



General Assembly

January Session, 2003

**Raised Bill No. 862**

LCO No. 3002

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 Section 26-70 of the general statutes is repealed and the  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

3 (a) No person shall hunt, take, attempt to hunt or take, or assist in  
4 hunting or taking, or assist in an attempt to hunt or take, from the  
5 wild, any wild [game] bird, wild [quadruped] mammal, reptile, [or]  
6 amphibian or invertebrate except as authorized under the provisions  
7 of this chapter and the regulations issued by the commissioner. Each  
8 [game] wild bird, wild [quadruped] mammal, reptile, [and] amphibian  
9 or invertebrate killed, wounded, taken or possessed contrary to any  
10 provision hereof shall constitute a separate offense.

11 (b) No person may administer any chemical or biological substance,  
12 including, but not limited to, drugs, pesticides, vaccines or  
13 immunocontraceptives or make any physical alteration or affix any  
14 device to any free ranging wildlife without first obtaining a permit  
15 from the commissioner. The applicant for such permit shall (1) first

16 obtain any necessary federal permits, and (2) provide to the  
17 commissioner a written proposal describing the chemical or biological  
18 substance application, physical alteration or device attachment  
19 protocol, the credentials of each person who will administer the  
20 procedure, the purpose or intent of the procedure and an assessment  
21 of any resulting physiological, behavioral and environmental impacts.  
22 No state permit is required for wildlife management programs of the  
23 department performed in accordance with professional wildlife  
24 management principles.

25 Sec. 2. Section 26-82 of the general statutes is repealed and the  
26 following is substituted in lieu thereof (*Effective October 1, 2003*):

27 (a) No person shall hunt, pursue, wound or kill any deer or sell or  
28 offer for sale or have in possession the flesh of any deer captured or  
29 killed in this state, or have in possession the flesh of any deer from any  
30 other state or country unless it is properly tagged as required by such  
31 state or country except as provided by the terms of this chapter or  
32 regulations adopted pursuant thereto, and except that any landowner  
33 or primary lessee of land owned by such landowner or the husband or  
34 wife or any lineal descendant of such landowner or lessee or any  
35 designated agent of such landowner or lessee may kill deer with a  
36 shotgun, rifle or bow and arrow provided a damage permit has first  
37 been obtained from the commissioner and such person has not been  
38 convicted for any violation of this section, [26-82,] section 26-85, 26-86a,  
39 26-86b or 26-90 or subsection (b) of section 26-86a-2 of the regulations  
40 of Connecticut state agencies within three years preceding the date of  
41 application. Upon the receipt of an application, on forms provided by  
42 the commissioner and containing such information as said  
43 commissioner may require, from any landowner who has or whose  
44 primary lessee has an actual or potential gross annual income of  
45 twenty-five hundred dollars or more from the commercial cultivated  
46 production of grain, forage, fruit, vegetables, flowers, ornamental  
47 plants or Christmas trees and who is experiencing an actual or  
48 potential loss of income because of severe damage by deer, the

49 commissioner shall issue not more than six damage permits without  
50 fee to such landowner or the primary lessee of such landowner, or the  
51 wife, husband, lineal descendant or designated agent of such  
52 landowner or lessee. The application shall be notarized and signed by  
53 all landowners or by the landowner or a lessee to whom a farmer tax  
54 exemption permit has been issued pursuant to subdivision (63) of  
55 section 12-412. Such damage permit shall be valid through October  
56 thirty-first of the year in which it is issued and may specify the hunting  
57 implement or shot size or both which shall be used to take such deer.  
58 The commissioner may at any time revoke such permit for violation of  
59 any provision of this section or for violation of any regulation pursuant  
60 thereto or upon the request of the applicant. Notwithstanding the  
61 provisions of section 26-85, the commissioner may issue a permit to  
62 any landowner or primary lessee of land owned by such landowner or  
63 the husband or wife or any lineal descendant of such landowner or  
64 lessee and to not more than three designated agents of such landowner  
65 or lessee to use a jacklight for the purpose of taking deer when it is  
66 shown, to the satisfaction of the commissioner, that such deer is  
67 causing damage which cannot be reduced during the daylight hours  
68 between sunrise and one-half hour after sunset on the land of such  
69 landowner. The commissioner may require notification as specified on  
70 such permit prior to its use. Any deer killed in accordance with the  
71 provisions of this section shall be the property of the owner of the land  
72 upon which the same has been killed, but shall not be sold, bartered,  
73 traded or offered for sale, and the person who kills any such deer shall  
74 tag and report each deer killed, as provided in section 26-86b. Upon  
75 receipt of the report required by section 26-86b, the commissioner shall  
76 issue an additional damage permit to the person making such report.  
77 Any deer killed otherwise than under the conditions provided for in  
78 this chapter or regulations adopted pursuant thereto shall remain the  
79 property of the state and may be disposed of by the commissioner at  
80 the commissioner's discretion to any state institution or may be sold  
81 and the proceeds of such sale shall be remitted to the State Treasurer,  
82 who shall apply the same to the General Fund, and no person, except

