Legislative History for Connecticut Act

HB 5174 PA 204 1981

House 3440 - 3447 (8)

Senate 3043 - 3045, 3055 - 3057 (6)

General Law 451-452, 456-457, 489-493 (9)

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CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1981

VOL. 24
PART 10
3133-3481

The House of Representatives is voting by roll at this time. Would the members please return to the Chamber immediately. The House of Representatives is voting by roll at this time. Would the members please return to the Chamber immediately.

Have all the members voted? Members please check the roll call machine to determine if their vote is properly recorded. The machine will be locked. The Clerk will take the tally. Clerk please announce the tally.

CLERK:

House Bill No. 5970.

Total number voting	142
Necessary for passage	72
Those voting yea	81
Those voting nay	61
Those absent and not voting	9

SPEAKER ABATE:

The bill passes.

CLERK:

Calendar page 5. Calendar No. 279, House Bill No. 5174, AN ACT CONCERNING TRANSACTIONS BY LICENSED PURCHASERS OF PRECIOUS METALS AND STONES. Favorable Report of the Committee on General Law.

SPEAKER ABATE:

The Clerk has called Calendar 279, File No. 397, House Bill

No. 5174.

REP. CARRAGHER: (5th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Robert Carragher.

REP. CARRAGHER: (5th)

Mr. Speaker, I move acceptance of the Joint Committee's Favorable Report and passage of the bill.

SPEAKER ABATE:

The question is on acceptance of the Joint Committee's Favorable Report and passage of the bill. Would you remark, sir?

REP. CARRAGHER: (5th)

Mr. Speaker, the Clerk has an amendment, LCO No. 6283. Would the Clerk please call and may I be allowed to summarize?

SPEAKER ABATE:

The Clerk has in his possession an amendment, LCO No. 6283, designated House Amendment Schedule "A". Would the Clerk please call the amendment?

CLERK:

LCO No. 6283, designated House Amendment Schedule "A". Offered by Rep. Carragher of the 5th District.

SPEAKER ABATE:

The gentleman has requested leave of this Chamber to summarize the amendment in lieu of Clerk's reading. Is there objection?

Is there objection to summarization? Hearing none, you may proceed to summarize the amendment, Rep. Carragher.

REP. CARRAGHER: (5th)

Mr. Speaker, members of the House, essentially what this amendment does is to strike the word may in line 18 and insert the word shall. The result of which is to mandate that a Chief of Police or First Selectman shall not issue a license to an individual who is a convicted felon.

Further down the amendment deletes some language which we feel is totally unnecessary. And with the amendment, the bill would read that the license shall be denied and to any person who is a convicted felon. I think it's a good amendment. I would move its adoption.

SPEAKER ABATE:

The question is on adoption of House Amendment Schedule "A". Will you remark further on its adoption? Will you remark further on the adoption of House Amendment Schedule "A"? If not, all those in favor of its adoption, please indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER ABATE:

All those opposed, nay. The ayes have it. It is adopted and ruled technical.

******

House Amendment Schedule "A".

In line 18, strike out the word "MAY" and insert the word "SHALL in lieu thereof.
In line 19, strike out the words "UPON A".
Delete lines 20 and 21 in their entirety.
In line 22, delete the following: "LICENSE SHALL BE ISSUED".

******

Will you remark further on this bill as amended by House Amendment Schedule "A"?

REP. CARRAGHER: (5th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Carragher.

REP. CARRAGHER: (5th)

Mr. Speaker, current law requires that someone who purchases precious metals and stones as a business be licensed and that they maintain records of each transaction. In addition, this bill would authorize the local licensing authority, that is either a Chief of Police or First Selectman, to refuse a license of an unsuitable person.

By the amendment, I might add that that unsuitable person language as I said, was deleted. It will now in fact mandate that the First Selectman or chief of police, not issue a license to a convicted felon.

Further, it will prohibit the use of cash in a transaction subject to the laws relating to precious metal dealers, would

require dealers to include the price paid for an item in the required transaction records, and would permit the licensing authority to fingerprint applicants.

