



General Assembly

February Session, 2000

Raised Bill No. 5762

LCO No. 1595

Referred to Committee on Environment

Introduced by:
(ENV)

An Act Implementing The Legislative Commissioners' Recommendations For Technical Revisions To Agriculture And Environment Laws.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 22-277 of the general statutes, as
2 amended by section 4 of public act 99-110, is repealed and the
3 following is substituted in lieu thereof:

4 (b) Any person, firm or corporation licensed pursuant to subsection
5 (a) of this section shall make, execute and thereafter maintain on file
6 with the Commissioner of Agriculture a bond to the state, satisfactory
7 to the commissioner, to secure the performance of obligations incurred
8 in this state or in lieu thereof, and a bond filed with the United States
9 Department of Agriculture in the amount as required herein, pursuant
10 to the provisions of the Packers and Stockyards Act (7 USC 181 et seq.).
11 The amount of each such bond shall be based on the amount of one
12 average sale of such person, firm or corporation. One average sale shall
13 be computed by dividing the total yearly gross receipts from the sale of
14 all livestock during the preceding twelve months by the number of
15 sales during such time, provided the number of sales used to compute

16 one average sale shall not be greater than one hundred thirty. If the
17 amount of one average sale is ten thousand dollars or less the amount
18 of the bond shall be ten thousand dollars. If the amount of one average
19 sale is more than ten thousand dollars but not more than twenty-six
20 thousand dollars, the amount of the bond shall be not less than the
21 next multiple of two thousand dollars above such amount. If the
22 amount of one average sale is more than twenty-six thousand dollars
23 but not more than thirty thousand dollars, the amount of such bond
24 shall be thirty thousand dollars. If the amount of one average sale is
25 more than thirty thousand dollars, the amount of the bond shall be not
26 less than the next multiple of five thousand dollars above such
27 amount.

28 Sec. 2. Section 29 of public act 99-225 is repealed and the following is
29 substituted in lieu thereof:

30 There is established within the Department of Environmental
31 Protection the Office of Enforcement Policy and Coordination. [Such]
32 Said office shall coordinate policy regarding enforcement of
33 environmental protection laws, oversee enforcement practices,
34 promote multimedia enforcement practices and serve as a liaison to
35 the United States Environmental Protection Agency on matters relating
36 to enforcement programs. On or before February 1, 2000, the
37 commissioner shall report to the joint standing committee of the
38 General Assembly having cognizance of matters relating to the
39 environment regarding the activities of said office, actions the office
40 has undertaken to coordinate policy and any recommendations the
41 office has made regarding how such coordination should be achieved
42 in the future.

43 Sec. 3. Subsection (b) of section 23-8 of the general statutes, as
44 amended by section 46 of public act 99-173 and section 2 of public act
45 99-235, is repealed and the following is substituted in lieu thereof:

46 (b) Twenty-one per cent of the state's land area shall be held by the
47 state as open space land. The goal of the state's open space acquisition

48 program shall be to acquire land such that ten per cent of the state's
49 land area is held by the state as open space land and not less than
50 eleven per cent of the state's land area is held by municipalities, water
51 companies or nonprofit land conservation organizations as open space
52 land consistent with the provisions of sections 7-131d to 7-131g,
53 inclusive. Such program shall not affect the ability of any water
54 company to reclassify or sell any land, or interest in land, which was
55 not acquired, in whole or in part, with funds made available under the
56 program established under sections 7-131d to 7-131g, inclusive. The
57 goal for state open space acquisition shall be three thousand acres
58 acquired in 1999, four thousand acres acquired in 2000, four thousand
59 acres acquired in 2001 and five thousand acres acquired in 2002
60 provided such acquisition program shall continue until the overall
61 state goal of open space acquisition is achieved. The commissioner, in
62 consultation with the Council on Environmental Quality established
63 under section 22a-11 and private nonprofit land conservation
64 organizations, shall prepare, and update as necessary, a
65 comprehensive strategy for achieving the state goal and shall set an
66 appropriate additional goal for increasing the amount of land held as
67 open space by municipalities or by private nonprofit land conservation
68 organizations and shall include in such strategy provisions for
69 achieving such goal. Such strategy shall include, but not be limited to,
70 recommendations regarding: (1) Timetables for acquisition of land by
71 the state, (2) management of such land, (3) resources to be used for
72 acquisition and management of such land, and (4) acquisition and
73 maintenance of open space land by municipalities and by private
74 entities. On or before January 1, 1998, and annually thereafter, the
75 commissioner shall submit a report to the joint standing committee of
76 the General Assembly having cognizance of matters relating to the
77 environment regarding the strategy and the progress being made
78 towards the goals.