83 the commissioner, shall retail, sell or offer for sale the whole or any  
84 part of any such deer. No person shall be a designated agent of more  
85 than one landowner or primary lessee in any calendar year. No person  
86 shall make, set or use any trap, snare, salt lick, [bait] attractant or other  
87 device for the purpose of taking, injuring or killing any deer, [nor shall  
88 any person] except that deer may be taken over an attractant in areas  
89 designated by the commissioner. For the purposes of this section, an  
90 attractant shall be defined as any natural or artificial substance placed,  
91 exposed, deposited, distributed or scattered that is used to attract,  
92 entice or lure deer to a specific location including, but not limited to,  
93 salt, chemicals or minerals, including their residues or any natural or  
94 artificial food, hay, grain, fruit or nuts. Notwithstanding any provision  
95 of this chapter, the commissioner may authorize any municipality or  
96 homeowner association deemed acceptable to the commissioner to  
97 take deer at any time or place using any method consistent with  
98 professional wildlife management principles when a severe nuisance  
99 or ecological damage can be demonstrated to the satisfaction of the  
100 commissioner. A municipality or a homeowner association shall  
101 submit to the commissioner, for the commissioner's review and  
102 approval, a plan that describes the extent and degree of the nuisance or  
103 ecological damage and the proposed methods of take. No person shall  
104 hunt, pursue or kill deer being pursued by any dog, whether or not  
105 such dog is owned or controlled by such person, except that no person  
106 shall be guilty of a violation under this section when such a deer is  
107 struck by a motor vehicle operated by such person. No person shall  
108 use or allow any dog in such person's charge to hunt, pursue or kill  
109 deer. No permit shall be issued when in the opinion of the  
110 commissioner the public safety may be jeopardized.

111 (b) Any person who violates any provision of this section shall be  
112 fined not less than two hundred dollars nor more than five hundred  
113 dollars or imprisoned not less than thirty days nor more than six  
114 months or shall be both fined and imprisoned, for the first offense, and  
115 for each subsequent offense shall be fined not less than two hundred  
116 dollars nor more than one thousand dollars or imprisoned not more

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

118 Sec. 3. Section 26-91 of the general statutes is repealed and the  
119 following is substituted in lieu thereof (*Effective October 1, 2003*):

120 (a) The closed season, daily bag limit and possession limit for  
121 migratory game birds and the methods of taking such game birds shall  
122 be at least as stringent as the closed season, daily bag limit, possession  
123 limit and methods of taking, including allowable compositions of  
124 nontoxic shot, fixed for such birds by the regulations of the United  
125 States Fish and Wildlife Service, made under the provisions of an Act  
126 of Congress Relating to Migratory Birds. Nothing in this section shall  
127 affect the right to kill or have in possession to be sold or offered for  
128 sale wild ducks, geese and brant, bred or propagated by any domestic  
129 breeder. Any person who violates any provision of this section shall be  
130 fined not more than fifty dollars or imprisoned not more than thirty  
131 days or both. The possession of each bird or part thereof shall  
132 constitute a separate offense.

133 (b) Notwithstanding any other provision of the general statutes, the  
134 Commissioner of Environmental Protection may authorize any  
135 municipality or homeowner association, deemed acceptable to the  
136 commissioner, to take resident Canada geese at any time or place using  
137 any method consistent with professional wildlife management  
138 principles. A municipality or a homeowner association shall submit to  
139 the commissioner, for the commissioner's review and approval, a plan  
140 that describes the extent and degree of the nuisance or ecological  
141 damage and the proposed method of take.