There has been a great deal of public hearing, testimony on this legislation. There's been a great deal of interest in it from around the state, both from chiefs of police and all people involved in law enforcement and in fact those people who are involved in this business.

Mr. Speaker, this bill I think will strengthen an already good law by giving additional authority to the licensing authority on a local level to prevent improper acts and the breaking of the law with regard to precious metals. And I would move passage of the bill as amended.

SPEAKER ABATE:

Would you remark further on this bill as amended by House Amendment Schedule "A".

REP. TIFFANY: (36th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Tiffany.

REP. TIFFANY: (36th)

Mr. Speaker, a question through you, sir. I'm not quite sure how would the First Selectman know that the person applying for the license was a convicted felon? Would he have to run the

application through some type of a FBI computer to find out whether the gentleman or person had a record, say, in California five years ago?

SPEAKER ABATE:

Rep. Carragher, will you respond, sir?

REP. CARRAGHER: (5th)

My answer to you, Rep. Tiffany, would be that whatever method that the local police departments now use to check out an individual for any other reason, they would use the exact same method for the purposes of this act.

REP. TIFFANY: (36th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Tiffany.

REP. TIFFANY: (36th)

Mr. Speaker, I'm not so concerned with towns and cities large enough to have a police force. But there are still some towns you listed in here the First Selectman. And some towns in the state have no police force. And as a matter of fact, some of them don't even have a resident policeman any longer.

And they still are according to this file, authorized to issue these licenses. And it says that they shall refuse if the person making the application is a convicted felon. And I'm concerned that perhaps some of these selectmen may not know whether

the individual applying for a license is in fact a convicted felon, especially if the conviction was in a state far removed from Connecticut.

REP. SAVAGE: (50th)

Mr. Speaker. Mr. Speaker.

SPEAKER ABATE:

Will you remark further? Rep. John Savage.

REP. SAVAGE: (50th)

Mr. Speaker, in answer to the question if I might.

SPEAKER ABATE:

Proceed, please, sir.

REP. SAVAGE: (50th)

A selectman can use the same procedure he uses for a pistol permit, and require that the individual go through the Bureau of Identification.

SPEAKER ABATE:

Thank you, sir. Will you remark further on this bill as amended by House Amendment Schedule "A"? Will you remark further on this bill as amended? If not, would all the members please be seated. Staff and guests to the well of the House, please. The machine will be opened.

The House of Representatives is voting by roll at this time. Would the members please return to the Chamber immediately.

The House of Representatives is voting by roll at this time. Would the members please return to the Chamber immediately.

Have all the members voted? Would the members please check the roll call machine to determine if their vote is properly recorded? The machine will be locked. The Clerk will take the tally.

The Clerk please announce the tally.

CLERK:

House Bill No. 5174, as amended by House Amendment Schedule "A".

Total number voting	142
Necessary for passage	72
Those voting yea	142
Those voting nay	0
Those absent and not voting	9

SPEAKER ABATE:

The bill as amended passes.

CLERK:

Calendar page 6. Calendar No. 280. Substitute for House Bill No. 5559, AN ACT REQUIRING A HOLDING PERIOD FOR PURCHASERS OF PRECIOUS METALS AND STONES. Favorable Report of the Committee on General Law.

REP. CARRAGHER: (5th)

Mr. Speaker.

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SENATE

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2762-3066

require the Commissioner of Consumer Protection to adopt regulations concerning the activities of these assistants and the ratio of assistants to pharmacists. The Bill would commit the assistants to perform routine tasks such as maintaining patient records, setting up, packaging and labelling doses, filling and dispensing orders for supplies and patient care areas, maintaining inventories and preparing fluids for injections. The Bill would require pharmacists to be in the area where assistants are working and to monitor the assistant's work.

This Bill has the support, Mr. President, of the Department of Consumer Protection, the Pharmaceutical Association, the Hospital Association and it is sorely needed in institutional hospitals and continuing care facilities. If there is no objection, sir. I move it be placed on Consent.

THE CHAIR:

Any objection to placing the matter on Consent? Hearing none, it is so ordered.

