



General Assembly

**Substitute Bill No. 862**

*January Session, 2003*

**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 Section 26-70 of the general statutes is repealed and the  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 Section 26-82 of the general statutes is repealed and the  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 or other device for  
87 the purpose of taking, injuring or killing any deer, [nor shall any  
88 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 means any natural or artificial substance placed, exposed,  
91 deposited, distributed or scattered that is used to attract, entice or lure  
92 deer to a specific location including, but not limited to, salt, chemicals  
93 or minerals, including their residues or any natural or artificial food,  
94 hay, grain, fruit or nuts. Notwithstanding any provision of this  
95 chapter, the commissioner may authorize any municipality,  
96 homeowner association or nonprofit land holding organization  
97 approved by the commissioner under the provisions of this section to  
98 take deer at any time or place using any method consistent with  
99 professional wildlife management principles when a severe nuisance  
100 or ecological damage can be demonstrated to the satisfaction of the  
101 commissioner. Any such municipality, homeowner association or  
102 nonprofit land holding organization shall submit to the commissioner,  
103 for the commissioner's review and approval, a plan that describes the  
104 extent and degree of the nuisance or ecological damage and the  
105 proposed methods of take. Prior to the implementation of any such  
106 approved plan, the municipality, homeowner association or nonprofit  
107 land holding organization shall provide notice of such plan to any  
108 abutting landowners of such place where the plan will be  
109 implemented. No person shall hunt, pursue or kill deer being pursued  
110 by any dog, whether or not such dog is owned or controlled by such  
111 person, except that no person shall be guilty of a violation under this  
112 section when such a deer is struck by a motor vehicle operated by such  
113 person. No person shall use or allow any dog in such person's charge  
114 to hunt, pursue or kill deer. No permit shall be issued when in the  
115 opinion of the commissioner the public safety may be jeopardized.

116 (b) Any person who violates any provision of this section shall be  
117 fined not less than two hundred dollars nor more than five hundred  
118 dollars or imprisoned not less than thirty days nor more than six  
119 months or shall be both fined and imprisoned, for the first offense, and  
120 for each subsequent offense shall be fined not less than two hundred  
121 dollars nor more than one thousand dollars or imprisoned not more  
122 than one year or shall be both fined and imprisoned.

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

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

138 (b) Notwithstanding any provision of the general statutes, the  
139 Commissioner of Environmental Protection may authorize any  
140 municipality, homeowner association or nonprofit land holding  
141 organization approved by the commissioner under the provisions of  
142 this section to take resident Canada geese at any time or place using  
143 any method consistent with professional wildlife management  
144 principles. Any such municipality, homeowner association or  
145 nonprofit land holding organization shall submit to the commissioner,  
146 for the commissioner's review and approval, a plan that describes the  
147 extent and degree of the nuisance or ecological damage and the  
148 proposed method of take. Such plan shall include prohibitions against  
149 feeding of such geese and requirements that landscaping in the area is  
150 managed in a way to be less hospitable to geese, utilizing native  
151 plantings. Prior to the implementation of such plan, the municipality,  
152 homeowner association or nonprofit land holding organization shall  
153 provide notice of such plan to abutting landowners of such place  
154 where the plan will be implemented.

155 Sec. 4. Section 26-92 of the general statutes is repealed and the

156 following is substituted in lieu thereof (*Effective October 1, 2003*):

157 (a) No person shall catch, kill or purchase or attempt to catch, kill or  
158 purchase, sell, offer or expose for sale or have in possession, living or  
159 dead, any wild bird other than a game bird, or purchase or attempt to  
160 purchase, sell, offer or expose for sale or have in possession any part of  
161 any such bird or of the plumage thereof except as acquired under the  
162 provisions of this chapter. For the purposes of this section, the  
163 following shall be considered game birds: The anatidae, or waterfowl,  
164 including brant, wild ducks and geese; the rallidae, or rails, including  
165 coots, gallinules and sora and other rails; the limicolae, or shore birds,  
166 including snipe and woodcock; the gallinae, including wild turkeys,  
167 grouse, prairie chickens, pheasants, partridge and quail; the corvidae,  
168 including crows. No person shall take or [needlessly] destroy any nest  
169 or any egg of any wild bird or game bird. [nor have] No person shall  
170 possess any nest or egg of any [such bird in possession] wild or game  
171 bird. English sparrows, starlings and, when [in the act of destroying  
172 corn, crows and red-winged and crow blackbirds] found depredating  
173 upon ornamental trees, agriculture crops, livestock or wildlife, or  
174 when concentrated in such numbers to constitute a public health or  
175 public safety hazard, crows, rock doves, monk parakeets and brown-  
176 headed cowbirds shall not be included among the birds protected by  
177 this section. Any conservation officer and any other officer having  
178 authority to serve criminal process shall have the same powers relating  
179 to violations of the provisions of this section as are conferred by  
180 section 26-6.

