



House of Representatives

File No. 778

General Assembly

January Session, 2001

(Reprint of File No. 300)

Substitute House Bill No. 6754
As Amended by House Amendment
Schedules "A", "B" and "C"

Approved by the Legislative Commissioner
May 18, 2001

**AN ACT CONCERNING NATURAL RESOURCES 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 Section 26-142a of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 (a) No person shall operate, use or attempt to operate or use a vessel
4 for commercial fishing or landing activities authorized by this section
5 unless the commissioner has issued a vessel permit for such vessel to
6 the owner of the vessel. No person shall use or assist in using
7 commercial fishing gear in any water of the state or land in this state
8 any species taken by commercial fishing gear or for commercial
9 purposes, regardless of where such species was taken, unless such
10 person has been licensed by the Commissioner of Environmental
11 Protection to use such commercial fishing gear or land such species;
12 except that any person who holds a license to set or tend gill nets, a
13 license to take lobsters or fish for personal use, a resident commercial
14 fishing license, a nonresident commercial fishing license or a
15 commercial landing license may be accompanied and assisted by

16 persons not so licensed. A resident of a state which does not issue
17 commercial licenses to take eels to residents of Connecticut shall not be
18 eligible to obtain a commercial license to take eels in the waters of this
19 state or to land eels in this state. No vessel shall be used to land any
20 finfish, lobsters, crabs, including blue crabs and horseshoe crabs, sea
21 scallops, squid or bait species for sale, barter, exchange, consignment
22 or transportation to any point of sale unless an operator of the vessel is
23 licensed for such purpose, except that any person who holds a
24 commercial fishing license issued by the commissioner to fish by the
25 method used to take such species, regardless of where such species
26 were taken, shall not be required to obtain a landing license. No person
27 shall take or attempt to take lobsters or horseshoe crabs for personal
28 use by hand or by scuba diving or skin diving unless such person has
29 been licensed by the commissioner to take lobsters or horseshoe crabs
30 by such methods. No person shall take or attempt to take finfish for
31 commercial purposes by the use of hook and line, including but not
32 limited to rod and reel, hand line, set line, long line, or similar device
33 unless such person has been licensed by the commissioner to use such
34 gear for commercial purposes, except that notwithstanding the
35 issuance of such a license, no person shall take finfish for commercial
36 purposes in the inland district by the use of hook and line. The use of a
37 purse seine or similar device to take species is prohibited. The
38 commissioner may adopt regulations, in accordance with the
39 provisions of chapter 54, to conserve the menhaden fishery and such
40 regulations may provide for a moratorium on the taking of menhaden
41 for any period of time that the commissioner deems necessary. No
42 pound net shall be used to take finfish unless such pound net is
43 registered with the commissioner. Lobsters and blue crabs taken in
44 pound nets shall be released unharmed. No person shall buy for resale
45 finfish, lobsters, crabs, including blue crabs and horseshoe crabs, sea
46 scallops or squid [for resale] landed in Connecticut from any
47 commercial fisherman unless such [person] buyer has been licensed by
48 the commissioner. No person shall take or assist in taking blue crabs
49 for commercial purposes except by scoop net, hand line or manually
50 operated and personally attended devices approved by the

51 commissioner and unless such person has been licensed by the
52 commissioner. No person shall operate a charter boat, party boat or
53 head boat for the purpose of fishing unless such boat has been
54 registered for such purpose with the commissioner. The owner,
55 operator or captain of any such boat may sell the boat's or crew's share
56 of any catch if such sale is not prohibited on the basis of species, size or
57 closed season. For the purposes of this chapter, a charter boat, party
58 boat or head boat is a vessel carrying one or more crew members and
59 which is operated for a fee for the purpose of transporting and
60 providing a fishing platform for sport fishermen in the marine district.
61 The commissioner may by regulations adopted in accordance with the
62 provisions of chapter 54 exempt certain minnow seines, cast nets,
63 scoop nets, traps, eel pots, seines less than thirty feet in length or any
64 similar device used to take bait species and other species for personal
65 use under a sport fishing license in the inland district and without a
66 license in the marine district. No vessel used to take bait species may
67 employ a fish pump. Persons licensed, registered or issued a permit to
68 engage in activities authorized by this subsection shall carry on their
69 persons or in the vessel being used to engage in such activity the
70 permit, license or registration covering such activity.

71 (b) The commissioner shall issue fishing licenses, vessel permits and
72 registrations to qualified applicants upon the submission of an
73 application, on forms provided by the commissioner, containing such
74 information as prescribed by the commissioner, and upon the payment
75 of such license, registration or permit fees as are required by
76 subsection (c) of this section, except that a nonresident whose permit,
77 license or registration in [his] the state of residence has been voided or
78 suspended shall have [his] the Connecticut permit, license or
79 registration voided or suspended during the suspension of such out-
80 of-state permit, license or registration or until another permit, license
81 or registration is obtained in [his] the state of residence. The
82 commissioner shall not issue any fishing license or registration or
83 vessel permit to any applicant who has not met the reporting
84 requirements of section 26-157b, as amended by this act. No vessel

85 permit shall be issued to any person for any vessel during the time
86 period that such vessel permit has been revoked pursuant to
87 subsection (f) of this section. Any fishing license or registration or
88 vessel permit issued by the commissioner shall be nontransferable and
89 shall expire on the thirty-first day of December next following its
90 issuance.

