



General Assembly

Amendment

January Session, 2003

LCO No. 7496

SB0115707496HDO

Offered by:

REP. WIDLITZ, 98th Dist.

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To: Subst. Senate Bill No. 1157

File No. 744

Cal. No. 602

"AN ACT CONCERNING MINOR REVISIONS TO THE ENVIRONMENTAL PROTECTION PROVISIONS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Subsection (g) of section 22a-619 of the general statutes is
4 repealed and the following is substituted in lieu thereof (*Effective July*
5 *1, 2003*):

6 (g) (1) Manufacturers shall meet all the requirements of this section
7 for large appliances, including, but not limited to, washers, dryers,
8 ovens, including microwave ovens, refrigerators, air conditioners,
9 dehumidifiers or portable heaters sold in a store where such appliance
10 is on display, except that no package labeling shall be required; (2)
11 manufacturers shall meet all the requirements of this section for
12 mercury fever thermometers, except that no product labeling shall be
13 required; (3) in the case of vehicles, (A) manufacturers shall meet the

14 product labeling requirements of this section for vehicles by placing a
15 label on the doorpost of the vehicles that lists the mercury-added
16 components that may be present in the vehicle, and (B) manufacturers
17 shall not be required to label the mercury-added components of the
18 vehicle; (4) manufacturers of products that contain a mercury-
19 containing lamp used for backlighting that cannot feasibly be removed
20 by the purchaser shall meet the product labeling requirements of this
21 section by placing the label on the product or its care and use manual;
22 (5) manufacturers shall meet all the requirements of this section for
23 button cell batteries containing mercury, except that no labeling shall
24 be required; (6) in the case of products that contain button cell batteries
25 containing mercury as the only mercury components, manufacturers
26 shall meet the packaging requirements of this section by including a
27 label in the product instructions, if any, and on the packaging, and no
28 further product labeling shall be required; (7) manufacturers of
29 fluorescent lights and high-intensity discharge lamps shall meet the
30 labeling requirements of this section by labeling the product
31 packaging; and (8) manufacturers of medical equipment not intended
32 for use by nonmedical personnel are exempt from this section.

33 Sec. 2. Subsection (a) of section 26-86a of the general statutes is
34 repealed and the following is substituted in lieu thereof (*Effective July*
35 *1, 2003*):

36 (a) The commissioner shall establish by regulation adopted in
37 accordance with the provisions of chapter 54 standards for deer
38 management, and methods, regulated areas, bag limits, seasons and
39 permit eligibility for hunting deer with bow and arrow, muzzleloader
40 and shotgun, except that no such hunting shall be permitted on
41 Sunday. No person shall hunt, pursue, wound or kill deer with a
42 firearm without first obtaining a deer permit from the commissioner in
43 addition to the license required by section 26-27. Application for such
44 permit shall be made on forms furnished by the commissioner and
45 containing such information as he may require. Such permit shall be of
46 a design prescribed by the commissioner, shall contain such
47 information and conditions as the commissioner may require, and may