79 Sec. 4. Subsection (a) of section 26-142a of the general statutes, as
80 amended by section 1 of public act 99-78, is repealed and the following
81 is substituted in lieu thereof:

82 (a) No person shall operate, use or attempt to operate or use a vessel
83 for commercial fishing or landing activities authorized by this section
84 unless the commissioner has issued a vessel permit for such vessel to
85 the owner of the vessel. No person shall use or assist in using
86 commercial fishing gear in any water of the state or land in this state
87 any species taken by commercial fishing gear or for commercial
88 purposes, regardless of where such species was taken, unless such
89 person has been licensed by the Commissioner of Environmental
90 Protection to use such commercial fishing gear or land such species;
91 except that any person who holds a license to set or tend gill nets, a
92 license to take lobsters or fish for personal use, a resident commercial
93 fishing license, a nonresident commercial fishing license or a
94 commercial landing license may be accompanied and assisted by
95 persons not so licensed. A resident of a state which does not issue
96 commercial licenses to take eels to residents of Connecticut shall not be
97 eligible to obtain a commercial license to take eels in the waters of this
98 state or to land eels in this state. No vessel shall be used to land any
99 finfish, lobsters, crabs, including blue crabs, sea scallops, squid or bait
100 species for sale, barter, exchange, consignment or transportation to any
101 point of sale unless an operator of the vessel is licensed for such
102 purpose, except that any person who holds a commercial fishing
103 license issued by the commissioner to fish by the method used to take
104 such species, regardless of where such species were taken, shall not be
105 required to obtain a landing license. No person shall take or attempt to
106 take lobsters for personal use by hand or by scuba diving or skin
107 diving unless such person has been licensed by the commissioner to
108 take lobsters by such methods. No person shall take or attempt to take
109 finfish for commercial purposes by the use of hook and line, including
110 but not limited to rod and reel, hand line, set line, long line, or similar
111 device unless such person has been licensed by the commissioner to
112 use such gear for commercial purposes, except that notwithstanding
113 the issuance of such a license, no person shall take finfish for
114 commercial purposes in the inland district by the use of hook and line.
115 Prior to July 1, 2001, no purse seine or similar device which is greater

116 than three hundred feet in length shall be used to take menhaden nor
117 shall menhaden be taken from a vessel greater than fifty feet in length.
118 No purse seine or similar device shall be used to take menhaden unless
119 the vessel from which such purse seine or similar device is used,
120 tenders excepted, is registered with the commissioner. The use of a
121 purse seine or similar device to take species other than menhaden is
122 prohibited. The commissioner may adopt regulations, in accordance
123 with the provisions of chapter 54, to conserve the menhaden fishery
124 and such regulations may provide for a moratorium on the taking of
125 menhaden for any period of time that the commissioner deems
126 necessary. No pound net shall be used to take finfish unless such
127 pound net is registered with the commissioner. Lobsters and blue
128 crabs taken in pound nets shall be released unharmed. No person shall
129 buy finfish, lobsters, crabs, including blue crabs, sea scallops or squid
130 for resale from any commercial fisherman unless such person has been
131 licensed by the commissioner. No person shall take or assist in taking
132 blue crabs for commercial purposes except by scoop net, hand line or
133 manually operated and personally attended devices approved by the
134 commissioner and unless such person has been licensed by the
135 commissioner. No person shall operate a charter boat, party boat or
136 head boat for the purpose of fishing unless such boat has been
137 registered for such purpose with the commissioner. The owner,
138 operator or captain of any such boat may sell the boat's or crew's share
139 of any catch if such sale is not prohibited on the basis of species, size or
140 closed season. For the purposes of this chapter, a charter boat, party
141 boat or head boat is a vessel carrying one or more crew members and
142 which is operated for a fee for the purpose of transporting and
143 providing a fishing platform for sport fishermen in the marine district.
144 The commissioner may by regulations adopted in accordance with the
145 provisions of chapter 54 exempt certain minnow seines, cast nets,
146 scoop nets, traps, eel pots, seines less than thirty feet in length or any
147 similar device used to take bait species and other species for personal
148 use under a sport fishing license in the inland district and without a
149 license in the marine district. No vessel used to take bait species may

150 employ a fish pump. Persons licensed, registered or issued a permit to
151 engage in activities authorized by this subsection shall carry on their
152 persons or in the vessel being used to engage in such activity the
153 permit, license or registration covering such activity.

