



## Senate

General Assembly

**File No. 802**

January Session, 2001

Substitute Senate Bill No. 1214

*Senate, May 22, 2001*

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***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 Section 26-40a of the general statutes is repealed and the  
2 following is substituted in lieu thereof:

3 For the purposes of this section, the following shall be considered as  
4 potentially dangerous animals: The felidae, including the lion, leopard,  
5 cheetah, jaguar, ocelot, jaguarundi cat, puma, lynx and bobcat; the  
6 canidae, including the wolf and coyote; and the ursidae, including the  
7 black bear, grizzly bear and brown bear. No person shall possess a  
8 potentially dangerous animal. Any such animal illegally possessed  
9 may be ordered seized and may be disposed of as determined by the  
10 Commissioner of Environmental Protection. All costs associated with  
11 the confiscation, care and maintenance of the animal until such time as  
12 the animal is disposed of or is permanently relocated to a proper  
13 facility shall be the responsibility of the owner or the person who is in

14 illegal possession of the animal. Any person who violates any  
15 provision of this section shall be [fined not more than one hundred  
16 dollars for each offense] assessed a civil penalty not to exceed one  
17 thousand dollars, to be fixed by the court, for each offense. Each  
18 violation shall be a separate and distinct offense and in the case of a  
19 continuing violation, each day's continuance thereof shall be deemed  
20 to be a separate and distinct offense. The Attorney General, upon  
21 complaint of the Commissioner of Environmental Protection, may  
22 institute a civil action to recover such penalty and any cost associated  
23 with the confiscation, care and maintenance of the animal. The  
24 provisions of this section shall not apply to municipal parks, zoos and  
25 nature centers, or museums, laboratories and research facilities  
26 maintained by scientific or educational institutions; to a person  
27 possessing a Bengal cat certified by an internationally recognized  
28 multiple-cat domestic feline breeding association as being without  
29 wild parentage for a minimum of four prior generations which cat was  
30 registered with the Commissioner of Agriculture on or before October  
31 1, 1996, provided no such cat may be imported into this state after June  
32 6, 1996; or to persons possessing animals legally on or before May 23,  
33 1983. In any action taken by any official of the state or any  
34 municipality to control rabies, a Bengal cat shall be considered not  
35 vaccinated for rabies in accordance with accepted veterinary practice.

36 Sec. 2. Section 26-55 of the general statutes is repealed and the  
37 following is substituted in lieu thereof:

38 No person shall import or introduce into the state, or possess or  
39 liberate therein, any live fish, wild bird, wild [quadruped] mammal,  
40 reptile, [or] amphibian or invertebrate unless such person has obtained  
41 a permit therefor from the commissioner. Such permit may be issued at  
42 the discretion of the commissioner under such regulations as [he] the  
43 commissioner may prescribe. The commissioner may by regulation  
44 prescribe the numbers of live fish, wild birds, wild [quadrupeds]  
45 mammals, reptiles, [and] amphibians or invertebrates of certain species

46 which may be imported, possessed, introduced into the state or  
47 liberated therein. The commissioner may by regulation exempt certain  
48 species or groups of live fish from the permit requirements. [He] The  
49 commissioner may by regulation determine which species of wild  
50 birds, wild [quadrupeds] mammals, reptiles, [and] amphibians or  
51 invertebrates must meet permit requirements. [He] The commissioner  
52 may totally prohibit the importation, possession, introduction into the  
53 state or liberation therein of certain species which [he] the  
54 commissioner has determined may be a potential threat to humans,  
55 agricultural crops or established species of plants, fish, birds,  
56 [quadrupeds] mammals, reptiles, [or] amphibians or invertebrates. The  
57 commissioner may by regulation exempt from permit requirements  
58 organizations or institutions such as zoos, research laboratories,  
59 colleges or universities, public nonprofit aquaria or nature centers  
60 where live fish, wild birds, wild [quadrupeds] mammals, reptiles,  
61 [and] amphibians or invertebrates are held in strict confinement. Any  
62 such fish, bird, [quadruped] mammal, reptile, [or] amphibian or  
63 invertebrate illegally imported into the state or illegally possessed  
64 therein shall be seized by any representative of the Department of  
65 Environmental Protection and shall be disposed of as determined by  
66 the commissioner. Any person, except as provided in section 26-55a,  
67 who violates any provision of this section or any regulation issued by  
68 the commissioner as herein provided shall be guilty of an infraction.  
69 Importation, liberation or possession of each fish, wild bird, wild  
70 [quadruped] mammal, reptile, [or] amphibian or invertebrate in  
71 violation of this section or such regulation shall be a separate and  
72 distinct offense and, in the case of a continuing violation each day of  
73 continuance thereof shall be deemed to be a separate and distinct  
74 offense.

