



# House of Representatives

## File No. 794

General Assembly

January Session, 2003

**(Reprint of File No. 334)**

House Bill No. 6394  
As Amended by House  
Amendment Schedules  
"A", "B" and "C"

Approved by the Legislative Commissioner  
May 30, 2003

### **AN ACT CONCERNING THE ENDANGERED SPECIES 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 Section 26-93 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2003*):

3 Any person who disturbs, [molests, harasses,] hunts, takes, kills or  
4 attempts to kill any bald eagle or disturbs any active bald eagle nest  
5 shall be fined not more than one [hundred] thousand dollars or  
6 imprisoned not more than thirty days or both. Any person who enters  
7 a posted no access area for a bald eagle or a posted no access area for  
8 an active bald eagle nest shall be fined not more than one thousand  
9 dollars or imprisoned not more than thirty days, or both.

10 Sec. 2. Section 26-40a of the general statutes is repealed and the  
11 following is substituted in lieu thereof (*Effective October 1, 2003*):

12 For the purposes of this section, the following wildlife or any hybrid  
13 thereof, shall be considered as potentially dangerous animals: The

14 felidae, including, but not limited to, the lion, leopard, cheetah, jaguar,  
15 ocelot, jaguarundi cat, puma, lynx and bobcat; the canidae, including,  
16 but not limited to, the wolf and coyote; and the ursidae, including, but  
17 not limited to, the black bear, grizzly bear and brown bear. No person  
18 shall possess a potentially dangerous animal. Any such animal  
19 illegally possessed may be ordered seized and may be disposed of as  
20 determined by the Commissioner of Environmental Protection. [Any]  
21 The Department of Environmental Protection shall issue a bill to the  
22 owner or person in illegal possession of such potentially dangerous  
23 animal for all costs of confiscation, care maintenance and disposal of  
24 such animal. Additionally, any person who violates any provision of  
25 this section shall be [fined not more than one hundred dollars for each  
26 offense] assessed a civil penalty not to exceed one thousand dollars, to  
27 be fixed by the court, for each offense. Each violation shall be a  
28 separate and distinct offense and in the case of a continuing violation,  
29 each day's continuance thereof shall be deemed to be a separate and  
30 distinct offense. The Commissioner of Environmental Protection may  
31 request the Attorney General to institute an action in superior court to  
32 recover such penalty and any amounts owed pursuant to a bill issued  
33 in accordance with this section. The provisions of this section shall not  
34 apply to municipal parks, zoos and nature centers, or museums,  
35 laboratories and research facilities maintained by scientific or  
36 educational institutions; to a person possessing a Bengal cat certified  
37 by an internationally recognized multiple-cat domestic feline breeding  
38 association as being without wild parentage for a minimum of four  
39 prior generations which cat was registered with the Commissioner of  
40 Agriculture on or before October 1, 1996, provided no such cat may be  
41 imported into this state after June 6, 1996; or to persons possessing  
42 animals legally on or before May 23, 1983. In any action taken by any  
43 official of the state or any municipality to control rabies, a Bengal cat  
44 shall be considered not vaccinated for rabies in accordance with  
45 accepted veterinary practice.

46 Sec. 3. Section 26-55 of the general statutes is repealed and the  
47 following is substituted in lieu thereof (*Effective October 1, 2003*):

48 No person shall import or introduce into the state, or possess or  
49 liberate therein, any live fish, wild bird, wild [quadruped] mammal,  
50 reptile, [or] amphibian or invertebrate unless such person has obtained  
51 a permit therefor from the commissioner. Such permit may be issued at  
52 the discretion of the commissioner under such regulations as [he] the  
53 commissioner may prescribe. The commissioner may by regulation  
54 prescribe the numbers of live fish, wild birds, wild [quadrupeds]  
55 mammals, reptiles, [and] amphibians or invertebrates of certain species  
56 which may be imported, possessed, introduced into the state or  
57 liberated therein. The commissioner may by regulation exempt certain  
58 species or groups of live fish from the permit requirements. [He] The  
59 commissioner may by regulation determine which species of wild  
60 birds, wild [quadrupeds] mammals, reptiles, [and] amphibians or  
61 invertebrates must meet permit requirements. [He] The commissioner  
62 may totally prohibit the importation, possession, introduction into the  
63 state or liberation therein of certain species which [he] the  
64 commissioner has determined may be a potential threat to humans,  
65 agricultural crops or established species of plants, fish, birds,  
66 [quadrupeds] mammals, reptiles, [or] amphibians or invertebrates. The  
67 commissioner may by regulation exempt from permit requirements  
68 organizations or institutions such as zoos, research laboratories,  
69 colleges or universities, public nonprofit aquaria or nature centers  
70 where live fish, wild birds, wild [quadrupeds] mammals, reptiles,  
71 [and] amphibians or invertebrates are held in strict confinement. Any  
72 such fish, bird, [quadruped] mammal, reptile, [or] amphibian or  
73 invertebrate illegally imported into the state or illegally possessed  
74 therein shall be seized by any representative of the Department of  
75 Environmental Protection and shall be disposed of as determined by  
76 the commissioner. Any person, except as provided in section 26-55a,  
77 who violates any provision of this section or any regulation issued by  
78 the commissioner as herein provided shall be guilty of an infraction.  
79 Importation, liberation or possession of each fish, wild bird, wild  
80 [quadruped] mammal, reptile, [or] amphibian or invertebrate in  
81 violation of this section or such regulation shall be a separate and  
82 distinct offense and, in the case of a continuing violation each day of

83 continuance thereof shall be deemed to be a separate and distinct  
84 offense.

