report and passage of the bill as amended by Senate A and House Amendments A, B, C. D. and E.

THE CHAIR:

Will you remark?

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HOUSE

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Has everyone voted? The machine will be closed and the Clerk please take a tally.

THE ASSISTANT CLERK:

Total Number Voting.....	130
Necessary for Passage.....	66
Those Voting Yea.....	130
Those Voting Nay.....	0
Absent and Not Voting.....	21

THE SPEAKER:

The joint committee's favorable report is accepted and the bill as amended is PASSED.

THE CLERK:

Turning to your Calendar, page 4 of your Calendar, Calendar No. 654, File No. 254, substitute for S.B. No. 287, An Act Defining Physically Disabled as amended by Senate Amendment Schedule "A", favorable report of the committee on Public Health and Safety.

MRS. CONNOLLY (16th):

Mr. Speaker, I would move passage of the bill, I would move acceptance of the joint committee's favorable report and passage of the bill in concurrence with the senate.

THE SPEAKER:

Will you remark on acceptance and passage?

MRS. CONNOLLY (16th):

Yes. Would the Clerk note Senate Amendment "A". With your permission, I could summarize, I believe.

THE SPEAKER:

The Clerk please call Senate A. Is there objection to the lady summarizing Senate A? Without objection, please proceed with your summary.

MRS. CONNOLLY (16th):

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Thank you Mr. Speaker. The Senate in their wisdom has removed section 2 from this bill which is so broad that actually the blind and disabled persons could be wrongfully excluded from proper insurance benefits and plans. This could undermine years of positive efforts to gain fair acceptance of blind and physically disabled persons into the mainstream of employment. Research has indicated that properly trained blind and disabled persons have equal or better safety records than their non-physically handicapped coworkers. I would move acceptance of Senate A.

THE SPEAKER:

Will you remark further on adoption of Senate A?

MR. KENNELLY (1st):

Mr. Speaker, through you an inquiry to the lady who is moving adoption of Senate A.

THE SPEAKER:

Please state your question.

MR. KENNELLY(1st):

Do I understand correctly, Mrs. Connolly, that Senate A, the sole scope of Senate A is to eliminate section 2 of the file copy?

MRS. CONNOLLY (16th):

Thank is correct.

THE SPEAKER:

Will you remark further on adoption of Senate A? If not, all those in favor of adoption, indicate by saying aye. Those opposed? The amendment is ADOPTED. The Chair will rule the amendment technical.

Is the Clerk in possession of additional amendments?

THE CLERK:

The Clerk is in possession of House A, LCO No. 3218, offered by

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Reps. Connolly, Thornton and Kablik to File No. 254. Would you like the amendment read?

MRS. CONNOLLY (16th):

Yes please.

THE CLERK:

In line 12, after the word "any" insert "chronic"

In line 13, strike out ",infirmity, impairment,"

In line 14, strike out the words "malformation or disfigurement"

In line 16, strike out the words ",including epilepsy or"

Strike out lines 17-21, inclusive, in their entirety.

In line 22, strike out the words "remedial appliance or device, and"

MRS. CONNOLLY (16th):

Thank you. Yes, Mr. Speaker, with your permission, I would like to defer to Rep. Kablik.

THE SPEAKER:

The lady from the 16th has the floor and has deferred to the gentleman from the 29th.

MR. KABLIK (29th):

Mr. Speaker, the purpose of this amendment is to leave the heart and soul of the bill but to remove the more glaring ambiguities in the bill. The amendment would make the bill read, and it's hard to follow the amendment as it's read, an individual is physically disabled if he has any chronic physical handicap, whether congenital or resulting from bodily injury, organic processes or changes or from illness which is unrelated to the ability of such individual to perform a particular job or acquire, maintain or use a public accommodation. It was felt by many that read the bill and were connected with the bill in any way that words such as impairment were definitely too vague

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and other areas of vagueness would actually hurt the bill. Secondly, if the language that is currently in the file copy were to be enacted, some people would slip through the enumerated categories. In other words, when we include epilepsy, retardation, cerebral palsy, etc., there may be individuals who have additional physical handicaps which, so to speak, would fall through the slats and not be covered by this particular amendment to the law. Under the amendment that we suggest, anyone who has a physical handicap would be covered. It would not be a punch list or an enumeration list which then someone could argue included all of those that were covered by this bill. For those reasons, we have offered the amendment and I would say lastly that any of the individuals for instance that were here in the hall of the House yesterday with Attorney General Killian and Mr. Agostenelli would obviously still be covered by this bill, as amended.

