



General Assembly

January Session, 2003

Amendment

LCO No. 6670

HB0639406670HDO

Offered by:

REP. WIDLITZ, 98th Dist.

To: House Bill No. 6394

File No. 334

Cal. No. 225

**"AN ACT CONCERNING THE ENDANGERED SPECIES
PROGRAMS OF THE DEPARTMENT OF ENVIRONMENTAL
PROTECTION."**

-
- 1 In line 20, strike the word "All"
 - 2 Strike lines 21 to 24, inclusive, in their entirety
 - 3 In line 25, strike "animal." and bracket "Any" and insert the
 - 4 following in lieu thereof: "The Department of Environmental
 - 5 Protection shall issue a bill to the owner or person in illegal possession
 - 6 of such potentially dangerous animal for all costs of confiscation, care
 - 7 maintenance and disposal of such animal. Additionally, any"
 - 8 In line 33, strike "cost associated with the confiscation, care and" and
 - 9 insert "amounts owed pursuant to a bill issued in accordance with this
 - 10 section"
 - 11 In line 34, strike "maintenance of any such animal"
 - 12 After the last section, add the following and renumber sections and

13 internal references accordingly:

14 "Sec. 501. Section 26-70 of the general statutes is repealed and the
15 following is substituted in lieu thereof (*Effective October 1, 2003*):

16 (a) No person shall hunt, take, attempt to hunt or take, or assist in
17 hunting or taking, or assist in an attempt to hunt or take, from the
18 wild, any wild [game] bird, wild [quadruped] mammal, reptile, [or]
19 amphibian or invertebrate except as authorized under the provisions
20 of this chapter and the regulations issued by the commissioner. Each
21 [game] wild bird, wild [quadruped] mammal, reptile, [and] amphibian
22 or invertebrate killed, wounded, taken or possessed contrary to any
23 provision hereof shall constitute a separate offense.

24 (b) No person may administer any chemical or biological substance,
25 including, but not limited to, drugs, pesticides, vaccines or
26 immunocontraceptives or make any physical alteration or affix any
27 device to any free ranging wildlife without first obtaining a permit
28 from the commissioner. The applicant for such permit shall (1) first
29 obtain any necessary federal permits, and (2) provide to the
30 commissioner a written proposal describing the chemical or biological
31 substance application, physical alteration or device attachment
32 protocol, the credentials of each person who will administer the
33 procedure, the purpose or intent of the procedure and an assessment
34 of any resulting physiological, behavioral and environmental impacts.
35 No state permit is required for wildlife management programs of the
36 department performed in accordance with professional wildlife
37 management principles.

38 Sec. 502. Section 26-82 of the general statutes is repealed and the
39 following is substituted in lieu thereof (*Effective October 1, 2003*):

40 (a) No person shall hunt, pursue, wound or kill any deer or sell or
41 offer for sale or have in possession the flesh of any deer captured or
42 killed in this state, or have in possession the flesh of any deer from any
43 other state or country unless it is properly tagged as required by such
44 state or country except as provided by the terms of this chapter or

45 regulations adopted pursuant thereto, and except that any landowner
46 or primary lessee of land owned by such landowner or the husband or
47 wife or any lineal descendant of such landowner or lessee or any
48 designated agent of such landowner or lessee may kill deer with a
49 shotgun, rifle or bow and arrow provided a damage permit has first
50 been obtained from the commissioner and such person has not been
51 convicted for any violation of this section, [26-82,] section 26-85, 26-86a,
52 26-86b or 26-90 or subsection (b) of section 26-86a-2 of the regulations
53 of Connecticut state agencies within three years preceding the date of
54 application. Upon the receipt of an application, on forms provided by
55 the commissioner and containing such information as said
56 commissioner may require, from any landowner who has or whose
57 primary lessee has an actual or potential gross annual income of
58 twenty-five hundred dollars or more from the commercial cultivated
59 production of grain, forage, fruit, vegetables, flowers, ornamental
60 plants or Christmas trees and who is experiencing an actual or
61 potential loss of income because of severe damage by deer, the
62 commissioner shall issue not more than six damage permits without
63 fee to such landowner or the primary lessee of such landowner, or the
64 wife, husband, lineal descendant or designated agent of such
65 landowner or lessee. The application shall be notarized and signed by
66 all landowners or by the landowner or a lessee to whom a farmer tax
67 exemption permit has been issued pursuant to subdivision (63) of
68 section 12-412. Such damage permit shall be valid through October
69 thirty-first of the year in which it is issued and may specify the hunting
70 implement or shot size or both which shall be used to take such deer.
71 The commissioner may at any time revoke such permit for violation of
72 any provision of this section or for violation of any regulation pursuant
73 thereto or upon the request of the applicant. Notwithstanding the
74 provisions of section 26-85, the commissioner may issue a permit to
75 any landowner or primary lessee of land owned by such landowner or
76 the husband or wife or any lineal descendant of such landowner or
77 lessee and to not more than three designated agents of such landowner
78 or lessee to use a jacklight for the purpose of taking deer when it is
79 shown, to the satisfaction of the commissioner, that such deer is