85 Sec. 4. Section 26-57 of the general statutes is repealed and the  
86 following is substituted in lieu thereof (*Effective October 1, 2003*):

87 No person shall transport within the state or transport out of the  
88 state any fish, bird, [quadruped] mammal, reptile, [or] amphibian or  
89 invertebrate for which a closed season is provided without a permit  
90 from the commissioner, except as provided herein. The commissioner  
91 may issue a permit to any person to transport within the state or to  
92 transport out of the state any fish, bird, [quadruped] mammal, reptile,  
93 [or] amphibian or invertebrate protected under the provisions of this  
94 chapter under such regulations as [he] the commissioner may  
95 prescribe. No fish, bird, [quadruped] mammal, reptile, [or] amphibian  
96 or invertebrate shall be transported out of the state unless each unit,  
97 package or container is conspicuously tagged or labeled, and such tag  
98 or label contains in legible writing the full name and address of the  
99 person legally authorized to transport out of the state such fish, bird,  
100 [quadruped] mammal, reptile, [or] amphibian or invertebrate. Any  
101 such fish, bird, [quadruped] mammal, reptile, [or] amphibian or  
102 invertebrate received by any person or by any common carrier within  
103 the state, addressed for shipment to any point without the state and  
104 not having such tag or label conspicuously attached shall be prima  
105 facie evidence of a violation of the provisions of this section. A permit  
106 shall not be required to transport within the state or to transport out of  
107 the state any fish, bird, [quadruped] mammal, reptile, [or] amphibian  
108 or invertebrate which has been legally taken, bred, propagated or  
109 possessed by a person to whom a license, registration or permit has  
110 been issued under the provisions of this chapter authorizing the  
111 taking, breeding, propagating or possessing of fish, birds,  
112 [quadrupeds] mammals, reptiles, [or] amphibians or invertebrates, and  
113 no permit shall be required to transport within the state or to transport  
114 out of the state any fish, bird, [quadruped] mammal, reptile, [or]  
115 amphibian or invertebrate that has been legally taken or acquired by a  
116 person exempt from license requirements under the provisions of this

117 chapter. Any person who violates any provision of this section shall be  
118 fined not less than ten dollars nor more than two hundred dollars or  
119 imprisoned not more than sixty days or be both fined and imprisoned.

120 Sec. 5. Section 26-70 of the general statutes is repealed and the  
121 following is substituted in lieu thereof (*Effective October 1, 2003*):

122 (a) No person shall hunt, take, attempt to hunt or take, or assist in  
123 hunting or taking, or assist in an attempt to hunt or take, from the  
124 wild, any wild [game] bird, wild [quadruped] mammal, reptile, [or]  
125 amphibian or invertebrate except as authorized under the provisions  
126 of this chapter and the regulations issued by the commissioner. Each  
127 [game] wild bird, wild [quadruped] mammal, reptile, [and] amphibian  
128 or invertebrate killed, wounded, taken or possessed contrary to any  
129 provision hereof shall constitute a separate offense.

130 (b) No person may administer any chemical or biological substance,  
131 including, but not limited to, drugs, pesticides, vaccines or  
132 immunocontraceptives or make any physical alteration or affix any  
133 device to any free ranging wildlife without first obtaining a permit  
134 from the commissioner. The applicant for such permit shall (1) first  
135 obtain any necessary federal permits, and (2) provide to the  
136 commissioner a written proposal describing the chemical or biological  
137 substance application, physical alteration or device attachment  
138 protocol, the credentials of each person who will administer the  
139 procedure, the purpose or intent of the procedure and an assessment  
140 of any resulting physiological, behavioral and environmental impacts.  
141 No state permit is required for wildlife management programs of the  
142 department performed in accordance with professional wildlife  
143 management principles.

144 Sec. 6. Section 26-82 of the general statutes is repealed and the  
145 following is substituted in lieu thereof (*Effective October 1, 2003*):

146 (a) No person shall hunt, pursue, wound or kill any deer or sell or  
147 offer for sale or have in possession the flesh of any deer captured or  
148 killed in this state, or have in possession the flesh of any deer from any