75 Sec. 3. Section 26-57 of the general statutes is repealed and the  
76 following is substituted in lieu thereof:

77 No person shall transport within the state or transport out of the

78 state any fish, bird, [quadruped] mammal, reptile, [or] amphibian or  
79 invertebrate for which a closed season is provided without a permit  
80 from the commissioner, except as provided herein. The commissioner  
81 may issue a permit to any person to transport within the state or to  
82 transport out of the state any fish, bird, [quadruped] mammal, reptile,  
83 [or] amphibian or invertebrate protected under the provisions of this  
84 chapter under such regulations as [he] the commissioner may  
85 prescribe. No fish, bird, [quadruped] mammal, reptile, [or] amphibian  
86 or invertebrate shall be transported out of the state unless each unit,  
87 package or container is conspicuously tagged or labeled, and such tag  
88 or label contains in legible writing the full name and address of the  
89 person legally authorized to transport out of the state such fish, bird,  
90 [quadruped] mammal, reptile, [or] amphibian or invertebrate. Any  
91 such fish, bird, [quadruped] mammal, reptile, [or] amphibian or  
92 invertebrate received by any person or by any common carrier within  
93 the state, addressed for shipment to any point without the state and  
94 not having such tag or label conspicuously attached shall be prima  
95 facie evidence of a violation of the provisions of this section. A permit  
96 shall not be required to transport within the state or to transport out of  
97 the state any fish, bird, [quadruped] mammal, reptile, [or] amphibian  
98 or invertebrate which has been legally taken, bred, propagated or  
99 possessed by a person to whom a license, registration or permit has  
100 been issued under the provisions of this chapter authorizing the  
101 taking, breeding, propagating or possessing of fish, birds,  
102 [quadrupeds] mammals, reptiles, [or] amphibians or invertebrates, and  
103 no permit shall be required to transport within the state or to transport  
104 out of the state any fish, bird, [quadruped] mammal, reptile, [or]  
105 amphibian or invertebrate that has been legally taken or acquired by a  
106 person exempt from license requirements under the provisions of this  
107 chapter. Any person who violates any provision of this section shall be  
108 fined not less than ten dollars nor more than two hundred dollars or  
109 imprisoned not more than sixty days or be both fined and imprisoned.

110 Sec. 4. Section 26-70 of the general statutes is repealed and the

111 following is substituted in lieu thereof:

112     (a) No person shall hunt, take, attempt to hunt or take, or assist in  
113 hunting or taking, or assist in an attempt to hunt or take, from the  
114 wild, any protected wild [game] bird, wild [quadruped] mammal,  
115 reptile, [or] amphibian or invertebrate except as authorized under the  
116 provisions of this chapter and the regulations issued by the  
117 commissioner. Each [game] bird, wild [quadruped] mammal, reptile,  
118 [and] amphibian or invertebrate killed, wounded, taken or possessed  
119 contrary to any provision hereof shall constitute a separate offense.

120     (b) No person may administer or otherwise employ the use of  
121 contraceptive compounds to any species of free ranging wildlife or  
122 employ any physical alteration or device that would alter the  
123 reproductive potential of any species of free ranging wildlife without  
124 first obtaining a permit from the commissioner. The applicant for such  
125 permit shall (1) first obtain any required federal permits, and (2)  
126 provide to the commissioner a written proposal describing the  
127 contraception application protocol, the credentials of each person who  
128 will administer the contraceptive procedure, the purpose or intent of  
129 the procedure and an assessment of environmental impacts. The  
130 prohibitions of this subsection do not apply to the wildlife  
131 management programs of the department.

132     (c) The commissioner shall adopt regulations, in accordance with  
133 the provisions of chapter 54, to carry out the requirements of  
134 subsection (b) of this section. The regulations shall include, but need  
135 not be limited to, definitions of contraceptive compounds and devices  
136 and restrictions on the possession of such compounds or devices in the  
137 field.

138     Sec. 5. Section 26-82 of the general statutes is repealed and the  
139 following is substituted in lieu thereof:

140     (a) No person shall hunt, pursue, wound or kill any deer or sell or

141 offer for sale or have in possession the flesh of any deer captured or  
142 killed in this state, or have in possession the flesh of any deer from any  
143 other state or country unless it is properly tagged as required by such  
144 state or country except as provided by the terms of this chapter or  
145 regulations adopted pursuant thereto, and except that any landowner  
146 or primary lessee of land owned by such landowner or the husband or  
147 wife or any lineal descendant of such landowner or lessee or any  
148 designated agent of such landowner or lessee may kill deer with a  
149 shotgun, rifle or bow and arrow provided a damage permit has first  
150 been obtained from the commissioner and such person has not been  
151 convicted for any violation of this section, [26-82,] section 26-85, 26-86a,  
152 26-86b or 26-90 or subsection (b) of section 26-86a-2 of the regulations  
153 of Connecticut state agencies within three years preceding the date of  
154 application. Upon the receipt of an application, on forms provided by  
155 the commissioner and containing such information as said  
156 commissioner may require, from any landowner who has or whose  
157 primary lessee has an actual or potential gross annual income of  
158 twenty-five hundred dollars or more from the commercial cultivated  
159 production of grain, forage, fruit, vegetables, flowers, ornamental  
160 plants or Christmas trees and who is experiencing an actual or  
161 potential loss of income because of severe damage by deer, the  
162 commissioner shall issue not more than six damage permits without  
163 fee to such landowner or the primary lessee of such landowner, or the  
164 wife, husband, lineal descendant or designated agent of such  
165 landowner or lessee. The application shall be notarized and signed by  
166 all landowners or by the landowner or a lessee to whom a farmer tax  
167 exemption permit has been issued pursuant to subsection (63) of  
168 section 12-412. Such damage permit shall be valid through October  
169 thirty-first of the year in which it is issued and may specify the hunting  
170 implement or shot size or both which shall be used to take such deer.  
171 The commissioner may at any time revoke such permit for violation of  
172 any provision of this section or for violation of any regulation pursuant  
173 thereto or upon the request of the applicant. Notwithstanding the

174 provisions of section 26-85, the commissioner may issue a permit to  
175 any landowner or primary lessee of land owned by such landowner or  
176 the husband or wife or any lineal descendant of such landowner or  
177 lessee and to not more than three designated agents of such landowner  
178 or lessee to use a jacklight for the purpose of taking deer when it is  
179 shown, to the satisfaction of the commissioner, that such deer is  
180 causing damage which cannot be reduced during the daylight hours  
181 between sunrise and one-half hour after sunset on the land of such  
182 landowner. The commissioner may require notification as specified on  
183 such permit prior to its use. Any deer killed in accordance with the  
184 provisions of this section shall be the property of the owner of the land  
185 upon which the same has been killed, but shall not be sold, bartered,  
186 traded or offered for sale, and the person who kills any such deer shall  
187 tag and report each deer killed, as provided in section 26-86b. Upon  
188 receipt of the report required by section 26-86b, the commissioner shall  
189 issue an additional damage permit to the person making such report.  
190 Any deer killed otherwise than under the conditions provided for in  
191 this chapter or regulations adopted pursuant thereto shall remain the  
192 property of the state and may be disposed of by the commissioner at  
193 [his] the commissioner's discretion to any state institution or may be  
194 sold and the proceeds of such sale shall be remitted to the State  
195 Treasurer, who shall apply the same to the General Fund, and no  
196 person, except the commissioner, shall retail, sell or offer for sale the  
197 whole or any part of any such deer. No person shall be a designated  
198 agent of more than one landowner or primary lessee in any calendar  
199 year. No person shall make, set or use any trap, snare, salt lick, bait or  
200 other device for the purpose of taking, injuring or killing any deer, [nor  
201 shall any person] except, notwithstanding any other provision of this  
202 chapter, the commissioner may authorize any municipality that has, by  
203 a majority vote of the decision making body of such town, voted to  
204 take any deer using any method consistent with professional wildlife  
205 management principles and scientifically accepted principles of  
206 ecosystem based management, to take any deer using such method if

207 the commissioner finds that ecological damage can be demonstrated  
208 and if a plan is submitted to the commissioner for review and  
209 approval. Such plan shall describe the extent and degree of the damage  
210 and the proposed methods of take and other lethal and nonlethal  
211 options proposed, considered or implemented. No person shall hunt,  
212 pursue or kill deer being pursued by any dog, whether or not such dog  
213 is owned or controlled by [him] such person, except that no person  
214 shall be guilty of a violation under this section when such a deer is  
215 struck by a motor vehicle operated by [him] such person. No person  
216 shall use or allow any dog in [his] such person's charge to hunt, pursue  
217 or kill deer. No permit shall be issued when in the opinion of the  
218 commissioner the public safety may be jeopardized.

219 (b) The commissioner shall adopt regulations, in accordance with  
220 the provisions of chapter 54, to carry out the provisions of subsection  
221 (a) of this section.

222 [(b)] (c) Any person who violates any provision of this section shall  
223 be fined not less than two hundred dollars nor more than five hundred  
224 dollars or imprisoned not less than thirty days nor more than six  
225 months or shall be both fined and imprisoned, for the first offense, and  
226 for each subsequent offense shall be fined not less than two hundred  
227 dollars nor more than one thousand dollars or imprisoned not more  
228 than one year or shall be both fined and imprisoned.