142 Sec. 4. Section 26-92 of the general statutes is repealed and the  
143 following is substituted in lieu thereof (*Effective October 1, 2003*):

144 (a) No person shall catch, kill or purchase or attempt to catch, kill or  
145 purchase, sell, offer or expose for sale or have in possession, living or  
146 dead, any wild bird other than a game bird, or purchase or attempt to  
147 purchase, sell, offer or expose for sale or have in possession any part of

148 any such bird or of the plumage thereof except as acquired under the  
149 provisions of this chapter. For the purposes of this section, the  
150 following shall be considered game birds: The anatidae, or waterfowl,  
151 including brant, wild ducks and geese; the rallidae, or rails, including  
152 coots, gallinules and sora and other rails; the limicolae, or shore birds,  
153 including snipe and woodcock; the gallinae, including wild turkeys,  
154 grouse, prairie chickens, pheasants, partridge and quail; the corvidae,  
155 including crows. No person shall take or [needlessly] destroy any nest  
156 or any egg of any wild bird or game bird. [nor have] No person shall  
157 possess any nest or egg of any [such bird in possession] wild or game  
158 bird. English sparrows, starlings, rock doves, monk parakeets and,  
159 when [in the act of destroying corn, crows and red-winged and crow  
160 blackbirds] found depredating or constituting a threat of depredation  
161 upon ornamental or shade trees, agriculture crops, livestock or  
162 wildlife, or when concentrated in such numbers to constitute a public  
163 health hazard or other nuisance, crows, brown-headed cowbirds and  
164 grackles shall not be included among the birds protected by this  
165 section. Any conservation officer and any other officer having  
166 authority to serve criminal process shall have the same powers relating  
167 to violations of the provisions of this section as are conferred by  
168 section 26-6.

169 Sec. 5. Section 26-3 of the general statutes is repealed and the  
170 following is substituted in lieu thereof (*Effective October 1, 2003*):

171 The Commissioner of Environmental Protection shall enforce all of  
172 the laws relating to fish and wildlife [, fish, crustacea, game and  
173 nongame birds, waterfowl and game and fur-bearing animals] of the  
174 state and shall possess all powers necessary to fulfill the duties  
175 prescribed by law with respect thereto and to bring actions in the  
176 proper courts of this state for the enforcement of such laws and the  
177 orders and regulations adopted and promulgated by [him. He] said  
178 commissioner. Said Commissioner shall have the supervision of  
179 hatcheries and retaining ponds and of the introduction, propagation,  
180 securing and distribution of such fish and [game] wildlife as are

181 adapted to the waters or lands of this state, and may designate, as  
182 closed to fishing, areas of inland waters to provide for spawning beds.  
183 [ , and] Notwithstanding any other provision of the general statutes,  
184 the commissioner may take at any time or place, using any method  
185 consistent with professional wildlife management principles, any fish,  
186 crustacean, bird or animal for scientific and educational purposes,  
187 public health and safety, propagation and dissemination, [ . He] or  
188 protection of natural or agricultural ecosystems. Said commissioner  
189 shall have jurisdiction of all matters relating to fish and [game] wildlife  
190 on any land belonging to the state and the regulation of hunting,  
191 fishing and trapping and the use of the waters of any lake, pond or  
192 stream on such land. The commissioner shall not grant to any  
193 conservation officer, appointee or other person any special privileges  
194 with respect to hunting, fishing, trapping or the use of the waters of  
195 any lake, pond or stream on such land. [He] Said commissioner may  
196 erect buildings upon any such land, subject to the permission of the  
197 authorities of any institution or commission controlling such land and  
198 the approval of the Commissioner of Public Works and the State  
199 Properties Review Board. [He] Said commissioner may employ such  
200 special assistants as [he finds advisable. He] necessary. Said  
201 commissioner shall cooperate with the United States Fish and Wildlife  
202 Service and the fish and [game] wildlife commissioners of other states.  
203 [He] Said commissioner may acquire, by gift or lease and, with the  
204 approval of the Governor alone, by purchase, lands for the  
205 establishment of fish hatcheries or game preserves [ . He] and fisheries  
206 or wildlife management areas. Said commissioner may, with the  
207 approval of the Attorney General, grant rights-of-way or other  
208 easements or leases for public purposes to the United States  
209 government, any subdivision of the state or any public utility within  
210 the state on or with respect to any lands under [his] jurisdiction of said  
211 commissioner if [he] said commissioner finds that such purposes are  
212 not in conflict with the public interest, provided any such public utility  
213 shall pay for any right-of-way, easement or lease so granted such  
214 compensation as said commissioner considers reasonable. [He] Said