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

184 or lessee to use a jacklight for the purpose of taking deer when it is  
185 shown, to the satisfaction of the commissioner, that such deer is  
186 causing damage which cannot be reduced during the daylight hours  
187 between sunrise and one-half hour after sunset on the land of such  
188 landowner. The commissioner may require notification as specified on  
189 such permit prior to its use. Any deer killed in accordance with the  
190 provisions of this section shall be the property of the owner of the land  
191 upon which the same has been killed, but shall not be sold, bartered,  
192 traded or offered for sale, and the person who kills any such deer shall  
193 tag and report each deer killed, as provided in section 26-86b. Upon  
194 receipt of the report required by section 26-86b, the commissioner shall  
195 issue an additional damage permit to the person making such report.  
196 Any deer killed otherwise than under the conditions provided for in  
197 this chapter or regulations adopted pursuant thereto shall remain the  
198 property of the state and may be disposed of by the commissioner at  
199 the commissioner's discretion to any state institution or may be sold  
200 and the proceeds of such sale shall be remitted to the State Treasurer,  
201 who shall apply the same to the General Fund, and no person, except  
202 the commissioner, shall retail, sell or offer for sale the whole or any  
203 part of any such deer. No person shall be a designated agent of more  
204 than one landowner or primary lessee in any calendar year. No person  
205 shall make, set or use any trap, snare, salt lick, bait or other device for  
206 the purpose of taking, injuring or killing any deer, [nor shall any  
207 person] except that deer may be taken over an attractant in areas  
208 designated by the commissioner. For the purposes of this section, an  
209 attractant means any natural or artificial substance placed, exposed,  
210 deposited, distributed or scattered that is used to attract, entice or lure  
211 deer to a specific location including, but not limited to, salt, chemicals  
212 or minerals, including their residues or any natural or artificial food,  
213 hay, grain, fruit or nuts. The commissioner may authorize any  
214 municipality, homeowner association or nonprofit land holding  
215 organization approved by the commissioner under the provisions of  
216 this section to take deer at any time, other than Sundays, or place using  
217 any method consistent with professional wildlife management  
218 principles when a severe nuisance or ecological damage can be

219 demonstrated to the satisfaction of the commissioner. Any such  
220 municipality, homeowner association or nonprofit land holding  
221 organization shall submit to the commissioner, for the commissioner's  
222 review and approval, a plan that describes the extent and degree of the  
223 nuisance or ecological damage and the proposed methods of take.  
224 Prior to the implementation of any such approved plan, the  
225 municipality, homeowner association or nonprofit land holding  
226 organization shall provide notice of such plan to any abutting  
227 landowners of such place where the plan will be implemented. Such  
228 plan shall not authorize the use of a snare. No person shall hunt,  
229 pursue or kill deer being pursued by any dog, whether or not such dog  
230 is owned or controlled by such person, except that no person shall be  
231 guilty of a violation under this section when such a deer is struck by a  
232 motor vehicle operated by such person. No person shall use or allow  
233 any dog in such person's charge to hunt, pursue or kill deer. No permit  
234 shall be issued when in the opinion of the commissioner the public  
235 safety may be jeopardized.

236 (b) Any person who violates any provision of this section shall be  
237 fined not less than two hundred dollars nor more than five hundred  
238 dollars or imprisoned not less than thirty days nor more than six  
239 months or shall be both fined and imprisoned, for the first offense, and  
240 for each subsequent offense shall be fined not less than two hundred  
241 dollars nor more than one thousand dollars or imprisoned not more  
242 than one year or shall be both fined and imprisoned.

243 Sec. 7. Section 26-91 of the general statutes is repealed and the  
244 following is substituted in lieu thereof (*Effective October 1, 2003*):

245 (a) The closed season, daily bag limit and possession limit for  
246 migratory game birds and the methods of taking such game birds shall  
247 be at least as stringent as the closed season, daily bag limit, possession  
248 limit and methods of taking, including allowable compositions of  
249 nontoxic shot, fixed for such birds by the regulations of the United  
250 States Fish and Wildlife Service, made under the provisions of an Act  
251 of Congress Relating to Migratory Birds. Nothing in this section shall



252 affect the right to kill or have in possession to be sold or offered for  
253 sale wild ducks, geese and brant, bred or propagated by any domestic  
254 breeder. Any person who violates any provision of this section shall be  
255 fined not more than fifty dollars or imprisoned not more than thirty  
256 days or both. The possession of each bird or part thereof shall  
257 constitute a separate offense.

258 (b) The Commissioner of Environmental Protection may authorize  
259 any municipality, homeowner association or nonprofit land holding  
260 organization approved by the commissioner under the provisions of  
261 this section to take resident Canada geese at any time, other than  
262 Sundays, or place using any method consistent with professional  
263 wildlife management principles. Any such municipality, homeowner  
264 association or nonprofit land holding organization shall submit to the  
265 commissioner, for the commissioner's review and approval, a plan that  
266 describes the extent and degree of the nuisance or ecological damage  
267 and the proposed method of take. Such plan shall include prohibitions  
268 against feeding of such geese and requirements that landscaping in the  
269 area is managed in a way to be less hospitable to geese, utilizing native  
270 plantings. Prior to the implementation of such plan, the municipality,  
271 homeowner association or nonprofit land holding organization shall  
272 provide notice of such plan to abutting landowners of such place  
273 where the plan will be implemented. Such plan shall not authorize the  
274 use of a snare.

275 Sec. 8. Section 26-92 of the general statutes is repealed and the  
276 following is substituted in lieu thereof (*Effective October 1, 2003*):

277 No person shall catch, kill or purchase or attempt to catch, kill or  
278 purchase, sell, offer or expose for sale or have in possession, living or  
279 dead, any wild bird other than a game bird, or purchase or attempt to  
280 purchase, sell, offer or expose for sale or have in possession any part of  
281 any such bird or of the plumage thereof except as acquired under the  
282 provisions of this chapter. For the purposes of this section, the  
283 following shall be considered game birds: The anatidae, or waterfowl,  
284 including brant, wild ducks and geese; the rallidae, or rails, including