229 Sec. 6. Section 26-92 of the general statutes is repealed and the  
230 following is substituted in lieu thereof:

231 No person shall catch, kill or purchase or attempt to catch, kill or  
232 purchase, sell, offer or expose for sale or have in possession, living or  
233 dead, any wild bird other than a game bird, or purchase or attempt to  
234 purchase, sell, offer or expose for sale or have in possession any part of  
235 any such bird or of the plumage thereof except as acquired under the  
236 provisions of this chapter. For the purposes of this section, the  
237 following shall be considered game birds: The anatidae, or waterfowl,

238 including brant, wild ducks and geese; the rallidae, or rails, including  
239 coots, gallinules and sora and other rails; the limicolae, or shore birds,  
240 including snipe and woodcock; the gallinae, including wild turkeys,  
241 grouse, prairie chickens, pheasants, partridge and quail; the corvidae,  
242 including crows. No person shall take or [needlessly] intentionally  
243 destroy any nest or any egg of any wild bird or game bird nor have  
244 any nest or egg of any such bird in possession. English sparrows,  
245 starlings, rock doves, and, when [in the act of destroying corn, crows  
246 and red-winged and crow blackbirds] found depredating or  
247 constituting a threat of depredation upon agriculture crops, livestock  
248 or wildlife or when concentrated in such numbers and manner as to  
249 constitute a public health hazard, crows, brown-headed cowbirds and  
250 grackles shall not be included among the birds protected by this  
251 section, except that nonlethal means shall first be used to prevent such  
252 depredation or to address such public health hazard. The existence of a  
253 public health hazard shall be determined by the Commissioner of  
254 Public Health or the local director of health. Any conservation officer  
255 and any other officer having authority to serve criminal process shall  
256 have the same powers relating to violations of the provisions of this  
257 section as are conferred by section 26-6. The commissioner shall adopt  
258 regulations, in accordance with chapter 54, to carry out the provisions  
259 of this section.

260 Sec. 7. Section 26-3 of the general statutes is repealed and the  
261 following is substituted in lieu thereof:

262 The Commissioner of Environmental Protection shall enforce all of  
263 the laws relating to fish and wildlife [, fish, crustacea, game and  
264 nongame birds, waterfowl and game and fur-bearing animals] of the  
265 state and shall possess all powers necessary to fulfill the duties  
266 prescribed by law with respect thereto and to bring actions in the  
267 proper courts of this state for the enforcement of such laws and the  
268 orders and regulations adopted and promulgated by [him. He] said  
269 commissioner. Said commissioner shall have the supervision of

270 hatcheries and retaining ponds and of the introduction, propagation,  
271 securing and distribution of such fish and [game] wildlife as are  
272 adapted to the waters or lands of this state, and may designate, as  
273 closed to fishing, areas of inland waters to provide for spawning beds,  
274 [, and] Notwithstanding any other provision of the general statutes,  
275 the commissioner, after public notice and an opportunity for public  
276 comment, may take at any time or place, using any method consistent  
277 with scientifically accepted principles of ecosystem based  
278 management, any fish [, crustacean, bird or animal] for scientific and  
279 educational purposes, public health and safety, propagation and  
280 dissemination, [. He] or protection of natural or agricultural  
281 ecosystems. Said commissioner shall have jurisdiction of all matters  
282 relating to fish and [game] wildlife on any land belonging to the state  
283 and the regulation of hunting, fishing and trapping and the use of the  
284 waters of any lake, pond or stream on such land. The commissioner  
285 shall not grant to any conservation officer, appointee or other person  
286 any special privileges with respect to hunting, fishing, trapping or the  
287 use of the waters of any lake, pond or stream on such land. [He] Said  
288 commissioner may erect buildings upon any such land, subject to the  
289 permission of the authorities of any institution or commission  
290 controlling such land and the approval of the Commissioner of Public  
291 Works and the State Properties Review Board. [He] Said commissioner  
292 may employ such special assistants as [he finds advisable. He]  
293 necessary. Said commissioner shall cooperate with the United States  
294 Fish and Wildlife Service and the fish and [game] wildlife  
295 commissioners of other states. [He] Said commissioner may acquire, by  
296 gift or lease and, with the approval of the Governor alone, by  
297 purchase, lands for the establishment of fish hatcheries or game  
298 preserves [. He] and fisheries or wildlife management areas. Said  
299 commissioner may, with the approval of the Attorney General, grant  
300 rights-of-way or other easements or leases for public purposes to the  
301 United States government, any subdivision of the state or any public  
302 utility within the state on or with respect to any lands under [his]