80 causing damage which cannot be reduced during the daylight hours
81 between sunrise and one-half hour after sunset on the land of such
82 landowner. The commissioner may require notification as specified on
83 such permit prior to its use. Any deer killed in accordance with the
84 provisions of this section shall be the property of the owner of the land
85 upon which the same has been killed, but shall not be sold, bartered,
86 traded or offered for sale, and the person who kills any such deer shall
87 tag and report each deer killed, as provided in section 26-86b. Upon
88 receipt of the report required by section 26-86b, the commissioner shall
89 issue an additional damage permit to the person making such report.
90 Any deer killed otherwise than under the conditions provided for in
91 this chapter or regulations adopted pursuant thereto shall remain the
92 property of the state and may be disposed of by the commissioner at
93 the commissioner's discretion to any state institution or may be sold
94 and the proceeds of such sale shall be remitted to the State Treasurer,
95 who shall apply the same to the General Fund, and no person, except
96 the commissioner, shall retail, sell or offer for sale the whole or any
97 part of any such deer. No person shall be a designated agent of more
98 than one landowner or primary lessee in any calendar year. No person
99 shall make, set or use any trap, snare, salt lick, bait or other device for
100 the purpose of taking, injuring or killing any deer, [nor shall any
101 person] except that deer may be taken over an attractant in areas
102 designated by the commissioner. For the purposes of this section, an
103 attractant means any natural or artificial substance placed, exposed,
104 deposited, distributed or scattered that is used to attract, entice or lure
105 deer to a specific location including, but not limited to, salt, chemicals
106 or minerals, including their residues or any natural or artificial food,
107 hay, grain, fruit or nuts. The commissioner may authorize any
108 municipality, homeowner association or nonprofit land holding
109 organization approved by the commissioner under the provisions of
110 this section to take deer at any time, other than Sundays, or place using
111 any method consistent with professional wildlife management
112 principles when a severe nuisance or ecological damage can be
113 demonstrated to the satisfaction of the commissioner. Any such
114 municipality, homeowner association or nonprofit land holding

115 organization shall submit to the commissioner, for the commissioner's
116 review and approval, a plan that describes the extent and degree of the
117 nuisance or ecological damage and the proposed methods of take.
118 Prior to the implementation of any such approved plan, the
119 municipality, homeowner association or nonprofit land holding
120 organization shall provide notice of such plan to any abutting
121 landowners of such place where the plan will be implemented. Such
122 plan shall not authorize the use of a snare. No person shall hunt,
123 pursue or kill deer being pursued by any dog, whether or not such dog
124 is owned or controlled by such person, except that no person shall be
125 guilty of a violation under this section when such a deer is struck by a
126 motor vehicle operated by such person. No person shall use or allow
127 any dog in such person's charge to hunt, pursue or kill deer. No permit
128 shall be issued when in the opinion of the commissioner the public
129 safety may be jeopardized.

130 (b) Any person who violates any provision of this section shall be
131 fined not less than two hundred dollars nor more than five hundred
132 dollars or imprisoned not less than thirty days nor more than six
133 months or shall be both fined and imprisoned, for the first offense, and
134 for each subsequent offense shall be fined not less than two hundred
135 dollars nor more than one thousand dollars or imprisoned not more
136 than one year or shall be both fined and imprisoned.

137 Sec. 503. Section 26-91 of the general statutes is repealed and the
138 following is substituted in lieu thereof (*Effective October 1, 2003*):

139 (a) The closed season, daily bag limit and possession limit for
140 migratory game birds and the methods of taking such game birds shall
141 be at least as stringent as the closed season, daily bag limit, possession
142 limit and methods of taking, including allowable compositions of
143 nontoxic shot, fixed for such birds by the regulations of the United
144 States Fish and Wildlife Service, made under the provisions of an Act
145 of Congress Relating to Migratory Birds. Nothing in this section shall
146 affect the right to kill or have in possession to be sold or offered for
147 sale wild ducks, geese and brant, bred or propagated by any domestic

148 breeder. Any person who violates any provision of this section shall be
149 fined not more than fifty dollars or imprisoned not more than thirty
150 days or both. The possession of each bird or part thereof shall
151 constitute a separate offense.