285 coots, gallinules and sora and other rails; the limicolae, or shore birds,  
286 including snipe and woodcock; the gallinae, including wild turkeys,  
287 grouse, prairie chickens, pheasants, partridge and quail; the corvidae,  
288 including crows. No person shall take or [needlessly] destroy any nest  
289 or any egg of any wild bird or game bird. [nor have] No person shall  
290 possess any nest or egg of any [such bird in possession] wild or game  
291 bird. English sparrows, starlings and, when [in the act of destroying  
292 corn, crows and red-winged and crow blackbirds] found depredating  
293 upon ornamental trees, agriculture crops, livestock or wildlife, or  
294 when concentrated in such numbers to constitute a public health or  
295 public safety hazard, crows, rock doves, monk parakeets and brown-  
296 headed cowbirds shall not be included among the birds protected by  
297 this section. Any conservation officer and any other officer having  
298 authority to serve criminal process shall have the same powers relating  
299 to violations of the provisions of this section as are conferred by  
300 section 26-6.

301 Sec. 9. Section 26-3 of the general statutes is repealed and the  
302 following is substituted in lieu thereof (*Effective October 1, 2003*):

303 The Commissioner of Environmental Protection shall enforce all of  
304 the laws relating to fish and wildlife [, fish, crustacea, game and  
305 nongame birds, waterfowl and game and fur-bearing animals] of the  
306 state and shall possess all powers necessary to fulfill the duties  
307 prescribed by law with respect thereto and to bring actions in the  
308 proper courts of this state for the enforcement of such laws and the  
309 orders and regulations adopted and promulgated by [him. He] said  
310 commissioner. Said Commissioner shall have the supervision of  
311 hatcheries and retaining ponds and of the introduction, propagation,  
312 securing and distribution of such fish and [game] wildlife as are  
313 adapted to the waters or lands of this state, and may designate, as  
314 closed to fishing, areas of inland waters to provide for spawning beds,  
315 [, and] The commissioner may take at any time or place, other than  
316 Sundays, using any method consistent with professional wildlife  
317 management principles, any fish, crustacean, bird or animal for  
318 scientific and educational purposes, public health and safety,

319 propagation and dissemination, [. He] or protection of natural or  
320 agricultural ecosystems. Such taking shall not include the use of a  
321 snare. In the case of an imminent threat to public health or public  
322 safety, notwithstanding any provision of the general statutes, the  
323 commissioner may take at any time or place, using any method  
324 consistent with professional wildlife management principles, any fish,  
325 crustacean, bird or animal. Said commissioner shall have jurisdiction  
326 of all matters relating to fish and [game] wildlife on any land  
327 belonging to the state and the regulation of hunting, fishing and  
328 trapping and the use of the waters of any lake, pond or stream on such  
329 land. The commissioner shall not grant to any conservation officer,  
330 appointee or other person any special privileges with respect to  
331 hunting, fishing, trapping or the use of the waters of any lake, pond or  
332 stream on such land. [He] Said commissioner may erect buildings  
333 upon any such land, subject to the permission of the authorities of any  
334 institution or commission controlling such land and the approval of  
335 the Commissioner of Public Works and the State Properties Review  
336 Board. [He] Said commissioner may employ such special assistants as  
337 [he finds advisable. He] necessary. Said commissioner shall cooperate  
338 with the United States Fish and Wildlife Service and the fish and  
339 [game] wildlife commissioners of other states. [He] Said commissioner  
340 may acquire, by gift or lease and, with the approval of the Governor  
341 alone, by purchase, lands for the establishment of fish hatcheries or  
342 game preserves [. He] and fisheries or wildlife management areas. Said  
343 commissioner may, with the approval of the Attorney General, grant  
344 rights-of-way or other easements or leases for public purposes to the  
345 United States government, any subdivision of the state or any public  
346 utility within the state on or with respect to any lands under [his]  
347 jurisdiction of said commissioner if [he] said commissioner finds that  
348 such purposes are not in conflict with the public interest, provided any  
349 such public utility shall pay for any right-of-way, easement or lease so  
350 granted such compensation as said commissioner considers  
351 reasonable. [He] Said commissioner shall have authority to establish  
352 the boundaries of any properties under [his] the jurisdiction of said  
353 commissioner by agreement with owners of adjoining property and

354 may, with the approval of the Attorney General alone, exchange land  
355 with such property owners and execute deeds in the name of the state  
356 for the purpose of establishing such boundaries. The commissioner  
357 may provide for the importation of [game birds and game and fur-  
358 bearing animals] fish and wildlife, and provide for the protection,  
359 propagation and distribution of such imported or native [birds and  
360 animals] fish and wildlife. The commissioner may locate, lay out,  
361 construct and maintain nurseries and rearing ponds where fish may be  
362 planted, propagated and reared and liberate and distribute such fish in  
363 the waters of this state. [He] Said commissioner may acquire by gift,  
364 purchase, capture or otherwise any fish [, game, game birds or  
365 animals] or wildlife for propagation, experimental or scientific  
366 purposes. [, and] Notwithstanding any provisions of the general  
367 statutes, said commissioner may destroy and dispose of any  
368 undesirable or diseased wildlife [species] in the interest of wildlife  
369 management [if he] at any time or place and using any method  
370 consistent with professional wildlife management principles if said  
371 commissioner determines that [the species] such wildlife (1)  
372 aggressively invades, or is likely to be detrimental to, agricultural  
373 crops, [or] native plants, livestock or wildlife, (2) is likely to be a carrier  
374 of insects, disease or parasites detrimental to such crops, plants or  
375 wildlife, [or] (3) is likely to have a detrimental effect on natural or  
376 agricultural ecosystems, (4) is likely to be detrimental to endangered,  
377 threatened species or species of special concern, as listed in the  
378 regulations adopted by the commissioner under this chapter, or such  
379 species' essential habitats, or (5) causes severe property damage. The  
380 commissioner may enter into cooperative agreements with educational  
381 institutions and state, federal or other agencies to promote wildlife  
382 research and to train personnel for wildlife management, information,  
383 distribution and education projects, and may enter into cooperative  
384 agreements with federal agencies, municipalities, corporations,  
385 organized groups or landowners, associations and individuals for the  
386 development of [game, birds,] fish or [fur-bearing animals] wildlife  
387 management and demonstration projects. The commissioner may  
388 allocate and expend for the protection, restoration, preservation and