91 (c) The fee for the following fishing licenses and registrations and
92 for a commercial fishing vessel permit shall be: (1) For a license to take
93 blue crabs for commercial purposes, fifty dollars; (2) for a license to
94 take lobsters for personal use, but not for sale, (A) by the use of not
95 more than ten lobster pots, traps or similar devices provided finfish
96 may be taken incidentally during such use if taken in accordance with
97 recreational fishery creel limits adopted under section 26-159a and if
98 taken for personal use and not for sale, or (B) by skin diving, scuba
99 diving or by hand, fifty dollars; (3) for a license to take lobsters or
100 crabs, other than blue crabs for personal use or for sale, by the use of
101 more than ten lobster pots or similar devices, one hundred fifty dollars
102 for residents of this state and two hundred twenty-five dollars for
103 nonresidents, provided any such license issued to a resident of a state
104 that does not issue commercial licenses conferring the same authority
105 to take lobsters to residents of Connecticut shall be limited to the
106 taking of crabs, other than blue crabs, and a nonresident shall not be
107 issued such license if the laws of the nonresident's state concerning the
108 taking of lobster are less restrictive than regulations adopted pursuant
109 to section 26-157c; (4) for a license to take lobsters, crabs other than
110 blue crabs, squid, sea scallops and finfish, for personal use or for sale,
111 by the use of more than ten lobster pots or similar devices, or by the
112 use of any otter trawl, balloon trawl, beam trawl, sea scallop dredge or
113 similar device, one hundred fifty dollars for residents of this state and
114 two hundred twenty-five dollars for nonresidents, provided any such
115 license issued to residents of states which do not issue commercial
116 licenses conferring the same authority to take lobsters to residents of
117 Connecticut shall be limited to the taking of crabs other than blue
118 crabs, squid, sea scallops and finfish by the use of any otter trawl,

119 balloon trawl, beam trawl, sea scallop dredge or similar device, and a
120 nonresident shall not be issued such license if the laws of ~~his~~ the state
121 of residency concerning the taking of lobster are less restrictive than
122 regulations adopted under the authority of section 26-157c; ~~[(4)]~~ (5) for
123 a license to set, tend or assist in setting or tending gill nets, seines, scap
124 or scoop nets used to take shad, one hundred dollars; ~~[(5)]~~ (6) for the
125 registration of each pound net or similar device used to take finfish,
126 one hundred dollars, provided persons setting, operating, tending or
127 assisting in setting, operating or tending such pound nets shall not be
128 required to be licensed; ~~[(6)]~~ (7) for a license to set or tend gill nets, to
129 tend or assist in setting or tending seines, traps, fish pots, cast nets,
130 fykes, scaps, scoops, eel pots or similar devices to take finfish other
131 than shad or bait species for commercial purposes, or, in any waters
132 seaward of the inland district demarcation line, to take finfish other
133 than shad or bait species for commercial purposes by hook and line, or
134 to take horseshoe crabs by hand, fifty dollars for residents of this state
135 and ~~one~~ two hundred dollars for nonresidents, and any such license
136 obtained for the taking of any fish species for commercial purposes by
137 hook and line, ~~[which species is regulated by a]~~ in excess of any creel
138 limit adopted under the authority of section 26-159a, one hundred
139 dollars for residents of this state and ~~[two]~~ five hundred dollars for
140 nonresidents, provided for the taking for bait of horseshoe crabs only,
141 this license may be issued without regard to the limitations in section
142 26-142b, as amended by this act, to any holder of a Department of
143 Agriculture conch license who held such license between January 1,
144 1995, and July 1, 2000, inclusive; ~~[(7)]~~ (8) for a license to set, tend or
145 assist in setting, operating or tending seines, traps, scaps, scoops, weirs
146 or similar devices to take bait species in the inland district for
147 commercial purposes, twenty dollars; ~~[(8)]~~ (9) for a license to set, tend
148 or assist in setting, operating or tending seines, traps, scaps, scoops or
149 similar devices to take bait species in the marine district for
150 commercial purposes, twenty dollars; ~~[(9)]~~ (10) for a license to buy
151 finfish, lobsters, crabs, including blue crabs and horseshoe crabs, sea
152 scallops, squid or bait species for resale from any commercial
153 fisherman licensed to take or land such species for commercial

154 purposes, regardless of where taken, twenty-five dollars; [(10)] (11) for
155 the registration of any party boat, head boat or charter boat used for
156 fishing, twenty-five dollars; [(11)] (12) for a license to land finfish,
157 lobsters, crabs, including blue crabs and horseshoe crabs, sea scallops,
158 squid or bait species, two hundred twenty-five dollars; [(12)] (13) for a
159 commercial fishing vessel permit, fifty dollars; [(13)] (14) for a license
160 to take menhaden from marine waters for personal use, but not for
161 sale, by the use of a single gill net not more than sixty feet in length,
162 fifty dollars.

163 (d) The commissioner may determine for all waters of the state,
164 including the inland and marine districts, areas within which
165 commercial fishing gear may be set or used, the specifications and
166 dimensions of such commercial fishing gear, including materials,
167 length, depth, width, and size of mesh, the length of set lines or long
168 lines, the number and size of hooks, and, for all commercial fishing
169 and landing activities by persons issued either a commercial fishing
170 vessel permit or a license by the commissioner, regardless where such
171 activities take place, the species which may be taken, possessed or
172 landed, the seasons in which species may be taken, possessed or
173 landed, the number and size of finfish, squid and crabs, including blue
174 crabs, which may be taken, possessed or landed and the rules
175 regulating the use of commercial fishing gear, including hours or days
176 of use, and the number of licenses, permits or registrations which may
177 be issued. The commissioner may also order the emergency closure of
178 any fishery if such closure is necessary to conform to regulations
179 adopted under the Fishery Conservation and Management Act of 1976
180 (Public Law 94-265, as amended) or by other regional fisheries
181 management authorities.

182 (e) The commissioner may, during and for any reasonable period of
183 time prior to and after the spawning period of any inland or marine
184 game fish or food fish, close any portion of any inland or marine water
185 where any such fish congregate prior to or during the spawning
186 season.

