

Legislative History for Connecticut Act

HB 7184	PA 22	1989
House 1603-1617		(15)
Senate 914-918, 923		(6)
Labor and Public Employees 483-489		(7)

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HOUSE

PROCEEDINGS
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1348-1688

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note. So, Mr. Speaker, I will move that the bill be PT'ed at this time.

SPEAKER BALDUCCI:

Is there objection? Hearing none, so ordered.

CLERK:

Page 4, Calendar 105, HB6870. AN ACT CONCERNING THE CASS GILBERT FOUNTAIN IN THE TOWN OF RIDGEFIELD.

Favorable Report of the Committee on G.A.E.

REP. FRANKEL: (121st)

Mr. Speaker?

SPEAKER BALDUCCI:

Representative Frankel.

REP. FRANKEL: (121st)

May this item be referred to the Committee on Transportation?

SPEAKER BALDUCCI:

The question is on referral to Transportation. Is there objection? Seeing none, so ordered.

CLERK:

Calendar 108, Substitute HB7184. AN ACT CONCERNING WORKERS' COMPENSATION BENEFITS FOR VOLUNTEER FIREMEN.

Favorable Report of the Committee on LABOR AND PUBLIC EMPLOYEES.

REP. ADAMO: (116th)

Mr. Speaker?

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SPEAKER BALDUCCI:

Representative Adamo.

REP. ADAMO: (116th)

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

SPEAKER BALDUCCI:

The question is on passage. Will you remark?

REP. ADAMO: (116th)

Yes, Mr. Speaker. Prior to remarking on the entire bill, there is a technical amendment necessary, LCO4699. Would the Clerk please call and read?

SPEAKER BALDUCCI:

Clerk, please call LCO4699, designated House "A".

CLERK:

LCO4699, designated House "A", offered by Representative Gilligan et al.

In line 87, after "COMPANY" insert "OR DEPARTMENT"

SPEAKER BALDUCCI:

Representative Adamo.

REP. ADAMO: (116th)

Mr. Speaker, I believe the amendment is self-explanatory. It is just a continuation of the language in the earlier lines, and I would move its adoption, sir.

SPEAKER BALDUCCI:

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Will you remark further on House "A"? Will you remark further on House "A"? If not, all those in favor, please signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER BALDUCCI:

Opposed, nay.

REPRESENTATIVES:

No.

SPEAKER BALDUCCI:

The ayes have it. The amendment is adopted.

Representative Adamo.

REP. ADAMO: (116th)

Mr. Speaker, yes. Mr. Speaker, I would move, as I did earlier, for acceptance and passage of this bill. It is necessary as the result of a court case that resulted in injury of a volunteer between Lisbon and Norwich. It was requested by the Fire Chief's Association, as well as the Commission on Fire Prevention. And, it simply now defines very clearly who is liable for a volunteer fireman's workers' comp, in the event of an injury, not only in general volunteer work but in, while in the process of answering a mutual aid assistance call as well, sir.

And, I would move adoption.

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SPEAKER BALDUCCI:

Will you remark further on the bill, as amended?
Will you remark? Representative Jaekle.

REP. JAEKLE: (122nd)

Thank you, Mr. Speaker. The Clerk has an amendment. It is LCO4867. Would the Clerk please call and read the amendment?

REP. FRANKEL: (121st)

Mr. Speaker? Mr. Speaker?

SPEAKER BALDUCCI:

Representative Frankel.

REP. FRANKEL: (121st)

Yes, the amendment has just been received from the other side of the aisle. It is now being distributed to the membership. In order to afford the members a few minutes to digest it, I would ask the House stand at ease.

SPEAKER BALDUCCI:

The House will please stand at ease.

The House will please return to order.

REP. ADAMO: (116th)

Mr. Speaker, I believe that Representative Jaekle may have had the floor. He was presenting an amendment.

SPEAKER BALDUCCI:

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Representative Jaekle, you do have the floor.

REP. JAEKLE: (122nd)

Thank you, Mr. Speaker. My apologies for delay in distribution of copies of the amendment. We are working on quite a few amendments for today's session.

SPEAKER BALDUCCI:

Representative Jaekle, just for clarification, would you please recall the amendment?

REP. JAEKLE: (122nd)

Yes, Mr. Speaker. The Clerk has an amendment. It is LCO4867. Would the Clerk please call and read the amendment?