389 propagation of fish [, crustacea, game and fur-bearing animals, and  
390 game and nongame birds,] and wildlife all funds of the state collected,  
391 appropriated and acquired for the purpose.

392 Sec. 10. Section 26-69 of the general statutes is repealed and the  
393 following is substituted in lieu thereof (*Effective October 1, 2003*):

394 The commissioner may engage in wildlife management practices,  
395 [and may expend from federal aid funds necessary moneys to  
396 establish, construct and maintain, on any state-owned land and water  
397 under his control and, with the consent of the owner, on private land  
398 and water, wildlife propagation installations, facilities and associated  
399 structures, experimental stations and facilities, and perform, or have  
400 performed, any work related to the establishment, restoration,  
401 improvement, control and protection of wildlife habitats, and perform  
402 or have performed any work related to the creation of facilities for  
403 ingress and egress and the creation of facilities for public use of any  
404 area under its control] including, but not limited to: (1) Managing the  
405 wildlife resources of the state to provide sustainable, healthy  
406 populations of diverse wildlife species, including endangered and  
407 threatened species, consistent with professional wildlife management  
408 principles; (2) conducting research to better understand processes and  
409 relationships affecting wildlife and habitats; (3) conducting public  
410 awareness and technical assistance programs to enhance privately-  
411 owned habitat and promote an appreciation for and understanding of  
412 the value and use of wildlife; (4) performing any work for the  
413 establishment, restoration, improvement, control and protection of  
414 wildlife habitats; (5) performing any work to create and maintain  
415 facilities for ingress and egress for public use of any area under said  
416 commissioner's control; (6) regulating hunting seasons and bag limits  
417 for all harvestable wildlife species within Connecticut; (7) managing  
418 public hunting and wildlife recreational opportunities on state-owned,  
419 state-leased, permit-required areas and cooperative wildlife  
420 management areas; and (8) conducting, with volunteer assistance,  
421 conservation education and safety programs to promote safe and  
422 ethical hunting practices. Said commissioner may expend from federal

423 aid funds necessary moneys for supplies, materials, equipment,  
424 temporary personal services and contractual services to carry out the  
425 provisions of this section. Any utilization of such powers by the  
426 commissioner shall be documented and subject to disclosure pursuant  
427 to the Freedom of Information Act. Such documentation shall include,  
428 but not be limited to: An explanation of the need for such use, the  
429 duration of such use, a description of the power used, the location  
430 where such power was used, the names of the persons or entities that  
431 may take animals pursuant to the plan, any conditions of the plan, the  
432 methods used under the plan and any species taken under the plan.

433 Sec. 11. (NEW) (*Effective October 1, 2003*) No person shall sell or  
434 purchase any snakehead fish in the state.

435 Sec. 12. Section 26-29c of the general statutes is repealed and the  
436 following is substituted in lieu thereof (*Effective October 1, 2003*):

437 Notwithstanding the provisions of section 26-27, the Commissioner  
438 of Environmental Protection shall issue, without fee, a private land  
439 deer permit for use only on a farm provided: (1) The farm is an S  
440 corporation or a limited liability corporation; and (2) the permit is  
441 issued to a corporate member or the immediate family of the corporate  
442 member, or to a partner or immediate family of the partner of the  
443 limited liability corporation. No such corporate member, partner or  
444 family member shall be issued more than one such permit per season.  
445 The permit shall allow the use of a rifle, shotgun, muzzleloader or bow  
446 and arrow on the farm from November first until December thirty-  
447 first, inclusive, of each year. For purposes of this section, "S  
448 corporation" means "S corporation", as defined in section 12-213,  
449 "limited liability corporation" means a company that is treated as a  
450 limited liability company for federal income tax purposes and  
451 "immediate family" means a spouse, child, grandchild, sibling or  
452 parent.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>
Sec. 3	<i>October 1, 2003</i>
Sec. 4	<i>October 1, 2003</i>
Sec. 5	<i>October 1, 2003</i>
Sec. 6	<i>October 1, 2003</i>
Sec. 7	<i>October 1, 2003</i>
Sec. 8	<i>October 1, 2003</i>
Sec. 9	<i>October 1, 2003</i>
Sec. 10	<i>October 1, 2003</i>
Sec. 11	<i>October 1, 2003</i>
Sec. 12	<i>October 1, 2003</i>