THE SPEAKER:

Will you remark further on House Amendment Schedule A?

MR. KENNELLY (1st):

Through you, two inquiries for the purposes of clarity as to the impact of House Amendment Schedule A.

THE SPEAKER:

Please state your question.

MR. KENNELLY (1st):

Whether or not, sir, and directing my inquires to the gentleman from Wethersfield who just spoke to the amendment, whether or not, sir, the effect of the amendment would be to delete, beginning in line 13 and concluding in line 14 "infirmity, impairment, malformation or disfigurement".

MR. KABLIK (29th):

Through you Mr. Speaker, those words are deleted.

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MR. KENNELLY (1st):

A further inquiry through you, Mr. Speaker, whether or not the amendment would further delete from lines 16 to 22 inclusive, beginning in 16 with "including epilepsy or " including in line 22 "or device".

MR. KABLIK (29th):

Through you, Mr. Speaker, those words are eliminated. However, I would note for the gentleman from the 1st, it is not to exclude someone who had or has epilepsy, cerebral palsy, etc. they, in my opinion, would be included under the first category which remains, the generic one--physically handicapped, the purpose of which removal was so that others that may not be specifically enumerated would be included under this bill.

MR. KENNELLY (1st):

Through you, Mr. Speaker, may I conclude, therefore, that the reason for the amendment and the deletions just recited is to avoid the pitfall of specificity, in other words those diseases or conditions not specifically enumerated would not be covered or at least there could be a coloration of such impact and to use the generic language rather than the specific. Is that the reason for the amendment?

MR. KABLIK (29th):

Through you, Mr. Speaker, that is one of the reasons for the amendment, correct.

MR. KENNELLY (1st):

Mr. Speaker, speaking on the amendment, I think that the rationale for the amendment is most sound. I'm afraid that had we gone along with the file copy and the enumerated diseases and conditions by omission, we could have avoided covering certain conditions which we would indeed intend to cover and I think the amendment is a very sound one to deal with the generic

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terms of disability rather than the specific.

MR. WEBBER (92nd):

Thank you Mr. Speaker. I think the gentleman from the 1st asked the major portion of my question and it was answered to my satisfaction by Rep. Kablik. However, I'm a little bit disturbed when we're asked to delete in line 14, the word "disfigurement". Now this is not necessarily a , Mr. Speaker, a physical handicap. It's not a deterrent to many who unfortunately do have a disfigurement, to his physical well-being but it is by virtue of appearance, in many instances, a very distressing and sometimes sad situation. Now I'm concerned that if we do in fact delete the word "disfigurement" we will be denying some of our people who were born with very obvious physical disfigurements, and through you Mr. Speaker, I wonder if Mr. Kablik can answer my apprehension.

MR. KABLIK (29th):

Mr. Speaker, through you to the gentleman from New Haven who I have served with for three years, it's Kablik, and to answer your following question, the problem with the language and the reason for the deletion was that the thrust of the major bill was to define physically disabled and the heart of the bill would be aimed at those that would have a physical handicap.

Now specifically as to the disfigurement, the problem with that as to our mind is that that includes all degrees of disfigurement. I may appear disfigured to you or you to me. However, without some standards, the extremes are obvious but the problems with it in the bill are also obvious, and for that reason, disfigurement was removed because of the lack of standards to which someone could address themselves.

MR. WEBBER (92nd):

Mr. Speaker, well from that explanation, I'll have to assume that

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if someone is severely disfigured, he can be legally denied or conversely, he will not have a statute on which to literally rest his case in an attempt to appeal his having been denied employment.

Mr. Speaker, through you, would Mr. Kablik answer that question?

MR. KABLIK (29th):

Mr. Speaker, would he do me the honor of repeating the question, please?

MR. WEBBER (92nd):

Thank you. I would have to assume, Mr. Speaker, through you, that one who is severely disfigured will not have a statute or a basis on which to make an appeal if he is denied employment because of the disfigurement.

MR. KABLIK (29th):

Through you Mr. Speaker, they would not have this statute to utilize. Whether they'd have any other statute, I leave to the gentleman from New Haven's knowledge and that was a decision based on the problem of defining what degree of disfigurement. I may have two scars next to my ear and that may be technically a disfigurement and the question is, how do you set a standard for disfigurement and because of that problem, rather than recommit the bill which is the only other alternative that we face, we decided that it would be better to address ourselves at least to the questions of physical handicaps, which handicaps would be congenital as well as those caused by disease and, therefore, we have eliminated it for those reasons and regrettably this statute would not apply but the alternative is to recommit the bill.

