



General Assembly

February Session, 2000

Raised Bill No. 30

LCO No. 955

Referred to Committee on Environment

Introduced by:
(ENV)

***An Act Concerning Wildlife Management Programs Of The
Department Of Environmental Protection.***

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

1 Section 1. Section 26-86f of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 No person shall hunt, wound, kill or remove from the wild any
4 fawn deer at any time, except that such deer found wounded or
5 injured may, with due care, be removed from the wild for the purpose
6 of having the wounds or injuries treated, and all such deer shall,
7 within twenty-four hours after such removal, be turned over to a
8 representative of the Department of Environmental Protection for such
9 disposition as shall be determined by the commissioner. For the
10 purposes of this section, fawn deer means a young of the year deer
11 with its summer pelage, including dorsal white spots.

12 Sec. 2. Section 26-3 of the general statutes is repealed and the
13 following is substituted in lieu thereof:

14 The Commissioner of Environmental Protection shall enforce all of

15 the laws relating to wildlife, fish, crustacea, game and nongame birds,
16 waterfowl and game and fur-bearing animals of the state and shall
17 possess all powers necessary to fulfill the duties prescribed by law
18 with respect thereto and to bring actions in the proper courts of this
19 state for the enforcement of such laws and the orders and regulations
20 adopted and promulgated by [him] said commissioner. [He] Said
21 commissioner shall have the supervision of hatcheries and retaining
22 ponds and of the introduction, propagation, securing and distribution
23 of such fish and game as are adapted to the waters or lands of this
24 state, and may designate, as closed to fishing, areas of inland waters to
25 provide for spawning beds, and, notwithstanding any other provision
26 of the general statutes, may take at any time or place, using any
27 method reasonably necessary, any fish, crustacean, bird or animal for
28 scientific and educational purposes, public health and safety,
29 propagation and dissemination, or protection of natural or agricultural
30 ecosystems. [He] Said commissioner shall have jurisdiction of all
31 matters relating to fish and game on any land belonging to the state
32 and the regulation of hunting, fishing and trapping and the use of the
33 waters of any lake, pond or stream on such land. The commissioner
34 shall not grant to any conservation officer, appointee or other person
35 any special privileges with respect to hunting, fishing, trapping or the
36 use of the waters of any lake, pond or stream on such land. [He] Said
37 commissioner may erect buildings upon any such land, subject to the
38 permission of the authorities of any institution or commission
39 controlling such land and the approval of the Commissioner of Public
40 Works and the State Properties Review Board. [He] Said commissioner
41 may employ such special assistants as [he finds advisable. He]
42 necessary. Said commissioner shall cooperate with the United States
43 Fish and Wildlife Service and the fish and game commissioners of
44 other states. [He] Said commissioner may acquire, by gift or lease and,
45 with the approval of the Governor alone, by purchase, lands for the
46 establishment of fish hatcheries or game preserves. [He] Said
47 commissioner may, with the approval of the Attorney General, grant
48 rights-of-way or other easements or leases for public purposes to the