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:**

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Department of Environmental Protection	GF - Savings	Minimal	Minimal
	Environmental Conservation Fund - Revenue Loss	Minimal	Minimal
Attorney General	GF - Revenue Gain	Minimal	Minimal
Correction, Dept.	GF	None	None

Note: GF=General Fund

**Municipal Impact:**

Municipalities	Effect	FY 04 \$	FY 05 \$
Various Municipalities	Cost	None	None
	Savings	Potential	Potential

**Explanation**

The bill authorizes the Department of Environmental Protection (DEP) to bill someone who illegally owns or possesses a potentially dangerous animal for the cost of care, confiscation, and maintenance of the animals. This could result in a savings to the state. The Department of Environmental Protection (DEP) is not incurring significant costs at this time for the care, confiscation and maintenance of these animals, however, each case can cost thousands of dollars. There have been very few cases. Providing that the DEP can bill for the costs could result in additional cases, but the overall number of cases is anticipated to be minimal.

Any workload increase incurred by the Department of Environmental Protection due to submittal of proposals to the DEP to administer drugs, pesticides, vaccines and immunocontraceptives to wild animals can be handled within routine agency duties. Submittals



to the DEP of plans to take deer or Canadian geese will also be handled within routine functions. The changes in the wildlife management methods and practices contained in the bill could increase agency efficiency. Requiring the Commissioner to document the use of certain wildlife management powers and specifies that this is subject to the Freedom of Information Act will minimally increase the DEP's workload. The overall impact to the DEP due to the broadening of the Commissioner's power with regard to fisheries and wildlife laws is anticipated to be minimal. In many instances, the changes clarify current powers and reflect current practice.

The potential revenue loss to the DEP's Conservation Fund due to the issuance of free private land deer permits is anticipated to be less than \$1,000 a year. It is anticipated that a minimal number of people will be exempted under this provision from a \$14 fee.

The bill increases certain fines and expands existing prohibitions related to endangered species. The potential revenue gain from infractions and civil penalties is expected to be minimal. It is anticipated that no one would be incarcerated under the bill. The Attorney General's office would be able to handle cases referred to it under the bill without the need for additional appropriations.

***Municipal Impact:***

Any potential workload increase to municipalities due to the submittal of plans to the DEP is anticipated to be handled within the routine duties of the municipality. Changes in the wildlife management practices for the taking of deer and Canadian geese could increase efficiency and potentially result in a minimal savings to impacted towns. The exact impact is unknown.

House "A" sets conditions for administering drugs, pesticides, vaccines and immunocontraceptives to wild animals and changes wildlife management practices and plans and has a minimal impact.

House "B" concerns the issuance of free private deer permits and

results in a minimal revenue loss.

House "C" requires documentation of wildlife management powers and results in a minimal workload increase.

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**OLR Bill Analysis**

HB 6394 (as amended by House "A", "B" and "C")\*

**AN ACT CONCERNING THE ENDANGERED SPECIES PROGRAMS  
OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION****SUMMARY:**

This bill:

1. sets conditions for administering drugs, pesticides, vaccines and immunocontraceptives to wild animals;
2. allows hunters to use bait to kill deer in areas the environmental protection (DEP) commissioner designates;
3. authorizes the commissioner to permit towns, homeowners associations, and nonprofit land-holding organizations to kill deer and take Canada geese under certain conditions;
4. expands the commissioner's power to control fish and wildlife to protect natural or agricultural ecosystems, and to acquire property for wildlife management purposes, requires that he document any such use of these and other specified powers, and subjects such uses to disclosure under the Freedom of Information Act (FOIA);
5. gives the commissioner authority to dispose of undesirable wildlife detrimental to livestock, endangered or threatened species, or causing severe property damage;
6. permits people to kill rock doves (pigeons), monk parakeets and certain other birds in certain situations;
7. requires the commissioner to issue free private land deer permits, for use on farms that are limited liability corporations, to the corporation's partners or their immediate family members;

8. increases the fine for disturbing, hunting, taking, killing, or attempting to kill a bald eagle and imposes that fine on people who disturb an active bald eagle nest;
9. expands the definition of dangerous animals increases the penalty for illegally possessing them, and authorizes DEP to bill a person who illegally possesses one for the costs of its confiscation, care, maintenance, and disposal;
10. expands the law concerning the commissioner's authority over the possession, importation, and transport of wildlife to include invertebrates and all mammals, including birds and fish;
11. bans the sale or purchase of snakehead fish; and
12. requires that hunters taking migratory game birds use types of nontoxic shot that meet at least the standards for nontoxic shot set by the U.S. Fish & Wildlife Service.

It also makes technical changes.

\*House Amendment "A" adds items 1 through 6, 11 and 12, and authorizes DEP to bill someone who illegally owns or possesses a potentially dangerous animal for the costs of its care, confiscation, and maintenance.

\*House Amendment "B" requires the commissioner to issue free private deer permits for use on farms that are limited liability corporations.

\*House Amendment "C" requires the commissioner to document the use of certain of his wildlife management powers and subjects such use to FOIA.