THE SPEAKER:

The gentleman from the 92nd still has the floor.

MR. WEBBER (92nd):

Mr. Speaker, I wonder if the chairwoman of this committee along

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with the distinguished representative would permit that we pass this bill temporarily. I just want to discuss that one factor with you because of two specific cases that we're concerned with now. Maybe perhaps we can adjust the matter.

THE SPEAKER:

Does the lady from the 16th care to respond?

MRS. CONNOLLY (16th):

Mr. Speaker, I will be happy to pass temporarily. I must caution Rep. Webber, however, that we have worked on this for a month and have had difficulty with the language. I will pass temporarily for his clarification.

THE SPEAKER:

Motion to pass the item temporarily. Is there objection? Without objection, the item will be passed temporarily.

THE CLERK:

Turning to page 4 of your Calendar, Calendar No. 685, File No. 550, substitute for H.B. No. 5024, An Act Concerning Legal Remedies for Housing Code Enforcement, as amended by House A on May 1st, favorable report of the committee on State and Urban Development.

MR. VELLA (59th):

Mr. Speaker, I move for the joint committee's favorable report and passage of the bill as amended with House Amendment Schedule A.

THE SPEAKER:

Will you remark on acceptance and passage of the bill as amended?

MR. VELLA (59th):

Mr. Speaker, the Clerk is in possession of another amendment.

THE SPEAKER:

The Clerk please call House B.

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THE DEPUTY SPEAKER:

Is there any objection to the next matter being passed retaining, Calendar No. 710? Hearing none, so ordered.

THE CLERK:

Returning to page 4 of your Calendar, Calendar No. 654, File 254, substitute for S.B. No. 287, An Act Defining Physically Disabled, as amended by Senate Amendment Schedule A, we were discussing House A when the bill was pt'd.

MRS. CONNOLLY (16th):

Thank you Mr. Speaker. I think Rep. Webber's apprehension about House A have been dispelled. He's willing to go along with House A as recommended.

THE DEPUTY SPEAKER:

Question is on the adoption of House Amendment A.

MR. EDWARDS (146th):

Mr. Speaker, through you a question to Rep. Kablik.

THE DEPUTY SPEAKER:

Please state your question.

MR. EDWARDS (146th):

In line 23, the language says, preceded by which is, unrelated to the ability of such individual to perform a particular job. I believe the intent is that if a person who is handicapped can perform a particular job, he or she should not be discriminated against, but I am concerned perhaps is a reverse reading of it would mean that any person who can perform, if they can perform just one particular job, then they would not be considered to be physically handicapped, disabled and might possibly lose some benefits thereby.

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THE DEPUTY SPEAKER:

Have you completed your question?

MR. EDWARDS (146th):

I think so.

MR. KABLIK (29th):

Through you Mr. Speaker, Rep. Edwards discussed this with me earlier and for legislative intent, the lack of relation to the ability to perform a particular job would be in reference to a particular job discrimination and the reverse would not be intended by this bill and I don't think it would be so construed.

MR. MAZZOLA (49th):

Mr. Speaker, if I still remember the amendment.

THE DEPUTY SPEAKER:

Would the gentleman from the 49th speak at a higher decible level?

MR. MAZZOLA (49th):

A question through you, sir, to the gentleman from the 29th. If I still remember the amendment, is it fair to say that by striking out what you struck out in the amendment and let's take one portion of it, let's take the word "amputation", does this amendment mean or is it fair to say by striking out amputation we are in fact including amputation in the bill?

MR. KABLIK (29th):

Through you, Mr. Speaker, I would answer in the affirmative because it would be my belief that an amputation would obviously constitute chronic physical handicap, yes.

MR. MAZZOLA (49th):

And one more question.

THE DEPUTY SPEAKER:

Please state your question.

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MR. MAZZOLA (49th):

Is the same circumstances true for everything that was stricken out by the amendment?

MR. KABLIK (29th):

Through you Mr. Speaker, in reference to the other items so eliminated such as epilepsy, cerebral palsy, etc. the answer is yes. It is the same answer as I gave Mr. Kennelly.

