



General Assembly

January Session, 2001

**Raised Bill No. 1214**

LCO No. 3965

Referred to Committee on Environment

Introduced by:  
(ENV)

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

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

1 Section 1. Section 26-40a of the general statutes is repealed and the  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 may adopt regulations, in accordance with the  
133 provisions of chapter 54, to carry out the requirements of subsection  
134 (b) of this section. The regulations shall include, but need not be  
135 limited to, definitions of contraceptive compounds and devices and  
136 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 section 26-82, 26-85, 26-86a, 26-86b or 26-  
152 90 or subsection (b) of section 26-86a-2 of the regulations of  
153 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 discretion to any state institution or may be sold and the proceeds  
194 of such sale shall be remitted to the State Treasurer, who shall apply  
195 the same to the General Fund, and no person, except the  
196 commissioner, shall retail, sell or offer for sale the whole or any part of  
197 any such deer. No person shall be a designated agent of more than one  
198 landowner or primary lessee in any calendar year. No person shall  
199 make, set or use any trap, snare, salt lick, bait or other device for the  
200 purpose of taking, injuring or killing any deer, [nor shall any person]  
201 except that any deer may be taken over bait in areas designated by the  
202 commissioner. No person shall hunt, pursue or kill deer being pursued  
203 by any dog, whether or not such dog is owned or controlled by [him]  
204 such person, except that no person shall be guilty of a violation under  
205 this section when such a deer is struck by a motor vehicle operated by  
206 [him] such person. No person shall use or allow any dog in [his] such  
207 person's charge to hunt, pursue or kill deer. No permit shall be issued  
208 when in the opinion of the commissioner the public safety may be  
209 jeopardized.

210 (b) Any person who violates any provision of this section shall be  
211 fined not less than two hundred dollars nor more than five hundred  
212 dollars or imprisoned not less than thirty days nor more than six  
213 months or shall be both fined and imprisoned, for the first offense, and  
214 for each subsequent offense shall be fined not less than two hundred  
215 dollars nor more than one thousand dollars or imprisoned not more

216 than one year or shall be both fined and imprisoned.

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

219 No person shall catch, kill or purchase or attempt to catch, kill or  
220 purchase, sell, offer or expose for sale or have in possession, living or  
221 dead, any wild bird other than a game bird, or purchase or attempt to  
222 purchase, sell, offer or expose for sale or have in possession any part of  
223 any such bird or of the plumage thereof except as acquired under the  
224 provisions of this chapter. For the purposes of this section, the  
225 following shall be considered game birds: The anatidae, or waterfowl,  
226 including brant, wild ducks and geese; the rallidae, or rails, including  
227 coots, gallinules and sora and other rails; the limicolae, or shore birds,  
228 including snipe and woodcock; the gallinae, including wild turkeys,  
229 grouse, prairie chickens, pheasants, partridge and quail; the corvidae,  
230 including crows. No person shall take or [needlessly] intentionally  
231 destroy any nest or any egg of any wild bird or game bird nor have  
232 any nest or egg of any such bird in possession. English sparrows,  
233 starlings, rock doves, monk parakeets and, when [in the act of  
234 destroying corn, crows and red-winged and crow blackbirds] found  
235 depredating or constituting a threat of depredation upon ornamental  
236 or shade trees, agriculture crops, livestock or wildlife, or when  
237 concentrated in such numbers and manner as to constitute a public  
238 health hazard, crows, brown-headed cowbirds and grackles shall not  
239 be included among the birds protected by this section. The existence of  
240 a public health hazard shall be determined by the commissioner in  
241 consultation with the Commissioner of Public Health or the local  
242 director of health. Any conservation officer and any other officer  
243 having authority to serve criminal process shall have the same powers  
244 relating to violations of the provisions of this section as are conferred  
245 by section 26-6.