187 (f) The commissioner shall revoke any commercial fishing vessel
188 permit issued under authority of subsection (b) upon conviction or
189 upon the forfeiture of any bond taken upon any complaint, for the
190 following offenses: (1) Possession of ten or more egg-bearing lobsters
191 or lobsters from which the eggs have been removed; (2) possession of
192 either: (A) Ten or more lobsters less than the minimum length if such
193 lobsters constitute more than ten per cent of the lobsters on board; or
194 (B) fifty lobsters which are less than the minimum length, whichever is
195 the lesser amount; (3) possession of either: (A) Twenty or more finfish
196 of at least one species which are less than the minimum length if such
197 finfish constitute more than ten per cent of the finfish on board for that
198 species; or (B) one hundred finfish of at least one species which are less
199 than the minimum length, whichever is the lesser amount; (4) for a
200 second offense within seven hundred and thirty days in violation of
201 regulations relating to bottom trawl nets adopted under section 26-
202 142a, as amended by this act; (5) for a second offense within seven
203 hundred and thirty days for possession of finfish or lobsters more than
204 ten per cent in excess of possession limits specified in regulations
205 adopted under authority of section 26-157c or 26-159a. Said revocation
206 period shall be for one hundred and eighty days for a first offense, one
207 year for a second offense, two years for a third offense, and shall be
208 permanent for a fourth offense. The provisions of this subsection are in
209 addition to and in no way derogate from any other enforcement
210 provision or penalty contained in any other statute.

211 (g) Any person who violates any provision of this part relating to
212 commercial fishing vessel permits shall be fined no more than five
213 hundred dollars or imprisoned not more than thirty days or both, and
214 each violation of any provision of this section relating to commercial
215 fishing vessel permits shall constitute a separate offense.

216 (h) Notwithstanding the requirements of subsection (a) of this
217 section, no commercial fishing vessel permit shall be required for any
218 vessel used for the operation of a charter, party or head boat or for a
219 vessel used for taking of lobsters for personal use only, or a vessel used
220 for taking inland or marine bait, blue crabs, or [a vessel used to take]

221 American shad, or any vessel used in support of a vessel issued a
222 commercial fishing vessel permit and engaged in the operation of a
223 registered marine pound net.

224 Sec. 2. Section 26-142b of the general statutes is repealed and the
225 following is substituted in lieu thereof:

226 (a) Notwithstanding any other provision of law, the Commissioner
227 of Environmental Protection, from May 31, 1995, until December 31,
228 [2001] 2003, shall issue resident and nonresident commercial finfish
229 licenses and commercial fishing licenses under section 26-142a only to
230 persons who held such a license or registration at any time from
231 January 1, 1980, to June 1, 1995, inclusive, provided, if such license
232 holder is incapacitated or unable to operate a vessel, the commissioner
233 may reissue a license to a member of such license holder's immediate
234 family or to a member of such license holder's crew, as designated by
235 such license holder, on a temporary basis not to exceed the duration of
236 such incapacity or inability. Such temporary license shall be subject to
237 the provisions of [said] section 26-142a, as amended by this act. Upon
238 the death of a license holder or relinquishment of the license between
239 October 1, 1999, and December 31, 2001, the commissioner, in
240 accordance with the provisions of this section, may issue a new license
241 of the same type to a member of such license holder's immediate
242 family who shall be designated by such license holder on the form
243 provided by the commissioner for application for, or renewal of, such
244 license. Such form shall include a space in which the designation may
245 be indicated. The commissioner shall allow transfers upon death or
246 relinquishment only in cases of transfers from license holders who
247 fished in 1998 and landed any amount of fish under a valid license
248 issued by the commissioner and in the twelve months immediately
249 preceding the date of the request. Such request shall be made to the
250 commissioner in writing. In the case of relinquishment of license, the
251 original license holder shall become ineligible to obtain a new or
252 renewal license of said type but shall be allowed to recover the license
253 upon the death of the recipient family member or the relinquishment
254 of the license by the recipient. For the purposes of this section, active

255 fishing shall be determined by inspection of commercial fishery catch
256 data submitted in accordance with section 26-157b. No transfer of a
257 license may be made while such license is under suspension.
258 Immediate family shall include spouses, parents, children, siblings,
259 grandparents, grandchildren, nieces, nephews or the spouses of any
260 such family member. Such reissued license shall be subject to the
261 provisions of [said] section 26-142a, as amended by this act. If such
262 license holder has not designated a family member to whom the
263 license may be issued, one such family member may apply in the
264 manner otherwise provided by law in order to obtain a license under
265 [said] section 26-142a, as amended by this act.

266 (b) Notwithstanding the requirements of this section, from May 26,
267 2000, until October 1, [2002] 2003, an active commercial fishing license
268 for lobster issued pursuant to subsection (c) of section 26-142a, as
269 amended by this act, may, upon notice to the commissioner, be
270 transferred, without remuneration, to any person who has not had a
271 commercial fishing license, registration or vessel permit suspended
272 within the preceding twelve months or revoked, provided the person
273 transferring the license held the license and landed lobsters in at least
274 three calendar years between January 1, 1995, and [June 8, 1998]
275 October 1, 2003, and reported such lobster catch to the commissioner
276 pursuant to section 26-157b, as amended by this act. The person to
277 whom such license is transferred shall be limited to the number of pots
278 actively fished and reported during said period, except that a
279 transferee who currently holds a commercial fishing license for lobster
280 issued pursuant to subsection (c) of section 26-142a, as amended by
281 this act, shall be limited to the number of pots actively fished and
282 reported during said period under either the currently held license or
283 the transferred license, whichever is greater.

284 Sec. 3. Subsection (a) of section 26-157b of the general statutes is
285 repealed and the following is substituted in lieu thereof:

286 (a) Each person who engages in commercial fishing in the waters of
287 this state, lands lobsters, sea scallops, finfish, crabs or squid for

288 commercial purposes in this state regardless of where such species are
289 taken, purchases finfish, lobsters, crabs, sea scallops, squid or bait
290 species from commercial fishermen for resale or holds any commercial
291 fishing license issued by the commissioner, license to take lobsters for
292 personal use, license to take menhaden for personal use, license to buy
293 finfish, lobsters, crabs, sea scallops, squid or bait species for resale,
294 license to land lobsters, sea scallops, finfish, crabs, or squid or pound
295 net registration shall report to the commissioner, at such intervals and
296 at such times as may be required and upon forms provided by the
297 commissioner, such information as the commissioner deems necessary.
298 The commissioner may request that commercial shellfish harvesters of
299 oysters and clams voluntarily report, upon forms provided by the
300 commissioner, such information as the commissioner deems necessary.
301 The information required to be reported or voluntarily submitted may
302 include but is not limited to: The number of individuals employed by
303 such person, the number and value of boats, nets, apparatus and other
304 devices used, the area fished, the effort expended and the number,
305 weight, market value and species of finfish, lobsters, oysters, clams, sea
306 scallops, squid, or crabs caught, landed or purchased. Each person
307 who holds a party boat, head boat or charter boat registration shall
308 report to the commissioner, at such times and at such intervals as may
309 be required and upon forms provided by the commissioner, such
310 information as the commissioner deems necessary, which may include
311 but is not limited to: The number of individuals carried for the purpose
312 of fishing, the area fished, the effort expended, the number and weight
313 by species of all finfish taken and, if any of the catch is sold by such
314 person or by the captain or crew of such vessel, the number, weight,
315 species and value of such finfish.