303 jurisdiction of said commissioner if [he] said commissioner finds that  
304 such purposes are not in conflict with the public interest, provided any  
305 such public utility shall pay for any right-of-way, easement or lease so  
306 granted such compensation as said commissioner considers  
307 reasonable. [He] Said commissioner shall have authority to establish  
308 the boundaries of any properties under [his] the jurisdiction of said  
309 commissioner by agreement with owners of adjoining property and  
310 may, with the approval of the Attorney General alone, exchange land  
311 with such property owners and execute deeds in the name of the state  
312 for the purpose of establishing such boundaries. The commissioner  
313 may provide for the importation of [game birds and game and fur-  
314 bearing animals] fish and wildlife, and provide for the protection,  
315 propagation and distribution of such imported or native [birds and  
316 animals] fish and wildlife. The commissioner may locate, lay out,  
317 construct and maintain nurseries and rearing ponds where fish may be  
318 planted, propagated and reared and liberate and distribute such fish in  
319 the waters of this state [ He] and may acquire by gift, purchase,  
320 capture or otherwise any fish [, game, game birds or animals] or  
321 wildlife for propagation, experimental or scientific purposes. [, and]  
322 Notwithstanding any other provisions of the general statutes, said  
323 commissioner, after public notice and an opportunity for public  
324 comment, may destroy and dispose of any undesirable or diseased  
325 wildlife [species] in the interest of wildlife management at any place  
326 and using any method consistent with scientifically accepted principles  
327 of ecosystem based management if [he] said commissioner determines  
328 that the species (1) aggressively invades, or is likely to be detrimental  
329 to, agricultural crops or native plants or wildlife, (2) is likely to be a  
330 carrier of insects, disease or parasites detrimental to such crops, plants  
331 or wildlife, or (3) is likely to have a detrimental effect on natural or  
332 agricultural ecosystems, (4) is likely to be detrimental to endangered,  
333 threatened, or species of special concern as listed in sections 26-306-1 to  
334 26-306-7, inclusive, of the Regulations of Connecticut State Agencies or  
335 such species' essential habitats, or (5) causes severe property damage,

336 provided the commissioner shall first utilize nonlethal means of  
337 controlling undesirable or diseased wildlife causing such damage. The  
338 commissioner may enter into cooperative agreements with educational  
339 institutions and state, federal or other agencies to promote wildlife  
340 research and to train personnel for wildlife management, information,  
341 distribution and education projects, and may enter into cooperative  
342 agreements with federal agencies, municipalities, corporations,  
343 organized groups or landowners, associations and individuals for the  
344 development of [game, birds,] fish or [fur-bearing animals] wildlife  
345 management and demonstration projects. The commissioner may  
346 allocate and expend for the protection, restoration, preservation and  
347 propagation of fish [, crustacea, game and fur-bearing animals, and  
348 game and nongame birds,] and wildlife all funds of the state collected,  
349 appropriated and acquired for the purpose. The commissioner shall  
350 adopt regulations, in accordance with chapter 54, to carry out the  
351 provisions of this section.

352 Sec. 8. Section 26-69 of the general statutes is repealed and the  
353 following is substituted in lieu thereof:

354 The commissioner, after public notice and an opportunity for public  
355 comment, may engage in wildlife management practices, [and may  
356 expend from federal aid funds necessary moneys to establish,  
357 construct and maintain, on any state-owned land and water under his  
358 control and, with the consent of the owner, on private land and water,  
359 wildlife propagation installations, facilities and associated structures,  
360 experimental stations and facilities, and perform, or have performed,  
361 any work related to the establishment, restoration, improvement,  
362 control and protection of wildlife habitats, and perform or have  
363 performed any work related to the creation of facilities for ingress and  
364 egress and the creation of facilities for public use of any area under its  
365 control] including, but not limited to: (1) Managing the wildlife  
366 resources of the state to provide sustainable, healthy populations of  
367 diverse wildlife species, including endangered and threatened species,

368 consistent with professional wildlife management principles and  
369 scientifically accepted principles of ecosystem based management; (2)  
370 conducting research to better understand processes and relationships  
371 affecting wildlife and habitats; (3) conducting public awareness and  
372 technical assistance programs to enhance privately-owned habitat and  
373 promote an appreciation for and understanding of the value and use of  
374 wildlife; (4) performing any work for the establishment, restoration,  
375 improvement, control and protection of wildlife habitats; (5)  
376 performing any work to create and maintain facilities for ingress and  
377 egress for public use of any area under said commissioner's control; (6)  
378 regulating hunting seasons and bag limits for all harvestable wildlife  
379 species within the state; (7) managing public hunting and wildlife  
380 recreational opportunities on state-owned, state-leased, permit-  
381 required areas and cooperative wildlife management areas; and (8)  
382 conducting, with volunteer assistance, conservation education and  
383 safety programs to promote safe and ethical hunting practices. Said  
384 commissioner may expend from federal aid funds necessary moneys  
385 for supplies, materials, equipment, temporary personal services and  
386 contractual services to carry out the provisions of this section. The  
387 commissioner shall adopt regulations, in accordance with chapter 54,  
388 to carry out the provisions of this section.