SPEAKER BALDUCCI:

Clerk, please call LCO4867, designated House "B" and read.

CLERK:

LCO4867, designated House "B", offered by Representative Jaekle et al.

In line 17, after "ASSISTANCE" insert ", WHILE RETURNING FROM CALLS FOR MUTUAL AID ASSISTANCE,"

SPEAKER BALDUCCI:

Representative Jaekle.

REP. JAEKLE: (122nd)

Mr. Speaker, I move adoption of the amendment.

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SPEAKER BALDUCCI:

The question is on adoption. Will you remark?

REP. JAEKLE: (122nd)

Yes, Mr. Speaker. I am sorry if this caused a little delay in the proceedings. This is really more of a style change in the new provisions of the statute. It is to follow the current statutory scheme, whereas volunteer firemen are indeed covered if they are - and I will refer the members to line 15 - while answering alarms for fires, and then on line 17, while directly returning from fires.

We are adding a new provision: while answering calls for mutual aid assistance, and I thought that for consistency, they should be covered when returning from those calls for mutual aid assistance. That is why I offered the amendment and that is why I urge its adoption. Thank you.

SPEAKER BALDUCCI:

Will you remark further on the amendment? Will you remark further?

REP. ADAMO: (116th)

Mr. Speaker?

SPEAKER BALDUCCI:

Representative Adamo.

REP. ADAMO: (116th)

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Mr. Speaker, I really don't see it as an unfriendly amendment, but I just wonder about its need. I think that if you look at line 17, right after the language that we have inserted in the file copy, it says while directly returning from fires. I would believe that that includes the fire that you were answering on a mutual aid assistance.

If the Majority or Minority Leader sees a necessity to add seven additional words to that particular sentence, I would certainly not resist the amendment. I would simply-- And, I don't believe it has a fiscal note or any fiscal impact, and I would ask that question of the Minority Leader.

SPEAKER BALDUCCI:

Representative Jaekle.

REP. JAEKLE: (122nd)

Yes, Mr. Speaker. My goldenrod copy is indeed stamped by the Office of Fiscal Analysis. It says no fiscal impact, no fiscal note is necessary.

SPEAKER BALDUCCI:

Thank you, Representative Jaekle.

REP. ADAMO: (116th)

Thank you, Representative Jaekle and Mr. Speaker. On that basis, then, sir, I would join the Minority Leader in moving for the adoption of the amendment,

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sir.

SPEAKER BALDUCCI:

Will you remark further on House "B"? Will you remark? If not, all those in favor, signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER BALDUCCI:

Opposed, nay. The ayes have it. Senate "B", House "B" is adopted. Will you remark further on the bill, as amended by House "A" and "B"? Will you remark? Representative Taborsak of the 109th.

REP. TABORSAK: (109th)

Mr. Speaker, on a Point of Order. House "A" was not distributed to this side of the aisle. That has happened several times this morning. I think it is quite improper for us to adopt amendments when we don't have copies before us on the desk.

I did vote against it in the voice vote, but I think it is quite improper not to have those amendments distributed to each member.

SPEAKER BALDUCCI:

Representative Taborsak, we will be sure that those amendments are distributed to each and every member of the Chamber before we act upon them. Thank you.

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REP. NYSTROM: (46th)

Mr. Speaker? Mr. Speaker?

SPEAKER BALDUCCI:

Representative Nystrom of the 46th.

REP. NYSTROM: (46th)

Thank you, Mr. Speaker. A question, through you, to Representative Adamo, please?

SPEAKER BALDUCCI:

Please proceed, Representative Nystrom.

REP. NYSTROM: (46th)

Thank you, Mr. Speaker. Thank you, Representative Adamo, you mentioned the town of Norwich in your opening remarks. Did the town of Norwich itself request this legislation? Through you, Mr. Speaker?

SPEAKER BALDUCCI:

Representative Adamo.

REP. ADAMO: (116th)

Through you, Mr. Speaker, no, sir. This legislation was requested very frankly and honestly from the Commission on Fire Prevention and Control, and the Fire Chief's Association, so as to not put the mutual aid concept in jeopardy, sir.