316 (b) Any person who violates any reporting requirement under
317 subsection (a) of this section shall have committed an infraction and
318 may pay the fine by mail or plead not guilty under the provisions of
319 section 51-164n and shall not be subject to the provisions of section 26-
320 61.

321 (c) Notwithstanding any provision of section 1-210 to the contrary,

322 no person shall obtain, attempt to obtain or release to any person or
323 government agency any identifiable individual record of or
324 information derived from any report required to be submitted or
325 voluntarily submitted in accordance with the provisions of subsection
326 (a) of this section, or submitted voluntarily upon request of the
327 commissioner, without the consent of the person making the report
328 provided the commissioner may authorize the release of such
329 information for the purposes of fisheries research, management and
330 development and conservation law enforcement. Any person who
331 violates any provision of this section shall be fined not more than one
332 thousand dollars or imprisoned not more than thirty days or both and
333 each such violation shall constitute a separate offense.

334 Sec. 4. Section 23-33 of the general statutes is repealed and the
335 following is substituted in lieu thereof:

336 The [State Forester] Commissioner of Environmental Protection
337 shall be, ex officio, State Forest Fire Warden and shall receive no
338 additional compensation therefor, but [his] necessary traveling and
339 other expenses shall be paid by the state.

340 Sec. 5. Section 23-35 of the general statutes is repealed and the
341 following is substituted in lieu thereof:

342 The State Forest Fire Warden [, under the direction and supervision
343 of the Commissioner of Environmental Protection,] shall equip trained
344 fire-fighting crews at major department field facilities and maintain
345 them during periods when forest fires are most likely to occur. Such
346 crews shall be prepared to respond to requests for assistance when a
347 fire occurs on or endangers either state or private forest and timber
348 land, or upon call from the United States Forest Service to assist them
349 or any requesting state in the suppression of forest fires.

350 Sec. 6. Section 23-36 of the general statutes is repealed and the
351 following is substituted in lieu thereof:

352 The State Forest Fire Warden may take such action as [he] said

353 warden deems necessary to provide for the prevention and control of
354 forest fires. [He] Said warden may enter into agreements with federal
355 agencies, with cities, boroughs and fire districts and with forest
356 protective associations for the purpose of carrying out the provisions
357 of this section. [He] Said warden shall divide the state into districts for
358 the purpose of preventing and controlling forest fires and shall appoint
359 within these districts such district fire wardens, not exceeding two
360 hundred and fifty, as [he] said warden deems necessary, who shall
361 serve for two years or until their successors are appointed. [Said state
362 warden] The State Forest Fire Warden shall have supervision of district
363 fire wardens [,] and shall instruct them in their duties. [and shall cause
364 violations of the laws regarding forest fires to be prosecuted.] Each
365 district fire warden may, with the approval of the [state warden] State
366 Forest Fire Warden, appoint deputies to assist [him] in extinguishing
367 fires and to take charge of such extinguishing in [his] such district fire
368 warden's absence, provided, in cities having paid fire departments and
369 whose boundaries are coterminous with the town boundaries, the State
370 Forest Fire Warden may appoint a district fire warden and may
371 assume responsibility for forest fires only upon the written request of
372 the mayor of such city and for such portions as may be designated by
373 such mayor. Cities without paid fire departments and portions of
374 towns outside of city limits shall be included in forest fire districts and
375 the State Forest Fire Warden may employ volunteer fire companies
376 under the conditions described in this section and sections 23-37 to 23-
377 42, inclusive, as amended by this act. [but no compensation shall be
378 paid to such volunteer fire companies under the provisions thereof
379 except as herein provided.] The State Forest Fire Warden shall
380 establish rates of compensation for equipment usage, fire fighting
381 materials and supplies expended and firefighter and laborer time
382 expended in extinguishing forest fires to be paid to such volunteer fire
383 companies as may be employed. In establishing such rates, the State
384 Forest Fire Warden may differentiate between various kinds of
385 equipment and material and supplies used and the provisions of
386 section 23-39, as amended by this act, shall apply to the establishment
387 of rates of compensation for firefighter and laborer time.

388 Notwithstanding any provision of the general statutes or any
389 municipal ordinance, upon the declaration by the Governor of the
390 existence of a state of emergency due to forest fire, the State Forest Fire
391 Warden may assume direct authority over efforts to extinguish any
392 forest fire and may assign such authority to any state forest fire control
393 personnel.

394 Sec. 7. Section 23-37 of the general statutes is repealed and the
395 following is substituted in lieu thereof:

396 (a) State forest fire control personnel and district and deputy fire
397 wardens shall, under the supervision of the State Forest Fire Warden,
398 use all necessary means to prevent and extinguish forest fires, [and
399 enforce all statutes for the protection of forest and timber land from
400 fire.]

401 (b) [They shall have] Such state forest fire control personnel shall
402 assist the fire chief or the fire officer-in-charge in the control and
403 direction of all persons and apparatus while engaged in extinguishing
404 forest fires in their respective districts, or in other districts under the
405 instructions of the State Forest Fire Warden.

406 (c) Such state forest fire control personnel and fire wardens may
407 destroy fences, plow land or, in an emergency, close roads, with or
408 without detours, and set backfires to hasten the control of any fire.