389       Sec. 9. Section 26-115 of the general statutes is repealed and the  
390 following is substituted in lieu thereof:

391       The Commissioner of Environmental Protection may engage in  
392 fisheries management practices [and may expend from federal aid  
393 funds necessary moneys to establish, construct and maintain, on any  
394 state-owned land and water under his control and, with the consent of  
395 the owner, on private land and water, fish cultural installations and  
396 associated structures, stream and pond improvement and control  
397 structures and experimental stations, and for the creation of facilities  
398 for public use of any area under his control] including, but not limited  
399 to: (1) Managing fishery resources to provide sustainable populations,

400 including endangered species, commensurate with habitat capability  
401 and relevant ecological, social and economic considerations; (2)  
402 regulating and managing diadromous and marine fisheries and habitat  
403 consistent with interjurisdictional management plans and harvest  
404 objectives; (3) regulating and managing inland fisheries and habitat  
405 through various stocking, population manipulation and habitat  
406 preservation and improvement programs; (4) protecting and  
407 conserving aquatic habitat and associated riparian zones; (5)  
408 performing any work to create and maintain facilities for the ingress  
409 and egress for public use of any area under said commissioner's  
410 control; (6) managing public fishing opportunities on state-owned or  
411 state-leased water bodies; and (7) conducting public awareness and  
412 educational programs to promote an understanding and appreciation  
413 for aquatic resources and habitats. Said commissioner is delegated  
414 authority to expend from federal aid funds necessary moneys for  
415 supplies, materials, equipment, temporary personal services and  
416 contractual services to carry out the provisions of sections 26-102 and  
417 26-111 to 26-117, inclusive, as amended by this act.

418 Sec. 10. Section 26-91 of the general statutes is repealed and the  
419 following is substituted in lieu thereof:

420 (a) The closed season, daily bag limit and possession limit for  
421 migratory game birds and the methods of taking such game birds shall  
422 be at least as stringent as the closed season, daily bag limit, possession  
423 limit and methods of taking fixed for such birds by the regulations of  
424 the United States Fish and Wildlife Service, made under the provisions  
425 of an Act of Congress Relating to Migratory Birds. Nothing in this  
426 section shall affect the right to kill or have in possession to be sold or  
427 offered for sale wild ducks, geese and brant, bred or propagated by  
428 any domestic breeder. Any person who violates any provision of this  
429 section shall be fined not more than fifty dollars or imprisoned not  
430 more than thirty days or both. The possession of each bird or part  
431 thereof shall constitute a separate offense.

432     (b) Notwithstanding any other provision of the general statutes, the  
433     Commissioner of Environmental Protection may authorize any  
434     municipality that has, by a majority vote of the decision making body  
435     of such town, voted to take resident Canada geese at any time or place  
436     and using any method consistent with professional wildlife  
437     management principles and scientifically accepted principles of  
438     ecosystem based management, to take such geese at any time or place  
439     using such method if the commissioner finds that a severe nuisance or  
440     ecological damage can be demonstrated and if a plan is submitted to  
441     the commissioner for review and approval. Such plan shall describe  
442     the extent and degree of the nuisance or damage and the proposed  
443     methods of take and other lethal and nonlethal options proposed,  
444     considered or implemented.

445     (c) The commissioner shall adopt regulations, in accordance with  
446     chapter 54, to carry out the provisions of this section.

**JUD**     *Joint Favorable Subst.*

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:

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**OFA Fiscal Note**

**State Impact:** Cost, Potential Minimal Revenue Gain

**Affected Agencies:** Department of Environmental Protection, Office of the Attorney General, Department of Public Health

**Municipal Impact:** Potential Cost

**Explanation**

**State Impact:**

Requiring that the cost of care and confiscation and maintenance of potentially dangerous animals be the responsibility of the owner or person in possession of the animal instead of the state or facility could result in a savings to the state. The Department of Environmental Protection (DEP) is not incurring significant costs at this time, however, each case can cost thousands of dollars. There was one case two years ago. Providing that the DEP does not pay the costs could result in additional cases, but the overall number of cases is anticipated to be minimal. Providing that violations regarding these provisions be a civil penalty could minimally increase revenue to the state. Allowing the Attorney General to institute a civil action to recover such costs is anticipated to minimally increase the workload to the Attorney General within normal budgetary resources.

The bill requires that in order for various provisions of the

legislation to be implemented, (changes concerning contraceptive compounds and devices, authorizing a municipality to take deer or geese, catching or killing non-game birds, powers of the commissioner under Section 26-3 of C.G.S., and powers of the commissioner under Section 26-69 of the C.G.S.) and for DEP to carry out its current wildlife duties, regulations must be adopted. Based on current resources, it is anticipated that all of these regulations cannot immediately be adopted. Adoption of each of the regulations is estimated to divert staff resources for  $\frac{1}{4}$  man year or require additional resources of \$25,000 to \$50,000. Therefore, it is unclear what provisions of the bill can be implemented and/or what actions the DEP can take with regard to current wildlife laws until the regulations are adopted.