REP. NYSTROM: (46th)

Thank you. One last question. Through you, Mr. Speaker, do all towns participate in mutual aid

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agreements? And, if so, is it in written, is there a written contract or is it by spoken understanding?

Through you, Mr. Speaker?

SPEAKER BALDUCCI:

Representative Adamo.

REP. ADAMO: (116th)

Through you, Mr. Speaker, not all towns have mutual aid agreements. There are some that are certainly close enough to each other that have large enough departments not to do that. They can be written; they can be oral. There is really nothing which specifies which way they have to be, sir.

REP. NYSTROM: (46th)

Thank you.

SPEAKER BALDUCCI:

Will you remark further on the bill as amended?

Will you remark further?

REP. FLEMING: (16th)

Mr. Speaker?

SPEAKER BALDUCCI:

Representative Fleming.

REP. FLEMING: (16th)

Yes, Mr. Speaker, if I might. A couple of questions? Representative Adamo, the way this bill is-- My concern is, I guess, with the bill is that if

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you have a mutual aid agreement between two towns, and as you know, very often, some towns are better equipped than others, and probably end up responding more often that not to aid other municipalities, rather than the other way around, receiving that aid. When the Chiefs came in, was the issue ever addressed as to whether or not this might hinder mutual aid agreements between towns, in as much as if the burden is going to fall on the municipality that is sending the help, whereas before, the burden was on the municipality receiving the help--- Is this in any way going to hinder mutual aid agreements in the future, between say a wealthier fire department or a fire department which is better equipped, or a fire department which may have no problem with firefighters, in terms of numbers?

Some fire departments don't have enough members. My concern is that it may have the reverse affect than it is intended to have.

REP. ADAMO: (116th)

Mr. Speaker?

SPEAKER BALDUCCI:

Representative Adamo.

REP. ADAMO: (116th)

Thank you. Mr. Speaker, I will gladly reply to that, because I think he-- Representative Fleming, it

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was the exact opposite. It was the fear of the Fire Chief's Association and the Fire Prevention and Control Commission that the existing court case and the way it was applied would have a hindering affect.

It was really taken for granted that this was the way it always was. For all intent and purpose, if I might, to expand on that, truly the benefit - and remember the word benefit--- Truly the benefit of a volunteer firefighter goes to the town in which he is a volunteer, because he volunteers for them basically on a full-time basis.

What happened in this particular case, the judge said that because that individual was fighting a fire in Norwich that Norwich benefited by his service. A very narrow reading, I think, of the word benefit. I think inappropriate, frankly. Thus, the bill is before us. But, it was not meant to hinder. In fact, it was the fear that if the language was left or the case was left to stand, it would have a more far-reaching affect on hindering mutual aid.

SPEAKER BALDUCCI:

Representative Fleming, you still have the floor.

REP. FLEMING: (16th)

Yes, thank you, Mr. Speaker. If I can, just a little bit more. In terms of the public hearing, how

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many, how much input was there from municipalities other than just the Chief's Association around the state? And, did in fact the Chief's Association talk to their membership to find out if in fact this was legislation that Chiefs in other areas wanted for their departments?

The reason I am asking the question is this bill did not go through the Public Safety Committee, and perhaps it would be unnecessary for that to happen. But, I know if it had gone through the Public Safety Committee, we would have had a lot of input from the Chiefs. So, my question is: was there a lot of input from Chiefs around the state? Or, was it just the Association? And, if it was just the Association, did they actually poll their members?

REP. ADAMO: (116th)

Through you, Mr. Speaker?

SPEAKER BALDUCCI:

Representative Adamo.

REP. ADAMO: (116th)

Thank you, Mr. Speaker. It was the representative of the Fire Chief's Association, Chief Fennelly that spoke before us. It really brought this attention to our attention through comments that were made by the Chairlady of the Public Safety Committee. It was our

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intent, and the reason that the bill is effective on passage, to move it along as rapidly as possible, so that this case would not have a hindering affect or a negative affect on mutual aid.

And, for that purpose, with the agreement, it went forward, sir.

REP. FLEMING: (16th)

Thank you, Mr. Speaker.

SPEAKER BALDUCCI:

Will you remark further on the bill? Will you remark further on the bill as amended? Will you remark? If not, staff and guests, please come to the Well of the House. Members, please be seated. The machine will be opened.