409 (d) [They] Such state forest fire control personnel may summon any
410 resident of the state between the ages of eighteen and fifty years to
411 assist in extinguishing fires, and may also require the use of [horses]
412 equipment, motor vehicles and other property needed for such
413 purposes. Any person so summoned, who is physically able, who
414 refuses or neglects to assist or to allow the use of [horses, wagons]
415 equipment, motor vehicles or other material or property, or wilfully
416 interferes with or hinders any warden or other person having
417 authority under this section, shall be fined not more than [one] two
418 hundred dollars.

419 (e) No action for trespass shall lie against any person crossing or
420 working upon lands of another to extinguish fire or for investigation
421 thereof.

422 [(f) Any state forest fire control personnel or fire warden shall have
423 the power to arrest any person for an alleged violation of the
424 provisions of any statute for the protection of forest and timber land.]

425 Sec. 8. Section 23-37a of the general statutes is repealed and the
426 following is substituted in lieu thereof:

427 Upon written request by any fire company which may be called
428 upon to fight forest fires, the Commissioner of Environmental
429 Protection shall provide such company, from reserves available to the
430 commissioner, with forest fire-fighting equipment. Such company shall
431 be responsible for the maintenance of such equipment, [and said
432 commissioner shall be responsible for its replacement.]

433 Sec. 9. Section 23-38 of the general statutes is repealed and the
434 following is substituted in lieu thereof:

435 [The district fire wardens shall] State forest fire control personnel
436 may post such notices relating to forest fires and the statutes
437 concerning fires as the State Forest Fire Warden prepares, and any
438 person who wilfully or maliciously tears down or destroys any such
439 notice shall be fined ten dollars.

440 Sec. 10. Section 23-39 of the general statutes is repealed and the
441 following is substituted in lieu thereof:

442 The compensation of district and deputy fire wardens, trained
443 firefighters organized in accordance with rules issued by the State
444 Forest Fire Warden and such laborers as said warden finds it necessary
445 to employ shall be fixed by [him] said warden on an hourly basis,
446 subject to the approval of the Commissioner of Administrative
447 Services. Volunteer fire companies may be compensated in accordance
448 with section 23-36 as amended by this act. The chief of the fire

449 department in any town, city or borough who receives a regular salary
450 shall be paid no additional compensation when acting as a fire
451 warden. [Such] District fire wardens shall prepare their bills for
452 services rendered by them and by the [men] personnel and
453 automobiles and other apparatus employed or used by them in
454 extinguishing fires. The chief of any volunteer fire company may
455 prepare bills for services rendered by said company and by the
456 personnel and automobiles and other apparatus employed or used by
457 them in extinguishing forest fires, if said company is allowed by town
458 ordinance to receive payment for such bills. Such bills shall be on a
459 form prescribed by the State Forest Warden and shall be submitted to
460 the State Forest Fire Warden within one month after the services have
461 been rendered, and, if found correct and approved by [him] said
462 warden, shall be ordered paid by the State Comptroller. A copy of each
463 bill so paid on account of any fire within a city, as provided in section
464 23-36, as amended by this act, shall be sent by the State Forest Fire
465 Warden to the city treasurer of the city in which the fire occurred,
466 except bills for which a railroad company is liable under the provisions
467 of section 23-42, as amended by this act, and, on or before the tenth
468 day of December in each year, such city treasurer shall draw [his] the
469 treasurer's order in favor of the State Treasurer for the full amount of
470 such bills submitted during the twelve months next preceding. The
471 State Forest Fire Warden may forgive such bills if the state would incur
472 administrative costs in collecting the debt owed that would exceed the
473 actual debt owed. Bills for expenses incurred or services rendered by
474 district or deputy wardens in the performance of duties other than fire
475 fighting shall be submitted to the State Forest Fire Warden on or before
476 the tenth day of December and the tenth day of June in each year. [,
477 and, if approved by said state warden, he shall add to the amount of
478 each bill so incurred by district wardens the sum of ten dollars. Such
479 bills shall then] Upon approval by the State Forest Fire Warden, such
480 bills shall be ordered paid by the State Comptroller from any sums
481 available for the expenses of the State Forest Fire Warden. All fire
482 warden bills authorized by sections 23-37, as amended by this act, 23-
483 38, as amended by this act, 23-40 to 23-42, inclusive, as amended by

484 this act, and this section shall show in detail the amount and character
485 of the services performed, the exact duration thereof and all
486 disbursements made by such wardens.

487 Sec. 11. Section 23-40 of the general statutes is repealed and the
488 following is substituted in lieu thereof:

489 The State Forest Fire Warden may appoint [patrolmen] patrol
490 personnel, who shall receive compensation for the time actually
491 employed, and may establish and equip fire lookout stations and
492 furnish necessary equipment for such [patrolmen] patrol personnel.
493 Any [patrolman] patrol personnel so appointed for such purpose shall
494 have [the power to arrest any person for an alleged violation of any
495 provision of the statutes for the protection of forest and timber land
496 and shall also have] authority to summon assistance as provided in
497 section 23-37, as amended by this act, and to render bills for such
498 expenses as provided in section 23-39, as amended by this act.

499 Sec. 12. Section 23-42 of the general statutes is repealed and the
500 following is substituted in lieu thereof:

501 Any railroad company which, through act of its employees or
502 agents, by sparks from its locomotives or otherwise, sets fire to trees,
503 brush or grass on lands outside the right-of-way of such company,
504 shall be liable to the state for the lawful expenses incurred by [fire
505 wardens] the State Forest Fire Warden in extinguishing such fire. The
506 bill for any such fire shall be submitted by the warden or fire chief in
507 charge to the State Forest Fire Warden. If approved by [him] the State
508 Forest Fire Warden, it shall be ordered paid by the State Comptroller.
509 A statement of all such bills paid by the state during the previous six
510 months shall be submitted on or before the tenth day of December and
511 the tenth day of June in each year by the State Forest Fire Warden to
512 the railroad company liable under the provisions of this section. Such
513 statement shall be accompanied by copies of all bills on which the
514 claim is based and shall be paid by such railroad company to the State
515 Treasurer. Each section [foreman] foreperson employed by a railroad

516 company, upon the discovery of any fire in the section under [his] the
517 jurisdiction of the foreperson, for which such company is liable under
518 the provisions of this section, shall summon necessary assistance,
519 proceed to the fire and extinguish it, and shall give such assistance to
520 [the district fire warden] state forest fire control personnel as may,
521 from time to time, be requested by such [warden] personnel.