MR. CLYNES (81st):

Mr. Speaker, a question through you to Mr. Kablik.

THE DEPUTY SPEAKER:

Please state your question.

MR. CLYNES (81st):

First of all, in reading this bill, it seems to me that we have encompassed pretty nearly every type of physical disability and that is. As I understand the amendment, the reason we're changing it is in fear that we have not included everyone. Is that right, Mr. Kablik?

MR. KABLIK (29th):

Through you Mr. Speaker, that is correct and in the discussions since the bill was passed temporarily, an example was used such as a diabetic or other person with a blood typing problem and so forth. There are areas, which I as a legislator, am not a doctor, could not discover and your assumption is correct.

THE DEPUTY SPEAKER:

The gentleman from the 81st still has the floor.

MR. CLYNES (81st):

Through you, Mr. Speaker, then I wondered why we could not leave in tact, as the bill is, and in the future years or if we should find that there are others that should be included, include them rather than risk losing

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some people that we are now taking out and I would go just to say that my vital concern with epilepsy portion of it and I am told that when they appear before the Human Rights Commission because of a problem that they might have not getting a job or being discharged from a job for a cause of epilepsy that the commission will not represent them because they are spelled out as disabled in any statute. And my fear is here that we may lose this type of person plus others.

MR. KABLIK (29th):

Through you Mr. Speaker, in answer to his question, I would say that the current law does not define physically disabled and this is the initial handicap, if you pardon the double use of the word, that the individuals have in going to the commission and that is probably one of the primary reasons why they feel that they are not currently covered. Now, if I were in any of the individual specific groups, yes I would feel somewhat better to have it specifically stated but I think it's unfair to someone who is not specifically enumerated who, in the spirit, is included at least in the spirit of the bill who has a physical handicap should at least be included by implication. And I see no problem whatsoever with the party suffering from epilepsy or cerebral palsy, they're obviously included in this bill, and I feel that their fears are unwarranted and that is one answer.

The other thing is that they're, some of the other language relating to not specific diseases but to conditions is a bit ambiguous and that's left best to the discretion of the Human Rights and Opportunities Commission.

THE DEPUTY SPEAKER:

The gentleman from the 81st speaking on the amendment.

MR. CLYNES (81st):

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Through you again, I don't totally buy that because we have passed many legislative bills, elderly and so forth, and included people who we thought or through our knowledge were all inclusive, and then came back the next year and found out we were wrong, so what I'm still saying is that we should leave this intact and then in future years, next year, come back and correct it. Apparently, we're not going to do that although I will vote against this amendment for that reason, I would then ask for legislative intent, that specifically epileptics, cerebral palsy and these things that we're taking out would be included and would be, if they applied to the Human Rights Commission, should be represented by that commission or other commissions under this statute and under this statute.

MR. KABLIK (29th):

Through you, Mr. Speaker, for an additional time, yes they would be included and I would say that as to coming back at a later time, should we take the specific approach, it's the one that suffers, that unfortunate individual that we have to remedy it for a year later.

MR. MALETO (83rd):

Mr. Speaker, through you a question to the proponent.

THE DEPUTY SPEAKER:

Please state your question.

MR. MALETO (83rd):

Rep. Kablik, I am in agreement with the concept but unfortunately you and I both have to agree that disability is a matter of capability. No where do I see and hear some sort of definition as to what percentage of disability we're describing or trying to protect.

MR. KABLIK (29th):

Through you Mr. Speaker, that is addressed to the degree that the

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drafter was able to in the word "chronic" which is added in the amendment, a chronic physical disability and past that, it would be within the discretion of the commission and/or a fact finder thereafter to decide whether that in fact was chronic. At this point, that is as precise as we can be. It's more precise than the bill was.

MR. MALETO (83rd):

Thank you Mr. Speaker. Well, being somewhat disabled myself, and looking at me you wouldn't presume to as a disability of the rating I have, but nevertheless, I just wonder if we're not doing an injustice to those who are really disabled by not spelling out the percentage of disability.

THE DEPUTY SPEAKER:

Was that a question or a statement?

MR. KABLIK (29th):

Mr. Speaker, to answer the question, I would merely state that the individual is best covered by the word "chronic" and I would also state for the gentleman's benefit, that this chronic condition need not be suffered every day of every month. If someone has a condition that is chronic at any particular time, he would fall under the category. For instance, in reference to some of the questions that were raised in terms of epilepsy and so forth, they would definitely, in our opinion, fall under the classification in the amendment and hopefully the amended bill because at the time they are suffered, at the time they reoccur, they obviously fall under that category.