Requiring the Department of Environmental Protection to provide public notice and comment on wildlife practices and management decisions within the agency before the commissioner or staff can take action under CGS 26-3 or CGS 26-69 could significantly increase costs. It is estimated that hundreds of these decisions are made on an annual basis. This would increase costs to DEP for legal notices and require staff for preparation of the notices, hearings, review of public comments and preparation and review of reports for additional total costs of approximately \$2,100 per event. Total actual annual costs could be in the hundreds of thousands of dollars.

Allowing municipalities with the DEP commissioner's permission to take deer and Canadian geese and requiring a permit from DEP for contraception in the field will minimally increase DEP's workload within resources.

Requiring non-lethal means to prevent destruction or to address public health hazards be used prior to other methods could result in an increase in workload and cost to the DEP. The exact impact is indeterminate, but not anticipated to be significant at this time.

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It is anticipated that the impact to DEP due to other changes in the

bill broadening and/or restricting certain powers with regard to the wildlife and fisheries laws is anticipated to be minimal. These changes clarify current powers and reflect current practice.

The bill requires the commissioner of Public Health or local health directors to determine the existence of a public health hazard caused by certain non-game birds. This function can be accommodated by the Department of Public Health within its anticipated budgetary resources.

***Municipal Impact:***

Any increase in workload or costs associated with municipal involvement for reviews, plans or potential notice and hearings concerning the taking of deer or Canadian geese would vary from town to town and is indeterminate. Since the provisions are discretionary, it is anticipated that the towns would undertake the activity when resources permit.

It is anticipated that local health directors can determine the existence of a public health hazard caused by birds within budgetary resources.

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**OLR Bill Analysis**

sSB 1214

***AN ACT CONCERNING WILDLIFE MANAGEMENT PROGRAMS OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION.***

**SUMMARY:**

This bill expands certain powers of the Department of Environmental Protection (DEP) commissioner regarding wildlife but restricts his powers in other ways. It identifies specific activities that fall under his powers with regard to fisheries and wildlife management. It allows him to acquire fisheries and wildlife management areas by gift, lease, or purchase.

The bill allows municipalities, with the commissioner's permission, to kill deer and Canada geese using a wider range of methods than are allowed under current law. It bars anyone from taking steps to alter the reproductive potential of free ranging wildlife without a permit from the commissioner.

The bill broadens the circumstances under which certain non-game birds can be caught or killed. It increases the maximum fine for illegal possession of a potentially dangerous animal and makes related changes.

The bill broadens the laws regulating the importation and possession of animals by applying them to invertebrates and two-footed mammals, such as primates. Violation of these laws is an infraction. It makes a parallel change in (1) the laws restricting the transportation, without a DEP permit, of animals out of season and (2) the general provision on illegal hunting. The penalty for violating these provisions is a fine of \$10 to \$200, imprisonment for up to 60 days, or both.

The bill requires DEP to adopt regulations to implement several of its provisions.

EFFECTIVE DATE: October 1, 2001

## COMMISSIONER'S POWERS

### *Fish and Wildlife*

Under current law, the commissioner must enforce all laws relating to fish, crustaceans, wildlife, birds including waterfowl, game, and fur-bearing animals. The bill instead gives him enforcement power over fish and wildlife laws. The bill's apparent intent is to use the term wildlife to cover all of the species covered by current law, other than fish.

The bill expands the commissioner's powers with regard to these animals in some ways and restricts them in others. Under current law, he can destroy and dispose of any undesirable or diseased wildlife for specified reasons. The bill specifies that this power supersedes other laws but it requires him to provide public notice and an opportunity for public comment before acting. It extends the commissioner's power to permit destruction of wildlife that (1) is likely to harm endangered or threatened species, or species listed as being of special concern under state law, or their habitats or (2) causes severe property damage, so long as the commissioner first uses non-lethal means of controlling the wildlife.

The bill restricts the commissioner's powers to take and place animals. Under current law, he can take and place any fish, crustacean, bird, or other animal at any time or place for scientific, educational, public health or safety, and other specified purposes. The bill (1) limits this authority to fish, (2) requires him to use methods consistent with scientifically accepted principles of ecosystem-based management, and (3) requires the commissioner to provide public notice and an opportunity for a hearing before acting. On the other hand, it (1) specifies that the commissioner's power under the bill supersedes other laws and (2) expands this power to include the protection of natural or agricultural ecosystems as one of the specified purposes. DEP must adopt regulations to implement this and related provisions.