THE CLERK:

Calendar 472, File 397, 707, House Bill 5174, AN

ACT CONCERNING TRANSACTIONS BY LICENSED PURCHASERS OF PRECIOUS METALS AND STONES, as amended by House Amendment, Schedule A, with a Favorable Report of the Committee on General Law.

THE CHAIR:

Senator Mustone.

SENATOR MUSTONE:

Yes, Mr. President. I move acceptance and passage of the Committee's Joint Favorable Report.

THE CHAIR:

In concurrence with the House?

SENATOR MUSTONE:

Yes, sir, as per Amendment A.

THE CHAIR:

Will you remark please?

SENATOR MUSTONE:

Yes, current law requires someone who purchases precious metals and stones as a business to be licensed and to maintain records of each transaction. This Bill would, number one, prohibit the licensing authority,

either a chief of police or first selectman as appropriate for issuing the license to a convicted felon. Number two, to prohi bit the use of cash in transactions subject to the laws relating to precious metal dealers. Three, require dealers to include the price paid for an item in the required transaction records and four, permit the licensing authority to fingerprint applicants.

House Amendment A, sir, eliminated from the Bill authorization for the local licensing authority to refuse to issue a license to an unsuitable person. If there is no objection, I move that it be placed on Consent please.

THE CHAIR:

Is there any objection to placing the matter on Consent, as amended by House Amendment, Schedule A? Hearing none, it is so ordered.

THE CLERK:

Moving to page twelve of the Calendar, page twelve, Calendar 475, Substitute for House Bill 5466, File 411,

THE CHAIR:

Reconsideration has already been taken up.

SENATOR SCHNELLER:

Mr. President, can we pass retain that Bill?

THE CHAIR:

Is there any objection to pass retaining and leaving it on the Calendar? Hearing none, it is so ordered. The Clerk will call the Consent Calendar.

THE CLERK:

The Clerk is now prepared to call the Consent Calendar. Starting on page eight, starting on page eight, Calendar 453, Calendar 454. On page nine, Calendar 457 and 458. On page ten, Calendar 467. On page eleven, Calendar 468, 471 and 472. On page twelve, Calendar 475 and 477 and that concludes the balance of today's Consent Calendar.

SB1459, SB1460, SB199, SB307, HB5561, HB5839, HB6685, HB5174, HB5466, HB6205

THE CHAIR:

The Clerk will make an announcement for a Roll Call. And while he's doing it, the machine is open.

THE CLERK:

An immediate Roll Call has been called for in the

Senate. Will all Senators please take their seats. An immediate Roll Call has been called for in the Senate. Will all Senators please be seated.

THE CHAIR:

Senator Mustone. Senator Schneller and Gunther. While we are waiting, in case there are other Senators, do you want to make a motion in reference to this four page agenda? Senator Schneller.

THE CLERK:

The Clerk had distributed pages three, four and five of Thursday, May 7th, 1981 Senate Agenda. Copies are on the Senators' desks.

SENATOR SCHNELLER:

Mr. President, I move that all items on the Senate Agenda that's an addendum to the Agenda that we adopted at the beginning of the session, dated May 7th, 1981, be acted upon as indicated and that the Agenda be incorporated by reference into the Senate Journal and the Senate Transcript.

THE CHAIR:

Is there any objection? Hearing none, it is so ordered.

The machine is closed and locked.

TOTAL VOTING	33
NECESSARY FOR PASSAGE	17
VOTING YEA	33
VOTING NAY	0

The Consent Calendar is adopted.

THE CLERK:

The Clerk has a couple of items I'd like to read in at this time. Unfavorable Report of the Joint Standing Committee on Finance, Revenue and Bonding, Senate Bill 100, AN ACT INCREASING THE MAXIMUM LEVELS OF QUALIFYING INCOME IN THE STATE PROGRAM OF PROPERTY TAX RELIEF FOR ELDERLY HOMEOWNERS AND RENTERS.

THE CHAIR:

Table for the Calendar and printing.