MR. MALETO (83rd):

Again, thank you Mr. Speaker. As I said a moment ago, I'm in full accord with the concept here. My only question or concern at least was to make this somehow a better situation for our disabled. Thank you Mr. Speaker.

MR. HENNESSEY (28th):

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Thank you, Mr. Speaker. I'm a bit confused on this because we've heard so many different interpretations and problems. I think Rep. Kablik has done a good job trying to search out something that is broad enough to include many people that might not be and it's, actually I guess it gets down to a matter of rolling the dice and hoping it works out. Rep. Kennelly agrees that he feels this is all-inclusive and I support the amendment.

THE DEPUTY SPEAKER:

Any further remarks? If not the question is on the roll call vote.

MR. CLYNES (81st):

Mr. Speaker, may I ask for a roll call vote on this amendment please.

THE DEPUTY SPEAKER:

The question is on a roll call vote. All those in favor of a roll call vote, signify by saying aye. In the opinion of the Chair the necessary twenty percent responded. There will be a roll call vote. The Clerk will announce so. Will all members take their seats, the aisles be cleared and non-members return to the well of the House. Non-members return to the well. The machine will be open. The aisles be cleared, members remain in their seats. Have all members voted? The machine will be closed and the Clerk will take a tally. The gentleman from the 122nd the machine is open. The machine is closed? Then the gentleman from the 122nd would like to be recorded in the affirmative. The gentleman from the 87th would like to be recorded in the affirmative. The gentleman from the 10th would like to be recorded in the affirmative. The gentleman from the 66th would like to be recorded in the affirmative. The Clerk will announce the tally. The lady from the 108th would like to be recorded in the affirmative.

THE ASSISTANT CLERK:

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Total Number Voting.....134  
 Necessary for adoption..... 68  
     Those voting Yea.....124  
     Those voting Nay..... 10  
     Absent and not Voting..... 17

THE DEPUTY SPEAKER:

House Amendment A is adopted. The Chair will rule the amendment technical.

Question is on acceptance and passage of the bill as amended by House Amendment A.

MRS. CONNOLLY (16th):

Yes, Mr. Speaker. It's regrettable that this bill could not have been on the floor for debate yesterday but I think some of the questions that members of the House have stated today indicates some of the difficulties that we have been through in trying to come up with a bill with language which everyone could live with. It is less, I realize, less than a perfect bill but I think it's a good beginning and I think if remedy is needed, we can evaluate that only by its application and then remedy it at a later date. I would urge passage of the bill in accordance with Senate Amendment A and House Amendment A.

MRS. THORNTON (31st):

Thank you Mr. Speaker. This definition is to define a bill that I sponsored last year. We did not define it physically disabled at that time because we could see there was just no way to do it and we wanted to cover as many people as possible under the definition and leave it open and broad. It was intended to cover any medical condition that would prohibit a person from being discriminated against, in other words, that didn't sound very correct, what I mean is you could not discriminate against someone if they were physically disabled or had a medical problem of any sort in employment.

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And you can see why we did not define it last year. It's because of all the questions that have come up today. We cannot have a whole catalogue of every medical ailment in our statutes. I think that all of these things are going to have to be decided in the courts. I don't see how we can define them any more than we have with the amendment. I'm willing to go with the amendment but I think we're going to have problems nevertheless. Thank you.

THE DEPUTY SPEAKER:

Any further remarks? If not, the Clerk will announce an immediate roll call vote. Will all non-members return to the well of the House, members take their seats and the aisles be cleared. I would ask after each member votes that they please remain in their seats. The aisles be cleared. The gentleman sitting in Seat 122 please remove himself. The machine will be open. Have all members voted? The machine will be closed and the Clerk will take a tally.

THE ASSISTANT CLERK:

Total Number Voting.....	136
Necessary for Passage.....	69
Those Voting Yea.....	136
Those Voting Nay.....	0
Absent and Not Voting.....	15

THE DEPUTY SPEAKER:

The joint committee's favorable report is accepted and the bill is PASSED as amended by Senate Amendment A and House Amendment A.

THE CLERK:

Returning to page 6 of your Calendar, Calendar No. 718, File No. 574, substitute H.B. No. 5425. An Act Establishing an Appellate System for the Review of Employment Security, Manpower and Unemployment Compensation Proceedings, favorable report of the Committee on Labor and Industrial Relations.