### *Fisheries and Wildlife Management Practices*

The bill identifies specific examples of activities that fall under the

commissioner's powers to engage in fisheries and wildlife management practices. With regard to fisheries, it specifies that he may among other things:

1. manage fishery resources to provide sustainable populations, considering various factors;
2. regulate and manage marine and diadromous fisheries (migratory between fresh and salt water) and habitat, consistent with interjurisdictional management plans and harvest objectives;
3. regulate and manage inland fisheries and habitat through various means;
4. protect and conserve aquatic habitat and nearby areas;
5. create and maintain public access to areas DEP controls;
6. manage public fishing opportunities on state-controlled water bodies; and
7. conduct public awareness and educational programs.

The bill requires the commissioner to provide public notice and an opportunity for a hearing before engaging in wildlife management practices. The bill specifies that these practices include:

1. managing wildlife resources to provide sustainable, healthy, and diverse populations, consistent with relevant scientific and professional principles;
2. conducting research on wildlife and their habitats;
3. conducting public awareness and technical assistance programs for privately owned habitats;
4. performing work in connection with wildlife habitats;
5. providing and maintain public access to areas under DEP's control;

6. regulating hunting seasons and bag limits for harvestable species;
7. managing hunting and wildlife recreational activities on state-controlled or -regulated land and cooperative wildlife management areas; and
8. conducting programs, with volunteer assistance, to promote safe and ethical hunting.

The bill eliminates some of the commissioner's specific powers with regard to the expenditure of federal funds on fisheries and wildlife management.

## **HUNTING**

### ***Deer and Geese***

Current law generally prohibits taking deer over bait, by jacklight, and certain other methods. The bill allows the commissioner to authorize a municipality, under certain circumstances, to take deer by any method the commissioner finds consistent with professional wildlife management principles and scientifically accepted principles of ecosystem-based management. A municipality must decide to take deer by a majority vote of its decision-making body. The municipality must submit a plan to the commissioner for his approval describing (1) the extent and degree of the nuisance or damage the deer have caused; (2) the proposed methods of taking the deer; and (3) other lethal and non-lethal options that have been proposed, considered, or implemented.

The bill allows the commissioner to authorize municipalities to take Canada geese under the same conditions as it permits them to take deer.

DEP must adopt regulations to implement these provisions.

### ***Non-game Birds***

The bill broadens the circumstances under which certain non-game birds can be caught or killed. Under current law, the ban on catching

or killing non-game birds excludes starlings or English sparrows, crows, and two species of blackbirds when they are destroying corn. The bill expands this provision to include rock doves (pigeons). It expands the provision for crows to cover instances when they are (1) injuring or threatening to injure crops, ornamental or shade trees, livestock or wildlife or (2) congregating in such a way as to constitute a public health hazard. (The public health commissioner or local health director must determine that they are a health hazard.) The bill applies this last provision to grackles and brown-headed cowbirds, and places the two species of blackbirds back under the protected category.

Current law bans the needless destruction or possession of wild or game birds' nests or eggs (other than the above exclusions). Under the bill, the law applies if destruction is intentional rather than needless. DEP must adopt regulations to implement these provisions.

### **ANIMAL CONTRACEPTIVES**

The bill bars anyone from taking steps to alter the reproductive potential of free ranging wildlife without a permit from the commissioner. The restriction applies to the use of contraceptives, any physical alteration, or device for this purpose. The permit applicant must have obtained any required federal permits and then submit a proposal to the commissioner. The proposal must describe the protocol under which the contraceptives will be used, the credential of each person who will apply them, the purpose of the procedure, and an assessment of its environmental impacts. These provisions do not apply to DEP's wildlife management programs. The commissioner must adopt implementing regulations. They must include definitions of contraceptive compounds and devices and restrictions on their possession in the field.

### **POTENTIALLY DANGEROUS ANIMALS**

The law generally bars possession of potentially dangerous animals, such as lions, tigers, and bears. The bill increases the maximum fine for illegal possession of such animals from \$100 to a civil penalty of \$1,000 per offense and specifies that each offense is a separate violation and each day of a continuing event is also a separate offense.

By law, the commissioner can seize and dispose of illegally possessed animals. The bill assigns to the owner all of the costs associated with the confiscation, care, and maintenance of the animal until it is disposed of or permanently relocated. It allows the attorney general, at the commissioner's request, to file suit to recover the civil penalty and the costs; under current law, prosecutors are responsible for seeking the imposition of the fine.

## **BACKGROUND**

### ***Legislative History***

On May 2, the Senate referred the original version of this bill (File 430) to the Judiciary Committee. On May 9, the committee favorably reported its version of the bill, which (1) eliminated a provision which would have allowed homeowners' associations, with DEP approval, to kill deer and Canada geese using currently unauthorized methods, (2) required DEP to provide public notice an opportunity for public hearing before engaging in wildlife management practices, and (3) required DEP to adopt regulations to implement several of its provisions.

## **COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute  
Yea 28    Nay 0

Judiciary Committee

Joint Favorable Substitute  
Yea 24    Nay 8