THE CLERK:

Unfavorable Report of the Joint Standing Committee on Finance, Revenue and Bonding, House Bill 5194, AN ACT ENABLING MUNICIPALITIES TO ESTABLISH CLASSIFICATIONS OF REAL PROPERTY FOR PURPOSES OF PROPERTY TAX ASSESSMENT FOLLOWING RE-EVALUATION.

JOINT
STANDING
COMMITTEE
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PART 2
353-675

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MR. CAMERAN: (continued)
necessary. We think it's counterproductive to do this for a consumer. The reason is, if you, say, put in use before, it carries the implication that if you put it in use in that time, you're home free. In reality, there are many things that can cause poor service. It might be age, but even more frequently, it's the storage conditions of the batteries during distribution or it may be a low level manufacturing defect that, in spite of 100% inspection and testing, it was impossible to detect. But we do want to follow them and we do and we do it in a way that doesn't provide any mis-information to people.

REP. SCHMIDLE: What percentage of your manufacturing is in the hearing aid batteries?

MR. CAMERAN: I don't have that answer. It would be a relatively small but important part of our production.

REP. SCHMIDLE: Thank you.

SEN. MUSTONE: Any other questions? Thank you, Mr. Cameran.

MR. CAMERAN: Thank you for the opportunity of appearing before you people.

SEN. MUSTONE: Another member of our committee has joined us. Representative Fred DelPercio who's seated in the upper level. We have this hearing, ladies and gentlemen, until 12:15. We have an additional twelve people -- twelve or more people to hear from. The next person to testify is Martin Burke.

HB 5174

MR. MARTIN BURKE: Senator Mustone, members of the General Law Committee. I'm Martin Burke and I represent the Connecticut Precious Metal Dealers Association. This association is comprised of some of the State's leading dealers in precious metals, stones and coins and includes such permanent concerns as the Madison Coin Store, the Olde Towne Coin Company, Sam Sloat, Inc., the Greenwich Coin Center, and Dynamic Coin Investments, among others. Many of these concerns have been in business as long as twenty years and, in fact, are well established. As you know, your committee, in the last session, past the act licensing the purchasers of precious metals which included gold, silver, platinum, watches, jewelry and other items. And that act requires purchasers to keep a record of each transaction, specifically identifying the

MR. BURKE: (continued)
goods purchased, the name and address of the seller and the date and hour that they were received. Morever, that record upon the request of the local or State police, must be turned over to the police on a weekly basis.

The act further prevents a purchase from a minor, unless accompanied by a parent and mandates that it not be a cash transaction.

Now, this law is burdensome for purchasers of precious metals. There's no question about that. But my clients recognize the positive value of it and accordingly, support Bill 5174 which is one of the three bills before you. Now, that bill would go a little bit further than your action last session and it would require some standards in licensing it.

Presently, the only standard that I can ascertain in the bill is $10 fee. There are no standards. 5174 would indicate a suitability consideration and not allow a license to go to a person with a felony record.

The bill goes a little bit further and would require a recording of the price paid for the item. It spells out specifically that payment cannot be for cash. Now, I think there's a slight problem with that and I just want to call it to your attention. The wording of the bill would lead one to conclude that there couldn't be cash either way. Lots of dealers are also in the business beside purchasing scrap or various jewelry items or coins of also retailing them and it would place the dealer possibility in the situation where he would be required to take a check for a transaction and I don't think that's particularly a good situation. I think what you really want to do is mandate that if the dealer buys anything from someone coming into his shop, that it cannot be in cash. That's a potential problem with the bill and perhaps a technical one you'd want to address.

Now, the bill that really is of concern to me and to the industry in general is the so-called holding period bill, 5559, and there are three basic reasons why this would pose real problems for the industry. First, and it's been mentioned before, is the highly volatile, fluctuating market conditions in precious metals. All you have to do is listen to the gold and silver report on the radio in the morning to know that there's a vast fluctuation in one day. In fact, in the gold market since December of 1980, the price of gold is down 20%.

MR. BURKE: (continued)
waiting to speak that can address that a little bit better.

SEN. MUSTONE: Mr. Duffy from Legislative Management -- Legislative Research.