48 be revoked for violation of any provision of this chapter or regulations
49 adopted pursuant thereto. As used in this section, [muzzleloader]
50 "muzzleloader" means a rifle or shotgun of at least forty-five caliber,
51 incapable of firing a self-contained cartridge, which uses powder, [ball]
52 a projectile, including, but not limited to, a standard round ball, mini-
53 balls, maxi-balls and Sabot bullets, and wadding loaded separately at
54 the muzzle end and [rifle] "rifle" means a long gun [which uses
55 centerfire ammunition and] the projectile of which is six millimeters or
56 larger in diameter. The fee for a firearms permit shall be fourteen
57 dollars for residents of the state and fifty dollars for nonresidents,
58 except that any nonresident who is an active full-time member of the
59 armed forces, as defined in section 27-103, may purchase a firearms
60 permit for the same fee as is charged a resident of the state. The
61 commissioner shall issue, without fee, a private land deer permit to the
62 owner of ten or more acres of private land and the husband or wife,
63 parent, grandparent, sibling and any lineal descendant of such owner,
64 provided no such owner, husband or wife, parent, grandparent, sibling
65 or lineal descendant shall be issued more than one such permit per
66 season. Such permit shall allow the use of a rifle, shotgun,
67 muzzleloader or bow and arrow on such land from November first to
68 December thirty-first, inclusive. Deer may be so hunted at such times
69 and in such areas of such state-owned land as are designated by the
70 Commissioner of Environmental Protection and on privately owned
71 land with the signed consent of the landowner, on forms furnished by
72 the department, and such signed consent shall be carried by any
73 person when so hunting on private land. The owner of ten acres or
74 more of private land may allow the use of a rifle to hunt deer on such
75 land during the shotgun season. The commissioner shall determine, by
76 regulation, the number of consent forms issued for any regulated area
77 established by said commissioner. The commissioner shall provide for
78 a fair and equitable random method for the selection of successful
79 applicants who may obtain shotgun and muzzleloader permits for
80 hunting deer on state lands. Any person whose name appears on more
81 than one application for a shotgun permit or more than one
82 application for a muzzleloader permit shall be disqualified from the

83 selection process for such permit. No person shall hunt, pursue,
84 wound or kill deer with a bow and arrow without first obtaining a
85 bow and arrow permit pursuant to section 26-86c, as amended by this
86 act. "Bow and arrow" as used in this section and in section 26-86c, as
87 amended by this act, means a bow [capable of propelling a hunting
88 type arrow of not less than four hundred grains, one hundred fifty
89 yards free flight on level ground] with a draw weight of not less than
90 forty pounds. The arrowhead shall have two or more blades and may
91 not be less than seven-eighths of an inch at the widest point. No person
92 shall carry firearms of any kind while hunting with a bow and arrow
93 under said sections.

94 Sec. 3. Section 26-86c of the general statutes is repealed and the
95 following is substituted in lieu thereof (*Effective July 1, 2003*):

96 No person may hunt deer or small game with a bow and arrow
97 under the provisions of this chapter without a valid permit issued by
98 the Commissioner of Environmental Protection pursuant to this
99 section or section 26-86a, as amended by this act, for persons hunting
100 deer with bow and arrow under private land deer permits issued free
101 to qualifying landowners, husband or wife, parent, grandparent, lineal
102 descendant or siblings under that section. The fee for such bow and
103 arrow permit to hunt deer and small game shall be thirty dollars for
104 residents and one hundred dollars for nonresidents, or thirteen dollars
105 for any person twelve years of age or older but under sixteen years of
106 age, except that any nonresident who is an active full-time member of
107 the armed forces, as defined in section 27-103, may purchase a bow
108 and arrow permit to hunt deer and small game for the same fee as is
109 charged a resident of the state. Permits to hunt with a bow and arrow
110 under the provisions of this chapter shall be issued only to qualified
111 applicants therefor by the Commissioner of Environmental Protection,
112 in such form as said commissioner prescribes. Applications shall be
113 made on forms furnished by the commissioner containing such
114 information as he may require and all such application forms shall
115 have printed thereon: "I declare under the penalties of false statement
116 that the statements herein made by me are true and correct." Any

117 person who makes any material false statement on such application
118 form shall be guilty of false statement and shall be subject to the
119 penalties provided for false statement and said offense shall be
120 deemed to have been committed in the town in which the applicant
121 resides. No such application shall contain any material false statement.
122 On and after January 1, 2002, permits to hunt with a bow and arrow
123 under the provisions of this chapter shall be issued only to qualified
124 applicants who have successfully completed the conservation
125 education bow hunting course as specified in section 26-31 or an
126 equivalent course in another state.