152 (b) The Commissioner of Environmental Protection may authorize
153 any municipality, homeowner association or nonprofit land holding
154 organization approved by the commissioner under the provisions of
155 this section to take resident Canada geese at any time, other than
156 Sundays, or place using any method consistent with professional
157 wildlife management principles. Any such municipality, homeowner
158 association or nonprofit land holding organization shall submit to the
159 commissioner, for the commissioner's review and approval, a plan that
160 describes the extent and degree of the nuisance or ecological damage
161 and the proposed method of take. Such plan shall include prohibitions
162 against feeding of such geese and requirements that landscaping in the
163 area is managed in a way to be less hospitable to geese, utilizing native
164 plantings. Prior to the implementation of such plan, the municipality,
165 homeowner association or nonprofit land holding organization shall
166 provide notice of such plan to abutting landowners of such place
167 where the plan will be implemented. Such plan shall not authorize the
168 use of a snare.

169 Sec. 504. Section 26-92 of the general statutes is repealed and the
170 following is substituted in lieu thereof (*Effective October 1, 2003*):

171 No person shall catch, kill or purchase or attempt to catch, kill or
172 purchase, sell, offer or expose for sale or have in possession, living or
173 dead, any wild bird other than a game bird, or purchase or attempt to
174 purchase, sell, offer or expose for sale or have in possession any part of
175 any such bird or of the plumage thereof except as acquired under the
176 provisions of this chapter. For the purposes of this section, the
177 following shall be considered game birds: The anatidae, or waterfowl,
178 including brant, wild ducks and geese; the rallidae, or rails, including
179 coots, gallinules and sora and other rails; the limicolae, or shore birds,
180 including snipe and woodcock; the gallinae, including wild turkeys,

181 grouse, prairie chickens, pheasants, partridge and quail; the corvidae,
182 including crows. No person shall take or [needlessly] destroy any nest
183 or any egg of any wild bird or game bird. [nor have] No person shall
184 possess any nest or egg of any [such bird in possession] wild or game
185 bird. English sparrows, starlings and, when [in the act of destroying
186 corn, crows and red-winged and crow blackbirds] found depredating
187 upon ornamental trees, agriculture crops, livestock or wildlife, or
188 when concentrated in such numbers to constitute a public health or
189 public safety hazard, crows, rock doves, monk parakeets and brown-
190 headed cowbirds shall not be included among the birds protected by
191 this section. Any conservation officer and any other officer having
192 authority to serve criminal process shall have the same powers relating
193 to violations of the provisions of this section as are conferred by
194 section 26-6.

195 Sec. 505. Section 26-3 of the general statutes is repealed and the
196 following is substituted in lieu thereof (*Effective October 1, 2003*):

197 The Commissioner of Environmental Protection shall enforce all of
198 the laws relating to fish and wildlife [, fish, crustacea, game and
199 nongame birds, waterfowl and game and fur-bearing animals] of the
200 state and shall possess all powers necessary to fulfill the duties
201 prescribed by law with respect thereto and to bring actions in the
202 proper courts of this state for the enforcement of such laws and the
203 orders and regulations adopted and promulgated by [him. He] said
204 commissioner. Said Commissioner shall have the supervision of
205 hatcheries and retaining ponds and of the introduction, propagation,
206 securing and distribution of such fish and [game] wildlife as are
207 adapted to the waters or lands of this state, and may designate, as
208 closed to fishing, areas of inland waters to provide for spawning beds.
209 [, and] The commissioner may take at any time or place, other than
210 Sundays, using any method consistent with professional wildlife
211 management principles, any fish, crustacean, bird or animal for
212 scientific and educational purposes, public health and safety,
213 propagation and dissemination, [. He] or protection of natural or
214 agricultural ecosystems. Such taking shall not include the use of a

215 snare. In the case of an imminent threat to public health or public
216 safety, notwithstanding any provision of the general statutes, the
217 commissioner may take at any time or place, using any method
218 consistent with professional wildlife management principles, any fish,
219 crustacean, bird or animal. Said commissioner shall have jurisdiction
220 of all matters relating to fish and [game] wildlife on any land
221 belonging to the state and the regulation of hunting, fishing and
222 trapping and the use of the waters of any lake, pond or stream on such
223 land. The commissioner shall not grant to any conservation officer,
224 appointee or other person any special privileges with respect to
225 hunting, fishing, trapping or the use of the waters of any lake, pond or
226 stream on such land. [He] Said commissioner may erect buildings
227 upon any such land, subject to the permission of the authorities of any
228 institution or commission controlling such land and the approval of
229 the Commissioner of Public Works and the State Properties Review
230 Board. [He] Said commissioner may employ such special assistants as
231 [he finds advisable. He] necessary. Said commissioner shall cooperate
232 with the United States Fish and Wildlife Service and the fish and
233 [game] wildlife commissioners of other states. [He] Said commissioner
234 may acquire, by gift or lease and, with the approval of the Governor
235 alone, by purchase, lands for the establishment of fish hatcheries or
236 game preserves [. He] and fisheries or wildlife management areas. Said
237 commissioner may, with the approval of the Attorney General, grant
238 rights-of-way or other easements or leases for public purposes to the
239 United States government, any subdivision of the state or any public
240 utility within the state on or with respect to any lands under [his]
241 jurisdiction of said commissioner if [he] said commissioner finds that
242 such purposes are not in conflict with the public interest, provided any
243 such public utility shall pay for any right-of-way, easement or lease so
244 granted such compensation as said commissioner considers
245 reasonable. [He] Said commissioner shall have authority to establish
246 the boundaries of any properties under [his] the jurisdiction of said
247 commissioner by agreement with owners of adjoining property and
248 may, with the approval of the Attorney General alone, exchange land
249 with such property owners and execute deeds in the name of the state