CLERK:

The House of Representatives is now voting by roll.
Members, please report to the Chamber. The House is voting by roll call. Members, to the Chamber please.

SPEAKER BALDUCCI:

Have all the members voted, and is your vote properly recorded? Have all the members voted? If so, the machine will be locked. Clerk, please take a tally.

REP. MARKHAM: (34th)

Mr. Speaker?

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SPEAKER BALDUCCI:

Representative Markham of the 34th.

REP. MARKHAM: (34th)

In the affirmative, please?

SPEAKER BALDUCCI:

Representative Markham in the affirmative. Clerk, please announce the tally.

CLERK:

HB7184, as amended by House Amendments "A"
and "B":

Total Number Voting	144
Necessary for Passage	73
Those Voting Yea	144
Those voting Nay	0
Those absent and not Voting	7

SPEAKER BALDUCCI:

The bill as amended is passed. Are there any announcements or points of personal privilege at this time?

REP. THOMPSON: (13th)

Mr. Speaker?

SPEAKER BALDUCCI:

Representative Thompson of the 13th.

REP. THOMPSON: (13th)

Thank you, Mr. Speaker. For purposes of an

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Favorable Report of the Committee on LABOR AND
PUBLIC EMPLOYEES.

THE CHAIR:

Senator Maloney.

SENATOR MALONEY:

Thank you, Mr. President. I would move for approval of the Joint Favorable Report and passage of the bill, in accordance with the House.

THE CHAIR:

Will you remark?

SENATOR MALONEY:

Yes, Mr. President. What this does simply is change the statutory rate for certain interest payments from 6% to the legal rate, which is currently 10%.

THE CHAIR:

Further remarks on the bill? Senator Maloney.

SENATOR MALONEY:

Thank you. Yes, Mr. President, I would ask that the matter be moved to the Consent Calendar.

THE CHAIR:

Without objection, so ordered. Next item, please.

THE CLERK:

Calendar #124, File 104 and 160, Substitute HB7184.

AN ACT CONCERNING WORKERS' COMPENSATION BENEFITS FOR
VOLUNTEER FIREMEN. (As amended by House Amendment

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Schedules "A" and "B").

Favorable Report of the Committee on LABOR AND
PUBLIC EMPLOYEES.

THE CHAIR:

Senator Maloney.

SENATOR MALONEY:

Yes, Mr. President, thank you. I would move for approval of the Joint Favorable Report and passage of the bill, in accordance with the House.

THE CHAIR:

Will you remark?

SENATOR MALONEY:

Yes. Mr. President, what this bill does is make clear what was previously understood to be statutory law, that in a volunteer fireman's situation, such volunteers are covered for Workers' Compensation purposes by the town in which they are principally a volunteer. For example, if a volunteer is a volunteer in the Town of Newtown and goes to a fire under mutual aid in the Town of Southbury, they would still be covered under the Town of Newtown's Workers' Compensation program, as a matter of the mutual aid pact between the towns.

THE CHAIR:

Will you remark further? Senator Smith.

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SENATOR SMITH:

Thank you, Mr. President. If I might, through you, sir, to Senator Maloney. Just one question, to get some clarification?

THE CHAIR:

Proceed.

SENATOR SMITH:

Thank you. Senator Maloney, in the event of, say, a private corporation located in one community has as a matter of personnel policy a provision in which they would release an employee for the purposes of assisting the local volunteer fire service, even if that employee were, say, a resident of another community, and perhaps even a member of a volunteer fire service in another community. Absent a municipal, the mutual aid situation that you just described, do you have any opinion as to who would be responsible for Workers' Comp under that situation?

THE CHAIR:

Senator Maloney.

SENATOR MALONEY:

Thank you, Mr. President. My only opinion would be that this bill does not alter whatever the existing law is in regard to that matter. The bill alters, well, in our opinion, only clarifies existing law, as to

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volunteer firemen. The Supreme Court found in their wisdom that they were going to read the law the other way around, and that the town in which the fire occurred would have the responsibility.

That is the purpose of this statute, is to make it clear that the town the person is a volunteer fireman with has the responsibility. So, further than that, Senator, I cannot respond.

THE CHAIR:

Further remarks? Senator Smith.