EFFECTIVE DATE: October 1, 2003

## **ADMINISTRATION OF CHEMICAL OR BIOLOGICAL SUBSTANCES**

The bill requires people to obtain a DEP permit before (1) administering chemical or biological substances, including drugs, pesticides, vaccines, and immunocontraceptives; physically altering or

attaching any device to free ranging wildlife. An applicant must obtain all necessary federal permits and provide the commissioner with a written proposal (1) describing the protocol he will use; (2) the credentials of each person who will carry out the procedure; (3) the purpose or intent of the procedure; and (4) an assessment of any resulting physiological, behavioral, or environmental impact. The bill exempts from permit requirements DEP wildlife management programs performed according to professional wildlife management principles, which the bill does not define.

The law bars people from hunting or attempting to hunt wild game birds, wild quadrupeds (four-legged animals), reptiles, or amphibians, except as authorized by the commissioner. The bill expands these protections to include all wild birds, wild mammals, and invertebrates.

### **TAKING OF DEER**

Under current law, hunters may not kill deer using traps, snares, salt licks, or bait. The bill permits them to use bait (an “attractant”) to kill deer in areas the commissioner designates. Under the bill, an attractant is any natural or artificial substance placed, exposed, deposited, distributed, or scattered to attract, entice, or lure deer to a specific location. It includes salt, chemicals or minerals, including their residues, or any natural or artificial food, hay, grain, fruit, or nuts.

The bill authorizes the commissioner to permit a town, homeowner association, or nonprofit land-holding association he approves to “take” (kill) deer in a manner consistent with professional wildlife management principles if the town, association, or organization can show to his satisfaction that the deer present a severe nuisance or are causing ecological damage. The town, association, or organization must (1) submit for the commissioner’s approval a plan describing the extent and degree of the nuisance or damage and the proposed methods of taking the deer and (2) notify abutting landowners of the approved plan before it implements it. The taking of the deer cannot involve the use of snares or occur on a Sunday. A violation of these provisions is punishable by a fine of between \$200 and \$500 and a prison term of between 30 days and six months for the first offense. Subsequent offenses are punishable by a fine of between \$200 and \$1,000 and a sentence of up to one year.

### **TAKING OF CANADA GEESE**

The bill allows the commissioner to authorize a town, homeowner association, or nonprofit land-holding organization he approves to take resident Canada geese at any time or place using a method consistent with professional wildlife management principles. The bill requires the town, association, or organization to submit to the commissioner a plan describing the proposed method of taking the geese and the extent and degree of the nuisance or damage they are causing. The plan cannot involve a snare, must include a prohibition on feeding the geese, and require that landscaping be managed, using native plantings, to make it less hospitable to the birds. The town, association, or organization must notify abutting landowners before implementing the plan.

### **UNPROTECTED BIRDS**

Current law allows people to shoot crows in the act of eating corn. The bill expands this to allow the shooting of crows, as well as brown-headed cowbirds, pigeons, and monk parakeets found (1) destroying ornamental trees, agricultural crops, livestock, or wildlife or (2) concentrated in such numbers as to be a public health or public safety hazard. It eliminates a provision allowing people to shoot red-winged crows and crow blackbirds in the act of eating corn.

### **EXPANSION OF COMMISSIONER'S POWERS**

By law, the commissioner may take any fish, crustacean, bird, or animal for scientific, educational, or public health and safety purposes, or for propagation and dissemination. The bill expands that authority to allow him to also to take those creatures, consistent with professional wildlife management principles, to protect natural or agricultural ecosystems as long as he does not do so on a Sunday and does not use a snare. But, in the case of an imminent threat to public health or safety, the commissioner may take, at any time or place, any fish, crustacean, bird, or animal, using any method consistent with wildlife management principles regardless of any law to the contrary.

The bill (1) expands the commissioner's jurisdiction to include all wildlife, rather than just game animals, on state lands, and their introduction, propagation, securing, and distribution; (2) authorizes him to acquire lands for fisheries and wildlife management areas, in addition to the fish hatcheries and game preserves the law already

allows him to acquire; and (3) authorizes him to import fish and wildlife, rather than just game birds, and game and fur-bearing animals, and to provide for their protection, propagation, and distribution; and (4) allows him to acquire fish and wildlife for experimental, propagation, or scientific purposes.

Regardless of any law to the contrary, the bill authorizes the commissioner to destroy or dispose of undesirable and diseased wildlife at any time or place, consistent with professional wildlife management principles, if he determines, among other things, that the wildlife (1) is detrimental to livestock; (2) is likely to be detrimental to endangered or threatened species, species of special concern, or these species' essential habitat; or (3) may cause severe property damage. It authorizes him to employ such special assistants as are necessary, rather than as many as he finds advisable.

### **WILDLIFE MANAGEMENT PRACTICES**

The bill authorizes the commissioner to:

1. manage the state's wildlife resources to provide sustainable, healthy populations of diverse wildlife species, including threatened and endangered species, consistent with professional wildlife management principles;
2. conduct research to better understand processes and relationships affecting wildlife and habitats;
3. conduct public awareness and technical assistance programs to enhance privately owned habitat and promote an appreciation for, and understanding of, the value and use of wildlife;
4. establish, restore, improve, control, and protect wildlife habitats;
5. create and maintain entrance and exit facilities for the public to use in any area under his control;
6. regulate hunting seasons and bag limits for all harvestable wildlife species in the state;

7. manage public hunting and wildlife recreational opportunities on state-owned, state-leased, permit-required areas and cooperative wildlife management areas; and
8. conduct, with volunteer assistance, conservation education and safety programs to promote safe and ethical hunting practices.