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

248 The Commissioner of Environmental Protection shall enforce all of  
249 the laws relating to fish and wildlife [, fish, crustacea, game and  
250 nongame birds, waterfowl and game and fur-bearing animals] of the  
251 state and shall possess all powers necessary to fulfill the duties  
252 prescribed by law with respect thereto and to bring actions in the  
253 proper courts of this state for the enforcement of such laws and the  
254 orders and regulations adopted and promulgated by [him] said  
255 commissioner. [He] Said commissioner shall have the supervision of  
256 hatcheries and retaining ponds and of the introduction, propagation,  
257 securing and distribution of such fish and [game] wildlife as are  
258 adapted to the waters or lands of this state, and may designate, as  
259 closed to fishing, areas of inland waters to provide for spawning beds,  
260 and, notwithstanding any other provision of the general statutes, may  
261 take at any time or place any fish [, crustacean, bird or animal] for  
262 scientific and educational purposes, public health and safety,  
263 propagation and dissemination, or protection of natural or agricultural  
264 ecosystems. [He] Said commissioner shall have jurisdiction of all  
265 matters relating to fish and [game] wildlife on any land belonging to  
266 the state and the regulation of hunting, fishing and trapping and the  
267 use of the waters of any lake, pond or stream on such land. The  
268 commissioner shall not grant to any conservation officer, appointee or  
269 other person any special privileges with respect to hunting, fishing,  
270 trapping or the use of the waters of any lake, pond or stream on such  
271 land. [He] Said commissioner may erect buildings upon any such land,  
272 subject to the permission of the authorities of any institution or  
273 commission controlling such land and the approval of the  
274 Commissioner of Public Works and the State Properties Review Board.  
275 [He] Said commissioner may employ such special assistants as [he  
276 finds advisable. He] necessary. Said commissioner shall cooperate with  
277 the United States Fish and Wildlife Service and the fish and [game]  
278 wildlife commissioners of other states. [He] Said commissioner may  
279 acquire, by gift or lease and, with the approval of the Governor alone,  
280 by purchase, lands for the establishment of fish hatcheries or game  
281 preserves and fisheries or wildlife management areas. [He] Said

282 Commissioner may, with the approval of the Attorney General, grant  
283 rights-of-way or other easements or leases for public purposes to the  
284 United States government, any subdivision of the state or any public  
285 utility within the state on or with respect to any lands under [his]  
286 jurisdiction of said commissioner if [he] said commissioner finds that  
287 such purposes are not in conflict with the public interest, provided any  
288 such public utility shall pay for any right-of-way, easement or lease so  
289 granted such compensation as said commissioner considers  
290 reasonable. [He] Said commissioner shall have authority to establish  
291 the boundaries of any properties under [his] the jurisdiction of said  
292 commissioner by agreement with owners of adjoining property and  
293 may, with the approval of the Attorney General alone, exchange land  
294 with such property owners and execute deeds in the name of the state  
295 for the purpose of establishing such boundaries. The commissioner  
296 may provide for the importation of [game birds and game and fur-  
297 bearing animals] fish and wildlife, and provide for the protection,  
298 propagation and distribution of such imported or native [birds and  
299 animals] fish and wildlife. The commissioner may locate, lay out,  
300 construct and maintain nurseries and rearing ponds where fish may be  
301 planted, propagated and reared and liberate and distribute such fish in  
302 the waters of this state. [He] Said commissioner may acquire by gift,  
303 purchase, capture or otherwise any fish [, game, game birds or  
304 animals] or wildlife for propagation, experimental or scientific  
305 purposes, and may destroy and dispose of any undesirable or diseased  
306 wildlife species in the interest of wildlife management if [he] said  
307 commissioner determines that the species (1) aggressively invades, or  
308 is likely to be detrimental to, agricultural crops or native plants or  
309 wildlife, (2) is likely to be a carrier of insects, disease or parasites  
310 detrimental to such crops, plants or wildlife, or (3) is likely to have a  
311 detrimental effect on natural or agricultural ecosystems. The  
312 commissioner may enter into cooperative agreements with educational  
313 institutions and state, federal or other agencies to promote wildlife  
314 research and to train personnel for wildlife management, information,  
315 distribution and education projects, and may enter into cooperative

316 agreements with federal agencies, municipalities, corporations,  
317 organized groups or landowners, associations and individuals for the  
318 development of [game, birds,] fish or [fur-bearing animals] wildlife  
319 management and demonstration projects. The commissioner may  
320 allocate and expend for the protection, restoration, preservation and  
321 propagation of fish [, crustacea, game and fur-bearing animals, and  
322 game and nongame birds,] and wildlife all funds of the state collected,  
323 appropriated and acquired for the purpose.