154 Sec. 5. Subsection (c) of section 26-142a of the general statutes, as
155 amended by section 24 of public act 99-225, is repealed and the
156 following is substituted in lieu thereof:

157 (c) The fee for the following fishing licenses and registrations and
158 for a commercial fishing vessel permit shall be: (1) For a license to take
159 blue crabs for commercial purposes, fifty dollars; (2) for a license to
160 take lobsters for personal use, but not for sale, (A) by the use of not
161 more than ten lobster pots, traps or similar devices provided finfish
162 may be taken incidentally during such use if taken in accordance with
163 recreational fishery creel limits adopted under section 26-159a and if
164 taken for personal use and not for sale, or (B) by skin diving, scuba
165 diving or by hand, fifty dollars; (3) for a license to take lobsters, crabs
166 other than blue crabs, squid, sea scallops and finfish, for personal use
167 or for sale, by the use of more than ten lobster pots or similar devices,
168 or by the use of any otter trawl, balloon trawl, beam trawl, sea scallop
169 dredge or similar device, one hundred fifty dollars for residents of this
170 state and two hundred twenty-five dollars for nonresidents, provided
171 any such license issued to residents of states which do not issue
172 commercial licenses conferring the same authority to take lobsters to
173 residents of Connecticut shall be limited to the taking of crabs other
174 than blue crabs, squid, sea scallops and finfish by the use of any otter
175 trawl, balloon trawl, beam trawl, sea scallop dredge or similar device,
176 and a nonresident shall not be issued such license if the laws of his
177 state of residency concerning the taking of lobster are less restrictive
178 than regulations adopted under the authority of section 26-157c; (4) for
179 a license to set, tend or assist in setting or tending gill nets, seines, scap
180 or scoop nets used to take shad, one hundred dollars; (5) for the
181 registration of each pound net or similar device used to take finfish,
182 one hundred dollars, provided persons setting, operating, tending or

183 assisting in setting, operating or tending such pound nets shall not be
184 required to be licensed; (6) for a license to set or tend gill nets, to tend
185 or assist in setting or tending seines, traps, fish pots, cast nets, fykes,
186 scaps, scoops, eel pots or similar devices to take finfish other than shad
187 or bait species for commercial purposes, or, in any waters seaward of
188 the inland district demarcation line, to take finfish other than shad or
189 bait species for commercial purposes by hook and line, or to take
190 horseshoe crabs by hand, fifty dollars for residents of this state and one
191 hundred dollars for nonresidents, and any such license obtained for
192 the taking of any fish species for commercial purposes by hook and
193 line, which species is regulated by a creel limit adopted under the
194 authority of section 26-159a, one hundred dollars for residents of this
195 state and two hundred dollars for nonresidents; (7) for a license to set,
196 tend or assist in setting, operating or tending seines, traps, scaps,
197 scoops, weirs or similar devices to take bait species in the inland
198 district for commercial purposes, twenty dollars; (8) for a license to set,
199 tend or assist in setting, operating or tending seines, traps, scaps,
200 scoops or similar devices to take bait species in the marine district for
201 commercial purposes, twenty dollars; (9) for the registration of any
202 boat or vessel, except a tender, engaged in using a purse seine or
203 similar device to take menhaden, fifty dollars for residents of this state
204 and seven hundred fifty dollars for nonresidents; (10) for a license to
205 buy finfish, lobsters, crabs, including blue crabs, sea scallops, squid or
206 bait species for resale from any commercial fisherman licensed to take
207 or land such species for commercial purposes, regardless of where
208 taken, twenty-five dollars; (11) for the registration of any party boat,
209 head boat or charter boat used for fishing, twenty-five dollars; (12) for
210 a license to land finfish, lobsters, crabs, including blue crabs, sea
211 scallops, squid or bait species, two hundred twenty-five dollars; (13)
212 for a commercial fishing vessel permit, fifty dollars; (14) for a license to
213 take menhaden from marine waters for personal use, but not for sale,
214 by the use of a single gill net not more than sixty feet in length, fifty
215 dollars.

Statement of Purpose:

To make minor technical revisions to the agriculture and environment statutes to implement recommendations of the Legislative Commissioners.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]