49 United States government, any subdivision of the state or any public
50 utility within the state on or with respect to any lands under [his] the
51 jurisdiction of said commissioner if [he] said commissioner finds that
52 such purposes are not in conflict with the public interest, provided any
53 such public utility shall pay for any right-of-way, easement or lease so
54 granted such compensation as said commissioner considers
55 reasonable. [He] Said commissioner shall have authority to establish
56 the boundaries of any properties under [his] the jurisdiction of said
57 commissioner by agreement with owners of adjoining property and
58 may, with the approval of the Attorney General alone, exchange land
59 with such property owners and execute deeds in the name of the state
60 for the purpose of establishing such boundaries. The commissioner
61 may provide for the importation of game birds and game and fur-
62 bearing animals, and provide for the protection, propagation and
63 distribution of such imported or native birds and animals. The
64 commissioner may locate, lay out, construct and maintain nurseries
65 and rearing ponds where fish may be planted, propagated and reared
66 and liberate and distribute such fish in the waters of this state. [He]
67 Said commissioner may acquire by gift, purchase, capture or otherwise
68 any fish, game, game birds or animals for propagation, experimental
69 or scientific purposes, and may destroy and dispose of any undesirable
70 or diseased wildlife species in the interest of wildlife management if
71 [he] said commissioner determines that the species (1) aggressively
72 invades, or is likely to be detrimental to, agricultural crops or native
73 plants or wildlife, (2) is likely to be a carrier of insects, disease or
74 parasites detrimental to such crops, plants or wildlife or (3) is likely to
75 have a detrimental effect on natural or agricultural ecosystems. The
76 commissioner may enter into cooperative agreements with educational
77 institutions and state, federal or other agencies to promote wildlife
78 research and to train personnel for wildlife management, information,
79 distribution and education projects, and may enter into cooperative
80 agreements with federal agencies, municipalities, corporations,
81 organized groups or landowners, associations and individuals for the
82 development of game, birds, fish or fur-bearing animals management

83 and demonstration projects. The commissioner may allocate and
84 expend for the protection, restoration, preservation and propagation of
85 fish, crustacea, game and fur-bearing animals, and game and nongame
86 birds, all funds of the state collected, appropriated and acquired for the
87 purpose.

88 Sec. 3. Section 26-40a of the general statutes is repealed and the
89 following is substituted in lieu thereof:

90 For the purposes of this section, the following shall be considered as
91 potentially dangerous animals: The felidae, including the lion, leopard,
92 cheetah, jaguar, ocelot, jaguarundi cat, puma, lynx and bobcat; the
93 canidae, including the wolf and coyote; and the ursidae, including the
94 black bear, grizzly bear and brown bear. No person shall possess a
95 potentially dangerous animal. Any such animal illegally possessed
96 may be ordered seized and may be disposed of as determined by the
97 Commissioner of Environmental Protection. All costs associated with
98 the confiscation, care and maintenance of the animal until such time as
99 the animal is disposed of or is permanently relocated to a proper
100 facility shall be the responsibility of the owner or the person who is in
101 illegal possession of the animal. Any person who violates any
102 provision of this section shall be [fined not more than one hundred
103 dollars for each offense] assessed a civil penalty not to exceed one
104 thousand dollars, to be fixed by the court, for each offense. Each
105 violation shall be a separate and distinct offense and in the case of a
106 continuing violation, each day's continuance thereof shall be deemed
107 to be a separate and distinct offense. The Attorney General, upon
108 complaint of the Commissioner of Environmental Protection, may
109 institute a civil action to recover such penalty and any cost associated
110 with the confiscation, care and maintenance of the animal. The
111 provisions of this section shall not apply to municipal parks, zoos and
112 nature centers, or museums, laboratories and research facilities
113 maintained by scientific or educational institutions; to a person
114 possessing a Bengal cat certified by an internationally recognized
115 multiple-cat domestic feline breeding association as being without

116 wild parentage for a minimum of four prior generations which cat was
117 registered with the Commissioner of Agriculture on or before October
118 1, 1996, provided no such cat may be imported into this state after June
119 6, 1996; or to persons possessing animals legally on or before May 23,
120 1983. In any action taken by any official of the state or any
121 municipality to control rabies, a Bengal cat shall be considered not
122 vaccinated for rabies in accordance with accepted veterinary practice.