522 Sec. 13. Section 23-44 of the general statutes is repealed and the
523 following is substituted in lieu thereof:

524 As to any portion of any railroad right-of-way and contiguous land
525 that may be found by the Commissioner of Transportation to
526 constitute such a fire hazard, the commissioner, upon [his own] motion
527 of said commissioner or at the request of the State Forest Fire Warden
528 or of the owner or owners of any land adjoining such portion, shall
529 have power, from time to time, to order the railroad company
530 operating such railroad to furnish a patrol whose duty it shall be to
531 cover such portion of the right-of-way and contiguous land in dry
532 seasons and to extinguish any fires set by the locomotives of such
533 railroad company. The commissioner may also, with the consent of
534 any owner or owners of land bordering upon such right-of-way,
535 require such railroad company to [plow a fire line] create a fire break
536 meeting specifications established by the State Forest Fire Warden on
537 the land of such owner or owners, such line [not to exceed ten feet in
538 width and] to be located not more than two hundred feet from the
539 nearest track of such railroad, or to clear the brush and inflammable
540 material from a strip of land whose outer limit shall be not more than
541 two hundred feet from such nearest track. The commissioner may also
542 require each railroad company operating a railroad in this state,
543 between the first day of September and the first day of December in
544 each year, to cause to be cut and destroyed all dead grass and weeds
545 on such portions of the right-of-way of such railroad company as have
546 been found by said commissioner to constitute fire hazards amounting
547 to public menace.

548 Sec. 14. Section 23-49a of the general statutes is repealed and the

549 following is substituted in lieu thereof:

550 (a) No person shall kindle or use fire in the open air within one
551 hundred feet of woodland, brushland, or area containing dried grass
552 that is adjacent to any woodland or brushland, when the forest fire
553 danger, as declared by the State Forest Fire Warden, is high or extreme,
554 or during a drought emergency as declared by the State Forest Fire
555 Warden. When weather conditions indicate that such forest fire danger
556 exists, the State Forest Fire Warden shall make public announcement
557 of the fact, using such news media as may be available [to him,] and
558 the provisions of this section shall then be in effect until cancelled by
559 said [forest fire] warden.

560 (b) Notwithstanding any provision of subsection (a) of this section
561 to the contrary, an owner of land or [his] an agent of such owner may
562 apply to the State Forest Fire Warden or [the fire warden of the district
563 in which such land is located or his deputy] designee of said warden
564 for a special burning permit during such period of burning ban. If
565 [such fire warden or his agent] the State Forest Fire Warden or
566 designee is of the opinion that the proposed burning is of immediate
567 necessity, will not be in conflict with local or state regulatory authority,
568 and that the permittee has the necessary equipment and manpower to
569 confine the fire, [such fire warden] the State Forest Fire Warden may
570 issue a special burning permit stating the location, time and conditions
571 under which such burning is to be effected.

572 (c) Any person who violates any of the provisions of subsection (a)
573 of this section shall be fined not more than two hundred dollars or
574 imprisoned not more than six months or both.

575 (d) Nothing contained in this section shall limit any duly authorized
576 public authority from carrying out their assigned duties where the use
577 of fire is necessary to the reduction of a health or fire hazard.

578 Sec. 15. (NEW) The Commissioner of Environmental Protection may
579 provide outdoor recreation-related services to the public at state park
580 and forest recreation areas. Such services may include rentals of

581 bicycles, boats, cabins and tents, sale of firewood and operation of
582 camp stores supplying camping necessities. Fees for such services
583 shall be set by the commissioner, according to market value. Revenue
584 from such services shall be deposited in the conservation fund and
585 credited to an enterprise program account for use in the state park and
586 forest facilities. Such services and fees shall not affect admission,
587 parking, camping and related existing fees. No services shall compete
588 with a concessionaire under contract with the Department of
589 Environmental Protection at the time such service is offered.

590 Sec. 16. (NEW) Notwithstanding any other provision of the general
591 statutes, any person traveling by horseback may utilize trails located in
592 state parks.

593 Sec. 17. (NEW) The Commissioner of Environmental Protection
594 shall make recommendations and take appropriate actions for the
595 control of nonnative invasive plant species; prepare information
596 materials for distribution; conduct educational activities which address
597 the effects of nonnative invasive plant species upon the state, and
598 prepare and maintain a list of nonnative invasive plant species that
599 will be distributed on an annual basis.

600 Sec. 18. Section 23-4 of the general statutes is repealed and the
601 following is substituted in lieu thereof:

602 The Commissioner of Environmental Protection may adopt
603 regulations in accordance with the provisions of chapter 54 for the
604 maintenance of order, safety and sanitation upon the lands [in his]
605 under the commissioner's control and for the protection of trees and
606 other property and the preservation of the natural beauty thereof and
607 fix penalties not exceeding a fine of ninety dollars for violation of such
608 regulations. The commissioner may prohibit the possession or
609 consumption of alcoholic beverages on such lands provided, for any
610 such lands where the consumption or possession of alcoholic
611 beverages was not prohibited by the commissioner as of October 1,
612 1999, the commissioner shall adopt regulations, in accordance with the

613 provisions of chapter 54, to prohibit such activity. Such regulations
614 shall be posted in conspicuous places upon such lands. Any person
615 who violates any such regulation shall have committed an infraction
616 and may pay the fine by mail or plead not guilty under the provisions
617 of section 51-164n. The provisions of section 51-164m shall not apply to
618 this section. Any person convicted of a violation of such regulations or
619 who forfeits a bond taken upon any such complaint may be prohibited
620 from entering any state park by the commissioner for not more than
621 one year from the date of such conviction.