MR. DAN DUFFY: Mr. Burke, you were talking about what you thought was a technical problem concerning the prohibition against the use of cash in 5174?

MR. BURKE: Yes.

MR. DUFFY: It was my understanding that that was designed so that there would be records -- complete records of the money that's changing hands during the transaction.

MR. BURKE: Yeah.

MR. DUFFY: To allow money to change hands one way or another, conceivably would it not provide room for the records not to accurately reflect the value of the goods?

MR. BURKE: Well, no. I don't think so. I think it's only a technical problem because it says no cash shall be transferred to either party in the course of a transaction subject to this act. Now, a transaction subject to this act is carrying on the business of purchasing gold. So if you or I as an individual went and bought an estate -- some estate jewelry, a ring, a diamond ring or whatever, or some coins, we were purchasing those in that store. We're not really engaging in that -- the transaction covered by this act. It's the reverse transaction that the act covers. So maybe it's only a technical problem. But I think you could argue otherwise. And the problem would be let's say I went into a particular dealer to purchase a ring, if the dealer was required to accept my check, that would make him a different kind of a business person than anyone else because I don't think that, you know, that's just not commerce. It's up to the individual store whether or not they want to take a person's check. It's a little bit of an aside and it may not even be a problem because of the definition of the transaction that the bill's trying to cover. But I just thought I'd like to -- that isn't really what the public concern is. The public concern is a record of the purchase by the store of items from the customer. And that's really what you want to get at. Not the reverse transaction.

MR. DUFFY: I just have one other comment and that's the weekly reporting statement. The law doesn't require that. It only requires dealers to do that if requested by the licensing authority.

MR. BURKE: That's right. Yes.

SEN. MUSTONE: Any other questions? Thank you, Mr. Burke.

MR. BURKE: Thank you.

SEN. MUSTONE: There are some additional chairs up here. If any of you are tired of standing, you can come forward. The next person to testify is Robert Dietel.

MR. ROBERT DIETEL: Senator Mustone and members of the Law Committee. I appreciate the opportunity to give you my point of view in opposition to Bill 5559.

SEN. MUSTONE: Mr. Dietel, they are not able to hear you in the rear of the room. Could you speak more directly?

MR. DIETEL: Can you hear me now? My name is Bob Dietel of Madison Coins, Stamps and Antiques of Madison, Connecticut. As a member of the Connecticut Precious Metals Dealers Association and as a citizen of Connecticut, I stand in opposition to Proposed Bill 5559.

Just what is a precious metals dealer as typified by a member of our association? Most of us operate family owned enterprises that have been long established in the community, a reputation to live with and to nurture.

We operate what is probably the most efficient clearing houses in the State for recycling precious metals and stones and thus bringing millions of dollars into the market, dollars the ripple effect of which aid the entire economy of the State. We usually pay the public more for their possessions than any other type of buyer.

Our traditional very low margin operations have put millions of dollars more into the pockets of Connecticut citizens than they could have received from many of the older type of ultra-high margin operators such as jewelers that dominated buying of this material in a by-gone era. Jewelers in many cases still adhere to the anacronistic idea of buy low-sell high. They appear to be unhappy that their long profitable practices

MR. CONARD: (continued)
protect people against what Mr. Patton was worried about. He said he just wanted to encourage this. He is trying to encourage something that he thinks would be a good thing by depriving individuals in business of their ability to make a product and decide if they didn't want to sell it. I would be glad to answer any questions that the committee has, but I really think this bill shouldn't be even considered by the committee.

REP. CARRAGHER: Are there any questions? Thank you very much. Harvey Goldstein.

HARVEY GOLDSTEIN: Mr. Chairman, (inaudible -- not at mike) because of the time factor, I will waive my --

REP. CARRAGHER: Sir, I notice that you represent the same group as these gentlemen. Thank you very much for your kind consideration. Robert Sykes.

ROBERT SYKES: Members of the committee, my name is Robert Sykes. I represent the Connecticut Toolers Association and also Sykes-Libby. Sykes-Libby is a firm of jewelers which was established in 1880 and has been in Connecticut -- New Haven since 1910. I am in favor of Bill 5559 but I would like to add a time to the bill. I do not feel that time element is enough. I am opposed to 6418 and I am in favor of 5174. I just want to -- as brief as I can, but I want to bring out a few points that haven't been brought out that I think are necessary.