123 Sec. 4. Section 26-55 of the general statutes is repealed and the
124 following is substituted in lieu thereof:

125 No person shall import or introduce into the state, or possess or
126 liberate therein, any live fish, wild bird, wild [quadruped] mammal,
127 reptile, [or] amphibian or invertebrate unless such person has obtained
128 a permit therefor from the commissioner. Such permit may be issued at
129 the discretion of the commissioner under such regulations as [he] the
130 commissioner may prescribe. The commissioner may by regulation
131 prescribe the numbers of live fish, wild birds, wild [quadrupeds]
132 mammals, reptiles, [and] amphibians or invertebrates of certain species
133 which may be imported, possessed, introduced into the state or
134 liberated therein. The commissioner may by regulation exempt certain
135 species or groups of live fish from the permit requirements. [He] The
136 commissioner may by regulation determine which species of wild
137 birds, wild [quadrupeds] mammals, reptiles, [and] amphibians or
138 invertebrates must meet permit requirements. [He] The commissioner
139 may totally prohibit the importation, possession, introduction into the
140 state or liberation therein of certain species which [he] the
141 commissioner has determined may be a potential threat to humans,
142 agricultural crops or established species of plants, fish, birds,
143 [quadrupeds] mammals, reptiles, [or] amphibians or invertebrates. The
144 commissioner may by regulation exempt from permit requirements
145 organizations or institutions such as zoos, research laboratories,
146 colleges or universities, public nonprofit aquaria or nature centers
147 where live fish, wild birds, wild [quadrupeds] mammals, reptiles,
148 [and] amphibians or invertebrates are held in strict confinement. Any

149 such fish, bird, [quadruped] mammal, reptile, [or] amphibian or
150 invertebrates illegally imported into the state or illegally possessed
151 therein shall be seized by any representative of the Department of
152 Environmental Protection and shall be disposed of as determined by
153 the commissioner. Any person, except as provided in section 26-55a,
154 who violates any provision of this section or any regulation issued by
155 the commissioner as herein provided shall be guilty of an infraction.
156 Importation, liberation or possession of each fish, wild bird, wild
157 [quadruped] mammal, reptile, [or] amphibian or invertebrate in
158 violation of this section or such regulation shall be a separate and
159 distinct offense and, in the case of a continuing violation each day of
160 continuance thereof shall be deemed to be a separate and distinct
161 offense.

162 Sec. 5. Section 26-57 of the general statutes is repealed and the
163 following is substituted in lieu thereof:

164 No person shall transport within the state or transport out of the
165 state any fish, bird, [quadruped] mammal, reptile, [or] amphibian or
166 invertebrate for which a closed season is provided without a permit
167 from the commissioner, except as provided herein. The commissioner
168 may issue a permit to any person to transport within the state or to
169 transport out of the state any fish, bird, [quadruped] mammal, reptile,
170 [or] amphibian or invertebrate protected under the provisions of this
171 chapter under such regulations as [he] the commissioner may
172 prescribe. No fish, bird, [quadruped] mammal, reptile, [or] amphibian
173 or invertebrate shall be transported out of the state unless each unit,
174 package or container is conspicuously tagged or labeled, and such tag
175 or label contains in legible writing the full name and address of the
176 person legally authorized to transport out of the state such fish, bird,
177 [quadruped] mammal, reptile, [or] amphibian or invertebrate. Any
178 such fish, bird, [quadruped] mammal, reptile, [or] amphibian or
179 invertebrate received by any person or by any common carrier within
180 the state, addressed for shipment to any point without the state and
181 not having such tag or label conspicuously attached shall be prima

182 facie evidence of a violation of the provisions of this section. A permit
183 shall not be required to transport within the state or to transport out of
184 the state any fish, bird, [quadruped] mammal, reptile, [or] amphibian
185 or invertebrate which has been legally taken, bred, propagated or
186 possessed by a person to whom a license, registration or permit has
187 been issued under the provisions of this chapter authorizing the
188 taking, breeding, propagating or possessing of fish, birds,
189 [quadrupeds] mammals, reptiles, [or] amphibians or invertebrates, and
190 no permit shall be required to transport within the state or to transport
191 out of the state any fish, bird, [quadruped] mammal, reptile, [or]
192 amphibian or invertebrate, that has been legally taken or acquired by a
193 person exempt from license requirements under the provisions of this
194 chapter. Any person who violates any provision of this section shall be
195 fined not less than ten dollars nor more than two hundred dollars or
196 imprisoned not more than sixty days or be both fined and imprisoned.