SENATOR SMITH:

Thank you. I would assume that based on the facts as presented, Mr. President, Senator Maloney, that absent the mutual aid agreement, that in fact that employee would probably be acting as an agent for the community in which the action or the fire takes place. The only reason I am asking the question is that this question has been directed to us as a result of this clarification, and perhaps at some point in the future, you or your Committee could perhaps address this, to provide further clarification.

Thank you.

SENATOR MALONEY:

Mr. President?

THE CHAIR:

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Senator Maloney.

SENATOR MALONEY:

In response to that, we would be glad to do so. But, for purposes of legislative intent, I am not indicating an answer on the floor of the Senate.

THE CHAIR:

Further remarks on the bill? Senator Herbst.

SENATOR HERBST:

Thank you, Mr. President. I rise to support this bill, as Co-Chairman of Public Safety. This bill needs immediate passage because it upholds and substantiates the mutual benefit clause that has been operating with mutual aid agencies. And, those of us who have volunteer firemen running the fire departments in our town need this kind of a bill, in order to protect the intent of the establishment of mutual aid agencies.

I urge your support.

THE CHAIR:

Will you remark further? Senator Maloney.

SENATOR MALONEY:

Thank you, Mr. President. If there is no objection, I would ask that the matter be placed on the Consent Calendar.

THE CHAIR:

Without objection, so ordered. I think we passed

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HB7128. Calendar 124, Substitute HB7184. Calendar Page 7, Calendar #83, SB775. That completes the first Consent Calendar, Mr. President.

THE CHAIR:

Any changes or omissions? The machine is open. Please record your vote.

Senator Herbst. Has everyone voted? The machine is closed. Clerk, please tally the vote.

The result of the vote:

34 Yea

0 Nay

The Consent Calendar is adopted.

The Senate will stand at ease.

That completes the Calendar. Senator O'Leary.

SENATOR O'LEARY:

Mr. President?

THE CHAIR:

Senator O'Leary.

SENATOR O'LEARY:

Yes. We will recess, although it is tantamount to adjournment. We are going to recess, as we have in the past, so that bills can be read in and referred. The Clerks have business to come before them. So, two Senators will remain behind to close the session. We will adjourn, subject to the Call of the Chair, and we

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A rehabilitation evaluation shall assess three components, medical, functional, and vocational capabilities of the injured employee and present an individualized treatment and service plan designed to maximize that injured employee's medical, functional and vocational capacities.

If the rehab evaluation demonstrates a need for participation and therapy and the injured worker fails to participate, an employer or insurer may appeal to the Workers' Comp. Commission for a decision as to the viability and benefits of such participation.

If there is unjustifiable refusal to accept rehabilitation pursuant to a decision of the Worker's Comp. Commission. The Commissioner shall order a loss or reduction of compensation in an amount determined by the Commissioner for each week of the period of refusal.

We encourage this committee and the full General Assembly to examine the merits of our proposal as a measure both to cut costs and to more fully meet the needs of Connecticut's injured workers. Thank you.

REP. ADAMO: Thank you, Lucinda. Any questions? If not, thank you. Chief Fennelly followed by Dolores Cessare. Is Dolores here? Okay, is Janice Williams here? Is Joseph Daigle here? Go ahead, Chief.

CHIEF ED FENNELLY: Chairman Adamo and Members of the Labor Committee, my name is Ed Fennelly and I represent the Connecticut State Firemen's Association as well as the Connecticut Fire Chief's Association and I'm here today to speak in favor of HB7184, AN ACT CONCERNING WORKERS' COMPENSATION BENEFITS FOR VOLUNTEER FIREMEN.

As a result of a recent Supreme Court decision in the case of Thomas vs. Norwich, we have a profound effect on the process for mutual aid already being used by the fire service in the State of Connecticut. It has always been historically the intention of the fire service as well as the Compensation Commissioners that when a fire company

is called by a neighboring town for assistance that the responding company assumes the responsibility for the compensation coverage of their personnel.

Briefly, in the Thomas vs. Norwich case, there was a call for mutual aid assistance by the Town of Norwich to the Town of Lisbon, Connecticut. Lisbon was responding, as a result there was an accident involved, severe injuries were suffered by personnel from the Lisbon Fire Department. The case went before the Compensation Commissioners. As has been in the past an award was made and the award was to be paid by the Town of Lisbon because that's where the personnel were volunteer firefighters. They were responding with equipment from Lisbon to Norwich.