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

326 The commissioner may engage in wildlife management practices,  
327 [and may expend from federal aid funds necessary moneys to  
328 establish, construct and maintain, on any state-owned land and water  
329 under his control and, with the consent of the owner, on private land  
330 and water, wildlife propagation installations, facilities and associated  
331 structures, experimental stations and facilities, and perform, or have  
332 performed, any work related to the establishment, restoration,  
333 improvement, control and protection of wildlife habitats, and perform  
334 or have performed any work related to the creation of facilities for  
335 ingress and egress and the creation of facilities for public use of any  
336 area under its control] including, but not limited to: (1) Managing the  
337 wildlife resources of the state to provide stable, healthy populations of  
338 diverse wildlife species, including endangered and threatened species,  
339 consistent with professional wildlife management principles; (2)  
340 conducting research to better understand processes and relationships  
341 affecting wildlife and habitats; (3) conducting public awareness and  
342 technical assistance programs to enhance privately-owned habitat and  
343 promote an appreciation for and understanding of the value and use of  
344 wildlife; (4) performing any work for the establishment, restoration,  
345 improvement, control and protection of wildlife habitats; (5)  
346 performing any work to create and maintain facilities for ingress and  
347 egress for public use of any area under said commissioner's control; (6)  
348 regulating hunting seasons and bag limits for all harvestable wildlife

349 species within Connecticut; (7) managing public hunting and wildlife  
350 recreational opportunities on state-owned, state-leased, permit-  
351 required areas and cooperative wildlife management areas; and (8)  
352 conducting, with volunteer assistance, conservation education and  
353 safety programs to promote safe and ethical hunting practices. Said  
354 commissioner may expend from federal aid funds necessary moneys  
355 for supplies, materials, equipment, temporary personal services and  
356 contractual services to carry out the provisions of this section.

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

359       The Commissioner of Environmental Protection may engage in  
360 fisheries management practices [and may expend from federal aid  
361 funds necessary moneys to establish, construct and maintain, on any  
362 state-owned land and water under his control and, with the consent of  
363 the owner, on private land and water, fish cultural installations and  
364 associated structures, stream and pond improvement and control  
365 structures and experimental stations, and for the creation of facilities  
366 for public use of any area under his control] including, but not limited  
367 to: (1) Managing fishery resources to provide sustainable populations,  
368 including endangered species, commensurate with habitat capability  
369 and relevant ecological, social and economic considerations; (2)  
370 regulating and managing diadromous and marine fisheries and habitat  
371 consistent with interjurisdictional management plans and harvest  
372 objectives; (3) regulating and managing inland fisheries and habitat  
373 through various stocking, population manipulation and habitat  
374 preservation and improvement programs; (4) protecting and  
375 conserving aquatic habitat and associated riparian zones; (5)  
376 performing any work to create and maintain facilities for the ingress  
377 and egress for public use of any area under said commissioner's  
378 control; (6) managing public fishing opportunities on state-owned or  
379 state-leased water bodies; and (7) conducting public awareness and  
380 educational programs to promote an understanding and appreciation  
381 for aquatic resources and habitats. Said commissioner is delegated

382 authority to expend from federal aid funds necessary moneys for  
383 supplies, materials, equipment, temporary personal services and  
384 contractual services to carry out the provisions of sections 26-102 and  
385 26-111 to 26-117, inclusive, as amended by this act.

**Statement of Purpose:**

To update the wildlife management programs of the Department of Environmental Protection.

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