127 Sec. 4. Section 14-387 of the general statutes is repealed and the
128 following is substituted in lieu thereof (*Effective July 1, 2003*):

129 No person shall operate a snowmobile or all-terrain vehicle in the
130 following manner: (1) On any public highway, except such
131 snowmobile or all-terrain vehicle, if operated by a licensed motor
132 vehicle operator, may cross a public highway if the crossing is made at
133 an angle of approximately ninety degrees to the direction of the
134 highway and at a location where no obstruction prevents a quick and
135 safe crossing, the snowmobile or all-terrain vehicle is completely
136 stopped before entering the traveled portion of the highway and the
137 driver yields the right-of-way to motor vehicles using the highway,
138 provided nothing in this subsection shall be construed to permit the
139 operation of a snowmobile or all-terrain vehicle on a limited access
140 highway, as defined in subsection (a) of section 13a-1; (2) in such a
141 manner that the exhaust of the snowmobile or all-terrain vehicle makes
142 an excessive or unusual noise; (3) without a functioning muffler,
143 subject to the provisions of section 14-80, properly operating brakes,
144 sufficient and adequate front and rear lighting and reflecting devices,
145 except an all-terrain vehicle with an engine size of ninety cubic
146 centimeters or less shall not be required to be equipped with front and
147 rear lighting and shall not be operated after dark; (4) in any manner
148 which would cause harassment of any game or domestic animal; (5) on
149 any [fenced agricultural land or posted] land without the written
150 permission of the owner, or the agent of the owner, or in the case of

151 state-owned land, without the written permission of the state agency
152 or institution under whose control such land is, or in the case of land
153 under the jurisdiction of a local municipality without the written
154 permission of such municipality, which written permission shall be
155 carried on the person operating the all-terrain vehicle while on such
156 land; and (6) on any railroad right-of-way. Nothing in sections 14-379
157 to 14-390, inclusive, shall preclude the operation of a snowmobile or
158 all-terrain vehicle (A) on the frozen surface of any public body of
159 water, provided any municipality may by ordinance regulate the hours
160 of operation of snowmobiles and all-terrain vehicles on public waters
161 within such municipality and provided the operation of a snowmobile
162 or all-terrain vehicle shall be subject to the provisions of section 25-43c;
163 or (B) on any abandoned or disused railroad right-of-way or in any
164 place or upon any land specifically designated for the operation of
165 snowmobiles and all-terrain vehicles by statute, regulation or local
166 ordinance. Any person who violates any provision of this section shall
167 have committed a separate infraction for each such violation.

168 Sec. 5. Subsection (h) of section 22a-6 of the general statutes is
169 repealed and the following is substituted in lieu thereof (*Effective July*
170 *1, 2003*):

171 (h) The commissioner may adopt regulations pertaining to activities
172 for which the federal government has adopted standards or
173 procedures. All provisions of such regulations which differ from the
174 applicable federal standards or procedures shall be clearly
175 distinguishable from such standards or procedures either on the face
176 of the proposed regulation or through supplemental documentation
177 accompanying the proposed regulation at the time of the [public
178 hearing on] notice concerning such regulation required under [chapter
179 54] section 4-168. An explanation for all such provisions shall be
180 included in the regulation-making record required under chapter 54
181 and shall be publicly available at the time of the notice concerning the
182 regulation required under section 4-168. This subsection shall apply to
183 any regulation for which a notice of intent to adopt is published on
184 and after July 1, 1999.

185 Sec. 6. Subsection (c) of section 22a-42a of the general statutes is
186 repealed and the following is substituted in lieu thereof (*Effective July*
187 *1, 2003*):