It was quite expensive -- quite a bit of money involved here. As a result the insurance carrier and the Town of Lisbon appealed the case and brought it before the Supreme Court and their contention was that Norwich should pay the Workmen's Comp. in the case. After deliberation the court came back with that ruling that Norwich should pay instead of Lisbon.

Getting back to my original statements, historically, and in the past it's always been the case that when a company is called or responding to a call for mutual aid, when they bring their personnel into the next town, that they assume the responsibility for the Workmens' Comp. coverage with the personnel they bring in. This case completely reverses it.

After looking at the statutes, they are a little vague in this area in that only Section 7-322a specifically talks to the responsibility being the burden of the town where the individual is a volunteer, if he, as an individual, offers his services and the wording is a little vague and that's the reason that we introduce -- we're introducing this piece of legislation to specifically spell out in the statutes in two section.

In one section is the definition as to what firefighting is and we put in there that it includes -- because it's going to and from the

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fire, fighting a fire and the additional arm we added that in response to a mutual aid call and we added an additional section which specifically makes the responsibility on the town that has an agreement and response to a mutual aid call that that town is responsible for covering their own personnel in Workmen's Comp. cases.

That's been historically what's been done in the past and to avoid anything like what's happened in the Norwich case, we felt that this piece of legislation should be offered to clarify the situation.

REP. ADAMO: Chief Fennelly.

CHIEF ED FENNELLY: Yes.

REP. ADAMO: The legislation, as written, has the approval of the Fire Chief's Association and the Commission on Fire Prevention and Control?

CHIEF ED FENNELLY: Yes, yes.

REP. ADAMO: Okay, then what it basically does is continue the language and it I guess implies or say that if you belong to the Lisbon Fire Department, no matter where you fight the fire Lisbon is responsible for you?

CHIEF ED FENNELLY: Well, it makes sense to have it that way because the Workmens' Comp. coverage and the insurance premiums and the premiums for the Workmen's Comp. coverage is paid by Lisbon, is paid by whatever town you're a volunteer in. Then that town assumes the responsibility that if there is a call, if the town next to you says we're in trouble, we need your additional help, they respond with their personnel, that that Workmens' Comp. coverage goes with them when they respond on a call for mutual aid.

REP. ADAMO: Okay, Representative Emmons, do you have a question?

REP. EMMONS: Yes, I have a question on the volunteer fire departments. How long have the municipalities had to provide Workmens' Comp. for volunteers?

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REP. ADAMO: It's been in the statute --.

CHIEF ED FENNELLY: Oh, quite a while. I can't specifically tell you the time. It's been in statute for a long time.

REP. EMMONS: For volunteers?

CHIEF ED FENNELLY: Yes, absolutely.

REP. EMMONS: Now I can understand Lisbon being a very small town without a very big tax base not wishing to pay a claim that's large, but in some of these areas where you (inaudible, mic not working) people going back and forth, if you were to get (inaudible) Lisbon decide not to help other municipalities?

CHIEF ED FENNELLY: Absolutely. If you read the paragraph it says where there is an understanding, a mutual aid understanding between the municipalities. So there would have to be an understanding that they will respond to each other's call. In other words, there would have to be an understanding between the towns there for them to respond to a mutual aid call.

If they so chose, they don't have to go on a mutual aid call.

REP. EMMONS: Well, I guess that I'm concerned with (inaudible, mic not working) expensive awards under Workmens' Comp. that it would seem to be fairer, let's say Lisbon had to pay the award for their (inaudible) expect to pay it back. (Inaudible).

CHIEF ED FENNELLY: No, not really here. Let me just give you an example of what happened as a result of this --.

REP. ADAMO: A couple hundred thousand.

REP. EMMONS: (Inaudible).

CHIEF ED FENNELLY: As a result of the Supreme Court decision, I think it was \$200,000 or over \$200,000 the individual involved lost quite a bit of his

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mental capacity. It was a catastrophic injury that the individual received. As a result, when the Supreme Court made the decision and reversed it and put the burden onto Norwich that they'd have to pay Workmens' Comp. for an individual that is not within their roles, the word went out in that area of the state, to everybody, be very, very cautious and don't be calling mutual aid in as quickly as you have in the past and that's what our concern is, that a Fire Chief is now burdened with sitting back, watching a conflagration, trying to decide at what point is he going to call for help because he's got an additional liability coming in if these personnel are injured.