622 Sec. 19. Sections 23-34 and 23-51 of the general statutes are repealed.

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Cost, Revenue Gain (Environmental Conservation Fund), Various

Affected Agencies: Department of Environmental Protection

Municipal Impact: See Explanation Below

Explanation

State and Municipal Impact:

Extending the moratorium on the issuance of new commercial fin fish and fishing licenses for two additional years will maintain revenue at current levels, approximately \$123,000 a year. Allowing additional licenses to be transferred due to changes in the deadline is not anticipated to have a fiscal impact.

Increasing various nonresident commercial fishing license fees and issuance of new license fees is anticipated to increase revenue to the Environmental Conservation Fund by approximately \$74,000 a year. Requiring additional data on catch and landings and fisheries to be collected by the Department of Environmental Protection (DEP) will minimally increase the department workload and can be handled within existing agency resources.

Designating the Commissioner of the DEP, instead of the state forester as the state forest fire warden, has no fiscal impact. The state forester is a DEP employee and the change shifts responsibilities within the DEP.

The changes in the bill eliminating powers of the state forest fire warden including prosecutorial power and the use of horses have no fiscal impact. The eliminated powers were obsolete, as are other changes in the bill concerning local and state fire fighting powers and duties. The changes conform to current practice.

The bill would also allow volunteer fire departments to be compensated for fighting forest fires. Currently, the DEP reimburses the individual fire fighters, since they generally cannot reimburse the departments. This change would result in a minimal administrative savings to DEP. Payments to volunteers have fluctuated between \$10,000 and \$60,000 over the past few years. In addition, any decrease in costs to municipalities due to the waiver of reimbursement of fire fighting costs if the administrative costs of collecting the debt exceeds the amount due the state, is minimal.

It is anticipated that allowing the DEP to provide outdoor recreation-related services to the public at state parks and forests for a fee would increase revenue to a new account in the Environmental Conservation Fund. The exact amount of revenue would depend upon the activities and services offered, but is anticipated to offset the costs of offering the program and minimally provide funds for other park services.

Requiring the DEP to make recommendations and take appropriate actions for the control of nonnative invasive plants, including preparing information materials for distribution, conducting educational activities concerning the nonnative plants and preparing and maintaining a list of the plants to be distributed on an annual basis will minimally increase costs to the agency. DEP currently prepares a list, distributes some materials and conducts a minimal amount of educational activities in this area. Any additional activities undertaken would increase costs or divert resources from other programs depending upon the level of increased activity.

Allowing persons traveling by horseback to utilize trails located in

state parks would result in costs, which could be significant to the state. The exact cost is indeterminate at this time. Trails would have to be widened and in some instances, heightened, to accommodate horses.

In addition, provisions in the bill concerning alcohol in state parks will minimally increase the administrative workload of the DEP due to making minor revisions to regulations and result in a minimal diversion of staff away from current duties. At the current time, alcohol is banned at state parks. The elimination of the prohibition of alcohol until regulations are adopted could result in the need for the diversion of DEP staff from one recreational facility to another, or the need for additional staff, based on past experience with areas which have previously allowed alcohol.

House "A" concerns the transfer of licenses and has no impact. House "B" concerns alcohol in parks and minimally increases the administrative workload and could increase costs. House "C" allows horses to be ridden on park trails and would increase costs to the DEP.

OLR Amended Bill Analysis

sHB 6754 (as amended by House "A," House "B," and House "C")*

AN ACT CONCERNING NATURAL RESOURCES PROGRAMS OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION.**SUMMARY:**

This bill extends the moratorium on the issuance of new commercial fishing licenses for two years, until December 31, 2003. It extends by one year, until October 1, 2003, the period in which a person can transfer his commercial lobstering license, increases fees for non-resident commercial fishing licenses, expands reporting requirements with regard to commercial fishing, and makes several related changes.

The bill specifically allows the Department of Environmental Protection (DEP) commissioner to ban the possession or drinking of alcoholic beverages in lands under his control. But in the case of areas where possession or drinking was not prohibited as of October 1, 1999, he must adopt regulations to prohibit such activity. The commissioner had banned such activity under his power in several DEP-controlled areas before October 1, 1999, and subsequently banned such activity in all DEP-controlled areas.

The bill authorizes the DEP to provide, for a fee, outdoor recreation-related services at state parks and forests. The services may include bicycle, boat, cabin, and tent rentals; firewood sales; and camp stores. Revenue from such commercial enterprises must be deposited and credited to a new account within the Conservation Fund to be used in state park and forest facilities generally. The services offered must not compete with a concessionaire under DEP contract to provide the same service.

The bill allows horseback riders to use trails in state parks.

The bill makes the DEP commissioner, rather than the state forester, the state forest fire warden. It allows the state warden to pay fire companies rather than fire fighters individually for helping to fight forest fires and authorizes him to establish rates for such services and

equipment and supplies used. It changes the powers of state forest fire personnel and makes several minor and corresponding changes.

The bill requires the commissioner to make recommendations and take appropriate actions to control non-native invasive plant species, prepare informational material and conduct educational activities regarding these species, and maintain a list of such species for annual distribution.

*House Amendment "A" requires that a commercial fishing license holder have landed lobsters in at least three calendar years between 1995 and 2003, rather than between 1995 and 1998, to be eligible to transfer his license.

*House Amendment "B" adds the provision on drinking.

*House Amendment "C" adds the horseback riding provision.

EFFECTIVE DATE: October 1, 2001

COMMERCIAL FISHERMEN AND SEAFOOD DEALERS

Moratorium on New Licenses

The bill extends, from December 31, 2001 to December 31, 2003, the moratorium on the issuance of new commercial finfish and fishing licenses. By law, the commissioner can only issue such licenses to people who held a license or registration between January 1, 1980 and January 1, 1995. The bill does not extend the December 31, 2001 deadline for the commissioner to issue a new license to a family member of a licensee who dies or relinquishes his license.

On the other hand, the bill allows DEP to issue new commercial licenses, restricted to taking horseshoe crabs as bait, to a person who held a Department of Agriculture conch license between January 1, 1995 and July 1, 2000.