250 for the purpose of establishing such boundaries. The commissioner
251 may provide for the importation of [game birds and game and fur-
252 bearing animals] fish and wildlife, and provide for the protection,
253 propagation and distribution of such imported or native [birds and
254 animals] fish and wildlife. The commissioner may locate, lay out,
255 construct and maintain nurseries and rearing ponds where fish may be
256 planted, propagated and reared and liberate and distribute such fish in
257 the waters of this state. [He] Said commissioner may acquire by gift,
258 purchase, capture or otherwise any fish [, game, game birds or
259 animals] or wildlife for propagation, experimental or scientific
260 purposes. [, and] Notwithstanding any provisions of the general
261 statutes, said commissioner may destroy and dispose of any
262 undesirable or diseased wildlife [species] in the interest of wildlife
263 management [if he] at any time or place and using any method
264 consistent with professional wildlife management principles if said
265 commissioner determines that [the species] such wildlife (1)
266 aggressively invades, or is likely to be detrimental to, agricultural
267 crops, [or] native plants, livestock or wildlife, (2) is likely to be a carrier
268 of insects, disease or parasites detrimental to such crops, plants or
269 wildlife, [or] (3) is likely to have a detrimental effect on natural or
270 agricultural ecosystems, (4) is likely to be detrimental to endangered,
271 threatened species or species of special concern, as listed in the
272 regulations adopted by the commissioner under this chapter, or such
273 species' essential habitats, or (5) causes severe property damage. The
274 commissioner may enter into cooperative agreements with educational
275 institutions and state, federal or other agencies to promote wildlife
276 research and to train personnel for wildlife management, information,
277 distribution and education projects, and may enter into cooperative
278 agreements with federal agencies, municipalities, corporations,
279 organized groups or landowners, associations and individuals for the
280 development of [game, birds,] fish or [fur-bearing animals] wildlife
281 management and demonstration projects. The commissioner may
282 allocate and expend for the protection, restoration, preservation and
283 propagation of fish [, crustacea, game and fur-bearing animals, and
284 game and nongame birds,] and wildlife all funds of the state collected,

285 appropriated and acquired for the purpose.

286 Sec. 506. Section 26-69 of the general statutes is repealed and the
287 following is substituted in lieu thereof (*Effective October 1, 2003*):

288 The commissioner may engage in wildlife management practices,
289 [and may expend from federal aid funds necessary moneys to
290 establish, construct and maintain, on any state-owned land and water
291 under his control and, with the consent of the owner, on private land
292 and water, wildlife propagation installations, facilities and associated
293 structures, experimental stations and facilities, and perform, or have
294 performed, any work related to the establishment, restoration,
295 improvement, control and protection of wildlife habitats, and perform
296 or have performed any work related to the creation of facilities for
297 ingress and egress and the creation of facilities for public use of any
298 area under its control] including, but not limited to: (1) Managing the
299 wildlife resources of the state to provide sustainable, healthy
300 populations of diverse wildlife species, including endangered and
301 threatened species, consistent with professional wildlife management
302 principles; (2) conducting research to better understand processes and
303 relationships affecting wildlife and habitats; (3) conducting public
304 awareness and technical assistance programs to enhance privately-
305 owned habitat and promote an appreciation for and understanding of
306 the value and use of wildlife; (4) performing any work for the
307 establishment, restoration, improvement, control and protection of
308 wildlife habitats; (5) performing any work to create and maintain
309 facilities for ingress and egress for public use of any area under said
310 commissioner's control; (6) regulating hunting seasons and bag limits
311 for all harvestable wildlife species within Connecticut; (7) managing
312 public hunting and wildlife recreational opportunities on state-owned,
313 state-leased, permit-required areas and cooperative wildlife
314 management areas; and (8) conducting, with volunteer assistance,
315 conservation education and safety programs to promote safe and
316 ethical hunting practices. Said commissioner may expend from federal
317 aid funds necessary moneys for supplies, materials, equipment,
318 temporary personal services and contractual services to carry out the

319 provisions of this section.

320 Sec. 507. (NEW) (*Effective October 1, 2003*) No person shall sell or
321 purchase any snakehead fish in the state."