JOINT  
STANDING  
COMMITTEE  
HEARINGS

PUBLIC HEALTH  
AND SAFETY &  
WELFARE &  
HUMANE INST.

AMBULANCE  
HEARINGS  
PART 1  
1-375

1974

REPRESENTATIVE WILBER: A couple of things. You said that you did not warn the ambulance companies before you went to inspect them. Is that correct?

WILLARD B. CHAMBERLAIN: That is right.

REPRESENTATIVE WILBER: Did you

WILLARD B. CHAMBERLAIN: Unless I went two or three times to the same time and never caught anybody of authority there. Then I would set up a agreement to meet them.

REPRESENTATIVE WILBER: I see. Did you have authority from the commission at least as you saw it to do spot checks on ambulances? Or was this only the kind of check except when there was a complaint, only the kind of check where it would be once a year?

WILLARD B. CHAMBERLAIN: I never was authorized to make spot checks.

REPRESENTATIVE WILBER: I see. Would you think it would be of value to have an inspector for example spot checking ambulances as it came into the emergency room?

WILLARD B. CHAMBERLAIN: Very definitely.

REPRESENTATIVE WILBER: Check for personnel, qualifications?

WILLARD B. CHAMBERLAIN: Yes.

REPRESENTATIVE WILBER: Equipment

WILLARD B. CHAMBERLAIN: Yes.

REPRESENTATIVE WILBER: That kind of thing, anything else?

WILLARD B. CHAMBERLAIN: That is it

REPRESENTATIVE WILBER: Would that be mostly valuable area as far as to pick up violations?

WILLARD B. CHAMBERLAIN: It would be anywhere that you might get it.

REPRESENTATIVE WILBER: Did you ever ask for the credentials of those people who were in the ambulance office when you went to inspect?

WILLARD B. CHAMBERLAIN: In the early parts yes. I got to know most of them very soon.

REPRESENTATIVE WILBER: But if you saw a new person in an office you had not seen before would you ask for his credentials?

WILLARD B. CHAMBERLAIN: I asked for papers from, in the five days in that time.

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have one there and the L and M Ambulance was in the yard, but not in the garage, sometimes out on the street. G and L's new garage they always inside and Trinity's was inside. Maynard's was inside in East Hartford. Maple Hill's was inside.

REP. KING: Mr. Chamberlain, I just have the feeling from your response to these various questions that you feel that there was some sort of discrimination going on. Is this correct or not?

MR. CHAMBERLAIN: No, I don't think so.

REP. KING: You didn't think it was strange that some complaints were investigated more than others?

MR. CHAMBERLAIN: Yes, in a way, but on the other hand I knew that some papers would lay on Doctor Barrett's desk for quite a while.

REP. KING: Well, did you feel that anything was wrong with the way that the Commission was operating?

MR. CHAMBERLAIN: That's not for me to say sir.

REP. KING: I don't want to pin you down, but I know----

MR. CHAMBERLAIN: You're trying.

REP. KING: I would like a comment, if you have any, that you think would be relevant to this Committee. We are not trying to incriminate anyone. We do want to know, I think, the whys and the wherefores, why things like this happen, why complaints are not investigated, why there is more against one than another and things of this nature. And it seems to me that your answer might have some bearing, if you have any indication as to why a good job may not have been done.

MR. CHAMBERLAIN: You're asking me to incriminate the Ambulance Commission.

REP. KING: Well, I think if you feel its necessary, yes, I think we want to know if there is any wrongdoing.

MR. CHAMBERLAIN: You've already solved that problem with your new Bill.

REP. KING: Well, I won't press my point. Maybe some other members will but I would ask you a further question. Did you feel that there were any leaks on that Commission.

MR. CHAMBERLAIN: No.

REP. KING: Did you feel that some, one or more ambulance companies

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was getting inside information as to what was going on in that Ambulance Commission?

MR. CHAMBERLAIN: I often wondered why somebody knew something and I didn't occasionally, yes.

REP. KING: Who would know things that you wouldn't know.

MR. CHAMBERLAIN: Professional.

REP. KING: And it was to such an extent that you thought it was strange?

MR. CHAMBERLAIN: Yes

REP. KING: Where did you think the information was coming from?

MR. CHAMBERLAIN: I haven't the slightest idea.

REP. KING: Did you ever discuss it with the Commission?