215 commissioner shall have authority to establish the boundaries of any  
216 properties under [his] the jurisdiction of said commissioner by  
217 agreement with owners of adjoining property and may, with the  
218 approval of the Attorney General alone, exchange land with such  
219 property owners and execute deeds in the name of the state for the  
220 purpose of establishing such boundaries. The commissioner may  
221 provide for the importation of [game birds and game and fur-bearing  
222 animals] fish and wildlife, and provide for the protection, propagation  
223 and distribution of such imported or native [birds and animals] fish  
224 and wildlife. The commissioner may locate, lay out, construct and  
225 maintain nurseries and rearing ponds where fish may be planted,  
226 propagated and reared and liberate and distribute such fish in the  
227 waters of this state. [He] Said commissioner may acquire by gift,  
228 purchase, capture or otherwise any fish [, game, game birds or  
229 animals] or wildlife for propagation, experimental or scientific  
230 purposes. [, and] Notwithstanding any other provisions of the general  
231 statutes, said commissioner may destroy and dispose of any  
232 undesirable or diseased wildlife [species] in the interest of wildlife  
233 management [if he] at any time or place and using any method  
234 consistent with professional wildlife management principles if said  
235 commissioner determines that [the species] such wildlife (1)  
236 aggressively invades, or is likely to be detrimental to, agricultural  
237 crops, [or] native plants, livestock or wildlife, (2) is likely to be a carrier  
238 of insects, disease or parasites detrimental to such crops, plants or  
239 wildlife, [or] (3) is likely to have a detrimental effect on natural or  
240 agricultural ecosystems, (4) is likely to be detrimental to endangered,  
241 threatened species or species of special concern, as listed in the  
242 regulations of Connecticut state agencies, or such species' essential  
243 habitats, or (5) causes severe property damage. The commissioner may  
244 enter into cooperative agreements with educational institutions and  
245 state, federal or other agencies to promote wildlife research and to  
246 train personnel for wildlife management, information, distribution and  
247 education projects, and may enter into cooperative agreements with  
248 federal agencies, municipalities, corporations, organized groups or

249 landowners, associations and individuals for the development of  
250 [game, birds,] fish or [fur-bearing animals] wildlife management and  
251 demonstration projects. The commissioner may allocate and expend  
252 for the protection, restoration, preservation and propagation of fish [,  
253 crustacea, game and fur-bearing animals, and game and nongame  
254 birds,] and wildlife all funds of the state collected, appropriated and  
255 acquired for the purpose.

256 Sec. 6. Section 26-69 of the general statutes is repealed and the  
257 following is substituted in lieu thereof (*Effective October 1, 2003*):

258 The commissioner may engage in wildlife management practices,  
259 [and may expend from federal aid funds necessary moneys to  
260 establish, construct and maintain, on any state-owned land and water  
261 under his control and, with the consent of the owner, on private land  
262 and water, wildlife propagation installations, facilities and associated  
263 structures, experimental stations and facilities, and perform, or have  
264 performed, any work related to the establishment, restoration,  
265 improvement, control and protection of wildlife habitats, and perform  
266 or have performed any work related to the creation of facilities for  
267 ingress and egress and the creation of facilities for public use of any  
268 area under its control] including, but not limited to: (1) Managing the  
269 wildlife resources of the state to provide sustainable, healthy  
270 populations of diverse wildlife species, including endangered and  
271 threatened species, consistent with professional wildlife management  
272 principles; (2) conducting research to better understand processes and  
273 relationships affecting wildlife and habitats; (3) conducting public  
274 awareness and technical assistance programs to enhance privately-  
275 owned habitat and promote an appreciation for and understanding of  
276 the value and use of wildlife; (4) performing any work for the  
277 establishment, restoration, improvement, control and protection of  
278 wildlife habitats; (5) performing any work to create and maintain  
279 facilities for ingress and egress for public use of any area under said  
280 commissioner's control; (6) regulating hunting seasons and bag limits  
281 for all harvestable wildlife species within Connecticut; (7) managing

282 public hunting and wildlife recreational opportunities on state-owned,  
283 state-leased, permit-required areas and cooperative wildlife  
284 management areas; and (8) conducting, with volunteer assistance,  
285 conservation education and safety programs to promote safe and  
286 ethical hunting practices. Said commissioner may expend from federal  
287 aid funds necessary moneys for supplies, materials, equipment,  
288 temporary personal services and contractual services to carry out the  
289 provisions of this section.

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>

**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.]*