By law, he may spend from federal aid funds needed for supplies, material, equipment, temporary personal services and contractual services to carry out these provisions.

The bill requires the commissioner to document any use of these powers or the expenditure of federal funds. He must document (1) the reason for such use; (2) its duration; (3) a description of the power he used; and (4) the location where he used it.

The bill also requires him to list the names of the persons or entities that may take animals according to the plan, the plan conditions, and any methods used and species taken under the plan. However, this section of the bill does not refer to a plan. The bill explicitly subjects such uses and documents to FOIA disclosure.

#### **PRIVATE LAND DEER PERMIT**

By law, the commissioner must issue, without fee, a private land deer permit for use on a farm, provided that it is an S corporation and the permit is issued to a corporate member or a member of his immediate family. The bill requires the commissioner also to issue such a permit to a partner of a farm that is a limited liability corporation, or the partner's immediate family. For purposes of the bill, a limited liability corporation is a company treated as a limited liability corporation for federal income tax purposes.

#### **DISTURBING A BALD EAGLE OR BALD EAGLE NEST**

This bill increases, from \$100 to \$1,000, the fine for disturbing, hunting, taking, killing, or attempting to kill a bald eagle. As under current law, it is also punishable by up to 30 days in prison. The bill prohibits people from disturbing an active bald eagle nest, and from entering a posted no access area for either a bald eagle, or an active bald eagle nest. Violators are subject to a fine of up to \$1,000 and up to 30 days in



prison.

### **ILLEGAL POSSESSION OF DANGEROUS ANIMALS**

By law, certain wild animals are potentially dangerous and it is illegal for people to own them (see BACKGROUND). The bill defines hybrids of such wild animals as potentially dangerous animals. The bill authorizes DEP to bill someone who illegally owns or possesses such an animal for all costs of confiscating, caring for, maintaining, and disposing of it. It increases the penalty for illegal possession of such animals from \$100 to a maximum of \$1,000 per offense and makes each violation and each day of illegal possession a separate offense. It authorizes the environmental protection commissioner to ask the attorney general to sue in Superior Court to recover the fine and the amount DEP billed.

### **IMPORT OR INTRODUCTION OF WILDLIFE**

By law, no person can import or introduce into the state, possess, or liberate in the state any live fish, wild bird, wild quadruped, reptile, or amphibian without a DEP permit. The bill expands the law to include invertebrates and all mammals, thereby including such animals as bats and primates (monkeys, apes, and lemurs). The law authorizes the commissioner to (1) prescribe the number of these animals that may be imported, possessed, introduced, or liberated; (2) exempt certain species from permit requirements; (3) prohibit the importation, introduction, possession, or liberation of species he determines to be a potential threat to people, crops, or established species of plants and animals; (4) exempt certain institutions, such as zoos, from permit requirements; and (5) seize and dispose of illegally imported or illegally possessed animals. Each violation is an infraction.

Current law also prohibits the transport within the state or from the state of fish, birds, quadrupeds, reptiles, and amphibians for which a closed season exists without a DEP permit. The bill expands the law to include invertebrates and all mammals, thereby including such animals as bats and primates. Current law requires that any of these animals transported out of state be conspicuously tagged and labeled with the full name and address of the person authorized to transport such animal. Failure to attach such a tag is prima facie evidence of a violation of the law. The bill exempts from these permit requirements the transport of an animal (1) legally taken; (2) bred, propagated, or

possessed by a person licensed or otherwise authorized to do so; or (3) exempt from licensing requirements. Violators are subject to fines of between \$10 and \$200 and up to 60 days in prison.

## **BACKGROUND**

### ***“Take”***

By law, “taking” means shooting, pursuing, hunting, fishing, killing, capturing, trapping, snaring, hooking, or netting any species of wildlife.

### ***Endangered, Threatened and Species of Special Concern***

An “endangered species” is any native species documented to be in danger of extirpation throughout all or a significant portion of its range within the state and to have no more than five “occurrences” in the state. A “threatened species” is one likely to become endangered in the foreseeable future and to have no more than nine occurrences in the state. An “occurrence” is a population of a species breeding and existing within the same ecological community and capable, or potentially capable, of interbreeding with other species’ members in that community.

A “species of special concern” is a native plant species or any native non-harvested wildlife species documented (1) to have a naturally restricted range or habitat in the state, (2) to be at a low population level, and (3) to be in such high demand by man that its unregulated taking would be detrimental to the conservation of its population, or (4) as having been extirpated from the state.

### ***Potentially Dangerous Animals***

By law, potentially dangerous animals include, but are not limited to, wild cats, such as lions, leopards, cheetahs, jaguars, ocelots, jaguarundis (central American wildcats), pumas, lynxes, and bobcats; wild dogs, such as wolves and coyotes; and black, brown, and grizzly bears.

### ***Infractions***

Infractions are punishable by fines, usually set by a Superior Court

judge, plus additional fees and surcharges. An infraction is not a crime. Violators do not have criminal records and can pay the fine by mail without making a court appearance.

***Legislative History***

On April 22, the House referred the bill to the Judiciary Committee, which reported it favorably on May 2.

**COMMITTEE ACTION**

Environment Committee

Joint Favorable Report  
Yea 25 Nay 0

Judiciary Committee

Joint Favorable Report  
Yea 35 Nay 0