197 Sec. 6. Section 26-70 of the general statutes is repealed and the
198 following is substituted in lieu thereof:

199 (a) No person shall hunt, take, attempt to hunt or take, or assist in
200 hunting or taking, or assist in an attempt to hunt or take, from the
201 wild, any wild game bird, wild [quadruped] mammal, reptile, [or]
202 amphibian or invertebrate except as authorized under the provisions
203 of this chapter and the regulations issued by the commissioner. Each
204 game bird, wild quadruped, reptile and amphibian killed, wounded,
205 taken or possessed contrary to any provision hereof shall constitute a
206 separate offense.

207 (b) No person may administer or otherwise employ the use of
208 contraceptive compounds to any species of free ranging wildlife or
209 employ any physical alteration or device that would alter the
210 reproductive potential of any species of free ranging wildlife without
211 first obtaining a permit from the commissioner. The prohibitions of
212 this subsection shall not apply to the wildlife management programs
213 of the department or of the Connecticut Agricultural Experiment

214 Station.

215 (c) The commissioner shall adopt regulations, in accordance with
216 the provisions of chapter 54 of the general statutes, to carry out the
217 requirements of subsection (b) of this section. The regulations shall
218 include, but need not be limited to, definitions of contraceptive
219 compounds and devices, and restrictions on the possession of such
220 compounds or devices in the field. The regulations may require that
221 the applicant (1) first obtain any necessary federal permits, and (2)
222 provide to the commissioner a written proposal describing the
223 contraception application protocol, the credentials of each person who
224 will administer the contraceptive procedure, the purpose or intent of
225 the procedure and an assessment of environmental impacts.

226 Sec. 7. Section 26-92 of the general statutes is repealed and the
227 following is substituted in lieu thereof:

228 No person shall catch, kill or purchase or attempt to catch, kill or
229 purchase, sell, offer or expose for sale or have in possession, living or
230 dead, any wild bird other than a game bird, or purchase or attempt to
231 purchase, sell, offer or expose for sale or have in possession any part of
232 any such bird or of the plumage thereof except as acquired under the
233 provisions of this chapter. For the purposes of this section, the
234 following shall be considered game birds: The anatidae, or waterfowl,
235 including brant, wild ducks and geese; the rallidae, or rails, including
236 coots, gallinules and sora and other rails; the limicolae, or shore birds,
237 including snipe and woodcock; the gallinae, including wild turkeys,
238 grouse, prairie chickens, pheasants, partridge and quail; the corvidae,
239 including crows. No person shall take or [needlessly] intentionally
240 destroy any nest or any egg of any wild bird or game bird nor have
241 any nest or egg of any such bird in possession. English sparrows,
242 starlings, rock doves, monk parakeets and, when [in the act of
243 destroying corn, crows and red-winged and crow blackbirds] found
244 depredating or constituting a threat of depredation upon ornamental
245 or shade trees, agricultural crops, livestock or wildlife, or when

246 concentrated in such numbers and manner as to constitute a public
247 health hazard or nuisance as determined by the commissioner, crows,
248 brown-headed cowbirds and gackles shall not be included among the
249 birds protected by this section. The existence of a public health hazard
250 shall be determined by the commissioner in consultation with the
251 Commissioner of Public Health. Any conservation officer and any
252 other officer having authority to serve criminal process shall have the
253 same powers relating to violations of the provisions of this section as
254 are conferred by section 26-6.

Statement of Purpose:

To update the statutes regarding wildlife management by defining the term "fawn"; specifically authorizing the Commissioner of Environmental Protection to use reasonable methods to take or place animals for the protection of public health and safety and the protection of natural resources; requiring persons in possession of a potentially dangerous animal to be responsible for costs associated with confiscation, care and maintenance of the animal; authorizing the commissioner to regulate the circumstances whereby fertility control agents are administered to wildlife; clarifying the authority of the Department of Environmental Protection to regulate the import and export of bats, primates and invertebrates; and adding to the list of species not protected birds known to have detrimental effect on native wildlife or agriculture

[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.]