The bill extends, from October 1, 2002 to October 1, 2003, the latest date by which a person who holds a commercial lobstering license can transfer it without payment. Under current law, the licensee must have been licensed and landed lobsters in at least three calendar years between 1995 and 1998. The bill extends the latter date to 2003. By law,

the transferee may not have had a commercial fishing license, registration, or permit suspended or revoked in the 12 months preceding the transfer. Other restrictions apply to the transferee.

Fees

The bill increases, from \$100 to \$200, the fee for a non-resident commercial fishing license. It increases, from \$200 to \$500, the fee for a non-resident license to take, by hook and lines, a species above its creel limit as specified by law. (Current law applies the fee to any species that is subject to a creel limit.)

The bill creates a new license category to take lobsters or crabs (other than blue crabs) for personal use or for sale by use of 10 or more lobster pots or similar devices. The fee for this license is \$150 for residents and \$225 for non-residents. If the non-resident's home state does not extend reciprocity with regard to commercial lobstering licenses to Connecticut residents, the non-resident's license is only valid for crabs, other than blue crabs. DEP may not issue a non-resident this license if his home state's laws on the taking of lobster are less restrictive than Connecticut's regulations. The law already provides a similar license for the same fees for the taking of lobsters, crabs, and other species using a broader range of devices.

Reporting Requirements

The bill requires individuals who engage in unlicensed commercial fishing activities to report information about their activities to the commissioner as he requests. (This requirement already applies to license holders.) The bill specifically applies to a person who (1) engages in commercial fishing in the state's waters; (2) lands lobsters, sea scallops, finfish, crabs, or squid in this state, regardless of where they were taken; or (3) purchases any of these species from a commercial fisherman for resale. The bill also extends the reporting requirement to anyone holding a license to take menhaden for personal use. By law, violation of the reporting requirements is an infraction but is not subject to DEP license suspension.

Other Fishing Provisions

The bill also:

1. requires that seafood resale dealers be licensed only if they buy seafood landed in Connecticut, rather than seafood regardless of where it was landed;
2. exempts vessels used to assist commercial fishing vessels using pound nets from the commercial fishing vessel permit requirement; and
3. specifies that references to crabs in the fishing statutes include horseshoe crabs.

Under current law, no one can take lobsters for personal use by hand, skin diving, or scuba diving without a DEP license. The bill extends this provision to horseshoe crabs.

STATE FOREST FIRE CONTROL AND PREVENTION

State Forest Fire Warden and Duties

The bill makes the DEP commissioner, rather than the state forester, the state forest fire warden and makes corresponding changes to transfer the forester's authority to the commissioner. By law, the state warden coordinates the state's forest fire prevention and control efforts, and he is charged with equipping and maintaining forest fire fighting crews when forest fire risks are high.

The bill authorizes the commissioner, as state warden, to take direct authority over forest fire efforts when the governor declares a forest fire emergency. The state warden may delegate this authority to other state forest fire control personnel. Otherwise, by law and practice, the local fire official is generally the officer-in-command.

The bill narrows the warden's responsibilities by eliminating his responsibility to (1) cause forest fire violators to be prosecuted and (2) enforce all statutes regarding forest and timber land protection. It also eliminates his authority to act as an assistant state's attorney to prosecute alleged violations of the statutes regarding forest and timberland protection and to delegate such powers to two other people. It eliminates the responsibility of fire control personnel and district and deputy wardens to enforce laws regarding forest and timber land protection.

The bill eliminates DEP's responsibility to replace equipment provided to and used by fire companies called upon to fight forest fires. By law, those companies are responsible for maintaining such equipment.

The bill eliminates the state warden's ability to add a \$10 administrative fee to forest fire bills and allows him to forgive them when the administrative costs exceed the bill.

State Forest Fire Personnel and Wardens' Powers

The bill eliminates the arrest powers of state forest fire personnel and fire wardens for alleged forest fire violations. It also eliminates such powers of patrol personnel employed by the state warden to act as fire lookouts.

The bill updates the provisions allowing state forest fire personnel to requisition property to help fight fires by replacing references to horse and wagons with equipment. It also increases, from \$100 to \$200, the fine for refusing or interfering with such efforts or refusing or neglecting to assist when summoned.

Compensation Payments to Volunteer Fire Companies and Other Bills

The bill allows the state warden to pay fire companies rather than fire fighters individually for assisting in fighting a forest fire and authorizes him to establish rates for such services, equipment, and supplies used.

By law, the state warden may call on fire companies to help state forest fire crews fight fires. The bill eliminates the prohibition against paying the fire companies for the services of their fire fighters in the aggregate. Currently the state pays the fire fighters individually. Under the bill, the chief of a volunteer company may, in accordance with local ordinances, submit a bill for the personnel and equipment used. The bill must be on a form the state warden prescribes.

The bill authorizes the state warden to establish compensation rates for (1) equipment usage, (2) fire-fighting material and supplies, and (3) volunteer company fire fighter and laborer time. The rates must include rates for services of fire fighters and laborers of volunteer companies and may differentiate between various kinds of equipment,

material, and supplies. The rates for fire fighters and laborers must be fixed on an hourly basis, and be approved by the Department of Administrative Services. They do not apply to fire fighters who receive a regular salary for their services.

Abandoned Roads for Fire Prevention

The bill eliminates the authority of the state warden to maintain a closed or legally discontinued road it maintained for fire prevention purposes upon petition of and agreement among 75% of abutting property owners.

BACKGROUND

Legislative History

On April 24, April 27, and May 4, the House referred the original version of this bill (File 300) to Planning and Development, Public Safety, and Finance, Revenue and Bonding committees, respectively. The committees reported the bill unchanged, on April 25, May 2, and May 9, respectively.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute
Yea 28 Nay 0

Planning and Development Committee

Joint Favorable Report
Yea 17 Nay 0

Public Safety Committee

Joint Favorable Report
Yea 22 Nay 0

Finance, Revenue and Bonding Committee

Joint Favorable Report

Yea 41 Nay 0