And this eliminates it because, as I've said before, historically in the past, and the Workmens' Comp. Commissioners, in cases of injuries received by people responding to a mutual aid call, the town that the individual is a volunteer in has assumed responsibility for Workmens' Comp. payments.

REP. ADAMO: Wasn't there a rather unique ruling by the Judge in the use of the word "benefit." I guess the law says presently that the volunteer is a benefit to the particular town, the town he's a volunteer in. Generally, that's the town that really benefits. I'm a volunteer so Lisbon benefits by that. They don't have to have a paid Fire Department, for example.

This Judge says that because they were fighting a fire in Norwich, Norwich -- he was a benefit to Norwich. That was really a different reading of what the statute was meant to -- and both ways.

If that had been -- if it had been a paid Fire Department versus an unpaid Fire Department. Now let's say we're two paid Fire Departments, right. Your employer is the Town of Lisbon. He carries Workmens' Comp. He would have been liable for you no matter what the nature of the call is, right?

CHIEF ED FENNELLY: Right.

REP. ADAMO: And that's all this basically does, this law.

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CHIEF ED FENNELLY: As the Chairman points out, the decision, if you read it in the Law Journal, they really plucked out words in the statutes currently to throw the burden over onto Norwich and that's what we try to address with this bill is to clarify it so that there's no question as to who's responsible for Workmen's Comp in the case of mutual aid.

REP. ADAMO: Representative O'Neill, followed by Senator Hampton.

REP. O'NEILL: Chief, isn't (inaudible, mic not working).

CHIEF ED FENNELLY: This just carries on what's been past practice. The only variation is this decision.

REP. O'NEILL: Do you know of anybody that's opposed?

CHIEF ED FENNELLY: Pardon?

REP. O'NEILL: Do you know of any (inaudible) or entity that's opposed to it?

CHIEF ED FENNELLY: No, in fact there was a bill introduced and he was quickly notified by the fire service and the people around, which was contrary to this one, that he made a mistake in his interpretation of exactly what they wanted.

REP. ADAMO: Senator Hampton, do you have a question?

SEN. HAMPTON: This memorandum (inaudible, mic not working) is this (inaudible)?

CHIEF ED FENNELLY: Senator Hampton, the word, "an understanding" was used instead of "agreement" or something that would sound like it was a written agreement. They vary throughout the state. You could probably get 100 different types of mutual aid agreements as how they came to the agreements. Some of them have understandings, word of mouth agreements to come to mutual aid. Some of them do have written agreements and they sit down and negotiate as to what, you know, when and how and so

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forth, but there's really no specific standard for mutual aid agreements set up in the state. It's between two parties involved.

SEN. HAMPTON: (Inaudible, mic not working). If we had some kind of uniform, mutual (inaudible) each town, then (inaudible).

CHIEF ED FENNELLY: I do believe, without going out and canvassing, I do believe there'd be real resistance to the state setting up any sort of a standardized mutual aid agreement pact on the part of the fire service and the various fire agencies in the state.

SEN. HAMPTON: (Inaudible, mic not working) and the towns (inaudible).

CHIEF ED FENNELLY: You know, in that this case came up and the question of payment for Workmens' Comp. because the town is paying the bill on that, that they will probably automatically now become more involved in what is the agreement and what does it say at what point in time? When do we go and respond and I would say, you know, a town should be involved in what their fire service is doing.

REP. ADAMO: Are there any further questions? If not, thanks a lot Chief. Joyce -- Ray Baginski, are you going to testify, Ray?

RAY BAGINSKI: Yes.

REP. ADAMO: Well, we got to you, Sir. Come on and sit down and say something. Followed by, let's see, Joyce Wojtas is not here. Is Debra Wingate here? Is Tony Madden here? Tony, are you going to testify? Well, take a seat over there. You're going to follow this gentleman, okay. Oh, Joyce, are you going to testify? Of course, I want you to. Sir, if you'll hold off and let Ms. Wojtas take that seat. Thank you. Please go ahead, Sir.

RAY BAGINSKI: My name is Ray Baginski. The reason why I was leaving, I have a meeting at 2:00 with the House Speaker, the new House Speaker and I'm going to rush through what I have to say.