MR. CHAMBERLAIN: No sir.

REP. KING: Did Doctor Barrett ever discuss it with you?

MR. CHAMBERLAIN: No.

REP. KING: Are you aware of any discussions with any personnel of the Ambulance Commission?

MR. CHAMBERLAIN: No.

REP. KING: With respect to leaks?

MR. CHAMBERLAIN: No.

REP. KING: Do you know anything about whiskey, meat or other gifts being given to anyone?

MR. CHAMBERLAIN: Only what I saw in the newspapers.

REP. KING: Did you ever hear about it in the trade?

MR. CHAMBERLAIN: No.

REP. KING: I think I've reached the end, Madam Chairman. I just want to take one quick look here.

REP. WILBER: Representative King, we could come back if you have another question.

Representative Maleto?

REP. MALETO: Thank you Madam Chairman. Representative Maleto, Mr. Chamberlain.

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First let me applaud you for being a fine investigator. The brevity of your answers and the facts behind them, I hope I fare a little better with you.

Let me just go back a moment or two, Mr. Chamberlain. My memory serves me in this short interval that this has transpired in, you indicated to us you acted on complaints duly authorized to conduct an investigation.

MR. CHAMBERLAIN: That is right.

REP. MALETO: During the course of these investigations, you also indicated, I believe, that where ever you saw something aside from the purpose of your visit, you would report those also.

MR. CHAMBERLAIN: If they were major, yes.

REP. MALETO: If they were major?

MR. CHAMBERLAIN: Minor, I would discuss it with the owner.

REP. MALETO: Now, one of the things, I am sure that perhaps you might have notices in the conduct of an ambulance service during your authorized investigative periods, that some of these asides you and I both agree, that you would report if they were major. Did it ever seem to you at that time that in the conduct of the business by the investigation of the log, that perhaps there was an undue interval between a call and delivery? Has that ever occurred?

MR. CHAMBERLAIN: No, because we never investigated that part of it. I mean, there were a number of complaints that came in by people who complained that they waited a long time for ambulances. This is true in any ambulance in the State. I am not singling out any particular ambulance. Whenever a person makes a call; it seems like eternity before he gets there. Fire Department, Police Department or anything. You want to hang up and find it out there, and the number of complaints that you received along that line were always people who complained that they waiting, what they thought, was unnecessary time.

REP. MALETO: Well, considering that I recognize psychology and the impact of a thing like that, because its happened to all of us at one time or another. The fact of the matter is, what I am trying to get at, if you will, is that in the course of your investigations you had to examine the log.

MR. CHAMBERLAIN: Yes.

REP. MALETO: And in the examination of the log, did it ever appear that from the time of the call to the actual delivery of

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service to the hospital in turn, that there was more than the usual waiting time, discounting what we both agree to be some sort of psychological impact upon the individual waiting for the service.

MR. CHAMBERLAIN: No, the Commission never gave it anything in that respect. I would put down the times, the Commission would always take it on that basis.

REP. MALETO: On that basis. Because this leads me to ask you then, if this were a case and one of the most prominent things that I've heard in other testimonies in here is something out of a stacking order, rotary service, do you know anything about that.

MR. CHAMBERLAIN: No, I've heard that but I never ran into it.

REP. MALETO: Well, certainly your experience, and as I applauded a moment ago would, in spite of the fact that you hew to narrow lines, would indicate some reaction to them. And I would like, if you would, give us your observation on that.

MR. CHAMBERLAIN: Every ambulance company stacks calls. This is a normal procedure, and based on whether or not they are an emergency or a transfer. I have been guilty of that myself. If you want to call it guilty. We get a call from a convalescent home, you won't have to go racing over there to that. But, if you got an emergency call in between, you would side-track the convalescent home to take care of the emergency call and then go back and pick up the convalescent home. Its a normal procedure.

REP. MALETO: Then I assume that what you are saying Mr. Chamberlain, is that the ambulance service sets priorities on various...

MR. CHAMBERLAIN: Due to the best information they can get, yes. This would happen under any condition, even the Police Department does the same thing.

REP. MALETO: Do you think that is good?

MR. CHAMBERLAIN: With the limited manpower you have to deal with, you have to do it. There is no other way.

REP. MALETO: Did it ever occur to anyone at the time, that a very innocent call could very--could in fact be a major kind of difficulty.

MR. CHAMBERLAIN: Sure, sure, it will always happen.