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

183 The Commissioner of Environmental Protection shall enforce all of  
184 the laws relating to fish and wildlife [, fish, crustacea, game and  
185 nongame birds, waterfowl and game and fur-bearing animals] of the  
186 state and shall possess all powers necessary to fulfill the duties  
187 prescribed by law with respect thereto and to bring actions in the  
188 proper courts of this state for the enforcement of such laws and the

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

224 not in conflict with the public interest, provided any such public utility  
225 shall pay for any right-of-way, easement or lease so granted such  
226 compensation as said commissioner considers reasonable. [He] Said  
227 commissioner shall have authority to establish the boundaries of any  
228 properties under [his] the jurisdiction of said commissioner by  
229 agreement with owners of adjoining property and may, with the  
230 approval of the Attorney General alone, exchange land with such  
231 property owners and execute deeds in the name of the state for the  
232 purpose of establishing such boundaries. The commissioner may  
233 provide for the importation of [game birds and game and fur-bearing  
234 animals] fish and wildlife, and provide for the protection, propagation  
235 and distribution of such imported or native [birds and animals] fish  
236 and wildlife. The commissioner may locate, lay out, construct and  
237 maintain nurseries and rearing ponds where fish may be planted,  
238 propagated and reared and liberate and distribute such fish in the  
239 waters of this state. [He] Said commissioner may acquire by gift,  
240 purchase, capture or otherwise any fish [, game, game birds or  
241 animals] or wildlife for propagation, experimental or scientific  
242 purposes. [, and] Notwithstanding any provisions of the general  
243 statutes, said commissioner may destroy and dispose of any  
244 undesirable or diseased wildlife [species] in the interest of wildlife  
245 management [if he] at any time or place and using any method  
246 consistent with professional wildlife management principles if said  
247 commissioner determines that [the species] such wildlife (1)  
248 aggressively invades, or is likely to be detrimental to, agricultural  
249 crops, [or] native plants, livestock or wildlife, (2) is likely to be a carrier  
250 of insects, disease or parasites detrimental to such crops, plants or  
251 wildlife, [or] (3) is likely to have a detrimental effect on natural or  
252 agricultural ecosystems, (4) is likely to be detrimental to endangered,  
253 threatened species or species of special concern, as listed in the  
254 regulations adopted by the commissioner under this chapter, or such  
255 species' essential habitats, or (5) causes severe property damage. The  
256 commissioner may enter into cooperative agreements with educational  
257 institutions and state, federal or other agencies to promote wildlife  
258 research and to train personnel for wildlife management, information,

259 distribution and education projects, and may enter into cooperative  
260 agreements with federal agencies, municipalities, corporations,  
261 organized groups or landowners, associations and individuals for the  
262 development of [game, birds,] fish or [fur-bearing animals] wildlife  
263 management and demonstration projects. The commissioner may  
264 allocate and expend for the protection, restoration, preservation and  
265 propagation of fish [, crustacea, game and fur-bearing animals, and  
266 game and nongame birds,] and wildlife all funds of the state collected,  
267 appropriated and acquired for the purpose.

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

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

293 for all harvestable wildlife species within Connecticut; (7) managing  
294 public hunting and wildlife recreational opportunities on state-owned,  
295 state-leased, permit-required areas and cooperative wildlife  
296 management areas; and (8) conducting, with volunteer assistance,  
297 conservation education and safety programs to promote safe and  
298 ethical hunting practices. Said commissioner may expend from federal  
299 aid funds necessary moneys for supplies, materials, equipment,  
300 temporary personal services and contractual services to carry out the  
301 provisions of this section.

302 Sec. 7. (NEW) (*Effective October 1, 2003*) No person shall sell or  
303 purchase any snakehead fish in the state.

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>

**ENV**      *Joint Favorable Subst.*