There was a certain availability of merchandise once it is sold by someone who has needed money. That merchandise cannot be sold a second time. Therefore, my feeling is that they are putting out people on the streets practically to steal to fill the need for purchasing. There is a developing reluctance to purchasing good merchandise today. Individuals who have a fear and anything that has a fear to me is a very, very wrong situation. Women are afraid to wear their better jewelry. Men are afraid to wear their jewelry. If the future of the jewelry industry as a whole depends upon purchases and upon people being able to wear items and have items in their home without feeling that they will be stolen. We have 340 jewelers in the State of Connecticut. We have over 250 who are members of our association and they all feel that same way. We feel that a ten day holding period is what is really necessary. We feel that

MR. SYKES: (continued)
there should be -- we notice that there is a fine not more than $1,000 but there is no minimum fine which is what the minimum should be at least $500. We feel that it is not a problem to maintain merchandise for a long period of time. The ten days is not going to be a problem to most of the dealers although they are making a big to do about it. Also, when merchandise is brought in it should not be dumped into a coffer with a lot of other things. The merchandise should be retained in the name of the person. It should be very easily identified. The name of the person selling the merchandise should be attached to the merchandise that should be held in individual boxes or some such way. We have far more merchandise in our store than anyone who has spoken to you this morning with the exception of possibly one or two days. We maintain this merchandise for 365 days a year. We don't worry about being held up every two minutes. We have hold up buttons in the store. We have alarm systems in the store. I have been called at night very often when there is a false alarm. It is not an impossibility to protect merchandise. It is not an impossibility to protect your wares.

It is not anywheres near as difficult to what they are saying. A good alarm system can be installed for $2,000 to $3,000 which is a central system which is monitored 24 hours a day. We also have hold up buttons which -- in five places in our building and we do not have any fears of that type. We feel that the fluctuations that they are mentioning are not as great as what they are saying. There are fluctuations, but if you will note, that when the window was opened by Nixon in1971, gold was at $35. This was kept from 1933 at $35. It has gone up consistently. This morning you had a very big fluctuation. It was $2.75 upwards. We also feel that the prices being paid to the people who are really considered thieves is far less than that paid to a legitimate person who has some understanding. Thieves will settle for very, very little because they need the money and they want to have it. Also, we found that the thieves continue to repeat but they also go to different places. The police department in the City of New Haven has done an excellent job. But, they told me that they have been hampered. Last week, to give you one quick example, we had three children -- I will call them children for lack of anything else -- they were about 14 years old come in with a string of rings. They had a piece of twine

MR. SYKES: (continued)
with 27 rings on it. We called the police department and we told them that we couldn't buy it. One of the persons happens to be someone that I know so he came back later and told me the store that did purchase them. I was very, very incensed and I asked the police department to go over there and they couldn't do it. I also offered to give the police department some of my gold to sell to this individual to see if we could do something about it and they said that would be entrapment. I have tried to make this as brief as I can, but I really feel that the jewelry industry which was here long before this gold buying started and should be here later is really in jeopardy. We have had plans for a new store in the Connecticut Post. We have had the plans ever since they said they were going to remodel. My son and I felt that -- and we decided that it is not a good time for us to go into anything else.

Therefore, we are scrapping our plans which I think would have been a good part of the industry and would have added 11 extra people. I think you.

REP. CARRAGHER: Thank you very much. Are there questions?

REP. TORPEY: One question. You said the minor was 13 -- Mr. Torpey on the committee, I understand the new law is amended last year prevents any minors that was being -- any purchases being made from minors.

MR. SYKES: Right.

REP. TORPEY: By minors. Now, this means that either the dealer still is unscrupulous to accept it but that should be covered under the fine of $1,000 should that person be apprehended. Maybe that is the problem. The apprehension and proving with the physical goods.

MR. SYKES: When the police went into the store that I had named to them, the store owner denied ever having made the purchase and there was no way that they could prove it.

REP. CARRAGHER: Thank you again, Mr. Sykes. Marc Green.

MARC GREEN: Senators and Representatives of the General Law Committee. My name is Marc Green. I am also a director of the Connecticut Retailer Jewelers Association. I am here to voice my favor of Bill No. 5174. I may point out one thing

MR. GREEN: (continued)
in Sub-Section C and give you an example of why this particular wording was entered. What has happened to this law previous is requiring payment by check is what would happen is that a check would be issued and reimbursed or signed by the customer right there on the spot and turned into the particular person who was buying the merchandise and then they would give them cash. This enabled the person who originally distributed the check to actually rip it up and throw it away and no additional records would be made. This enables a check to go through some bank or whatever and he would have a better record of what is going on.

I would like to also voice my opposition to -- our opposition to Bill 6418. This is really a ludicrous bill. Why should everybody -- there should be no exceptions to anybody in the precious metal dealing industry if one person has to do it then everybody has to do it also. I am trying to be as brief as possible. I also would like to voice our approval for Bill 5559, regarding a holding period. Our particular organization feels that this is necessary contrary to some of the other testimony here. We believe we are being, in the public interest. This is a plea from the public and that is why we are here. Bills are here for a reason. One reason is to protect the public. There are laws in other states that do have holding periods. They seem to be working well. Rhode Island does have a law. There is proposed legislation in the State of New York, for bills which would require holding periods of up to 45 days. We have also been in contact with -- our organization has also been in contact with the Chiefs of Police Assocation and the legislative committee. Just as Mr. Barry, Police Chief Drum and Police Chief Frank Roach of Plainville who is Chairman of the legislative committee and they are in favor of a holding period.

REP. CARRAGHER: I would like to say sir, Mr. Barry did call me yesterday and explain that. That is fine -- however, I point out to you that I am a little bit disappointed in the Chiefs of Police. If they are so interested in this thing, then why wasn't someone here. We had one police officer. A patrolman from the City of Danbury that took the time and I commend him to come to Hartford today. But, if the Chiefs of Police in the State of Connecticut are so interested I would have thought that some of them could have been here.

MR. GREEN: Well, they would have in their particular organization

MR. GREEN: (continued)
on the short notice that they had on this hearing, which is one reason why we got on the phone and contacted them to find our their feelings. I understand also in another vein they were going to try to put through their own legislation regarding a holding period. It was -- in speaking with them, they did stress their desirability to have a holding period for prevention of this type of thing. Thank you very much.

REP. CARRAGHER: Any questions? Thank you, sir. Seymour Sloan.

SEYMOUR SLOAN: My name is Seymour Sloan. I am a resident of Fairview and I speak today for the Connecticut Hearing Aid Dealers Organization in opposition to Bills 6189 and 6193. With reference to the former about batteries, please consider ladies and gentlemen the magnitude of the problem. Forty four out of one million and those 44 are always replaced through the hearing aid specialists should they come to them and of course by the manufacturers. Also consider that the typical hearing aid battery used most often today costs 56¢ at retail and it is the life of that battery is from 5500 operating hours. The batteries Mr. Cameron referred to at $14 a package for six is hardly ever used today.

The bill would mandate the dating of individual batteries which are the size of aspirin tablets and most of our clients are vision impaired as well as hearing impaired and it is very difficult, if not, impossible for them to notice the date. Another problem that escaped Mr. Cameron was the fact that sometimes batteries do not provide adequate life and that is a function of a malfunctioning hearing aid which can draw excessively. And, the fault is not in the battery. I suggest to the committee that in view of the small size of the problem that this bill ought not to be passed. With regard to 6193, the committee should be advised that the Food & Drug Administration has already mandated intervention -- clearance by a physician, preferably one specializing in diseases of the ear before a hearing aid is sold. For constitutional reasons, a waiver may be signed by a fully informed adult over the age of 18. And, the Food & Drug Administration and I have statements which will cite the law preempts all state laws in conflict with their statement. In view of the time, sir, may I leave these with the clerk.