188 (c) (1) On and after the effective date of the municipal regulations
189 promulgated pursuant to subsection (b) of this section, no regulated
190 activity shall be conducted upon any inland wetland or watercourse
191 without a permit. Any person proposing to conduct or cause to be
192 conducted a regulated activity upon an inland wetland or watercourse
193 shall file an application with the inland wetlands agency of the town or
194 towns wherein the wetland or watercourse in question is located. The
195 application shall be in such form and contain such information as the
196 inland wetlands agency may prescribe. The date of receipt of an
197 application shall be the day of the next regularly scheduled meeting of
198 such inland wetlands agency, immediately following the day of
199 submission to such inland wetlands agency or its agent of such
200 application, provided such meeting is no earlier than three business
201 days after receipt, or thirty-five days after such submission, whichever
202 is sooner. The inland wetlands agency shall not hold a public hearing
203 on such application unless the inland wetlands agency determines that
204 the proposed activity may have a significant impact on wetlands or
205 watercourses, a petition signed by at least twenty-five persons who are
206 eighteen years of age or older and who reside in the municipality in
207 which the regulated activity is proposed, requesting a hearing is filed
208 with the agency not later than fourteen days after the date of receipt of
209 such application, or the agency finds that a public hearing regarding
210 such application would be in the public interest. An inland wetlands
211 agency may issue a permit without a public hearing provided no
212 petition provided for in this subsection is filed with the agency on or
213 before the fourteenth day after the date of receipt of the application.
214 Such hearing shall be held no later than sixty-five days after the receipt
215 of such application. Notice of the hearing shall be published at least
216 twice at intervals of not less than two days, the first not more than
217 fifteen days and not fewer than ten days, and the last not less than two
218 days before the date set for the hearing in a newspaper having a

219 general circulation in each town where the affected wetland or
220 watercourse, or any part thereof, is located. All applications and maps
221 and documents relating thereto shall be open for public inspection. At
222 such hearing any person or persons may appear and be heard. The
223 hearing shall be completed within forty-five days of its
224 commencement. Action shall be taken on such application within
225 thirty-five days after the completion of a public hearing or in the
226 absence of a public hearing within sixty-five days from the date of
227 receipt of such application. The applicant may consent to one or more
228 extensions of the periods specified in this subsection for the holding of
229 the hearing and for action on such application, provided the total
230 extension of any such period shall not be for longer than the original
231 period as specified in this subsection, or may withdraw such
232 application. If the inland wetlands agency, or its agent, fails to act on
233 any application within thirty-five days after the completion of a public
234 hearing or in the absence of a public hearing within sixty-five days
235 from the date of receipt of the application, or within any extension of
236 any such period, the applicant may file such application with the
237 Commissioner of Environmental Protection who shall review and act
238 on such application in accordance with this section. Any costs incurred
239 by the commissioner in reviewing such application for such inland
240 wetlands agency shall be paid by the municipality that established or
241 authorized the agency. Any fees that would have been paid to such
242 municipality if such application had not been filed with the
243 commissioner shall be paid to the state. The failure of the inland
244 wetlands agency or the commissioner to act within any time period
245 specified in this subsection, or any extension thereof, shall not be
246 deemed to constitute approval of the application.

247 (2) An inland wetlands agency may delegate to its duly authorized
248 agent the authority to approve or extend an activity that is not located
249 in a wetland or watercourse when such agent finds that the conduct of
250 such activity would result in no greater than a minimal impact on any
251 wetland or watercourse provided such agent has completed the
252 comprehensive training program developed by the commissioner

253 pursuant to section 22a-39. Notwithstanding the provisions for receipt
 254 and processing applications prescribed in subdivision (1) of this
 255 subsection, such agent may approve or extend such an activity at any
 256 time. Any person receiving such approval from such agent shall,
 257 within ten days of the date of such approval, publish, at the applicant's
 258 expense, notice of the approval in a newspaper having a general
 259 circulation in the town wherein the activity is located or will have an
 260 effect. Any person may appeal such decision of such agent to the
 261 inland wetlands agency within fifteen days after the publication date
 262 of the notice and the inland wetlands agency shall consider such
 263 appeal at its next regularly scheduled meeting provided such meeting
 264 is no earlier than three business days after receipt by such agency or its
 265 agent of such appeal. The inland wetlands agency shall, at its
 266 discretion, sustain, alter or reject the decision of its agent or require an
 267 application for a permit in accordance with subdivision (1) of
 268 subsection (c) of this section."

This act shall take effect as follows:	
Section 1	<i>July 1, 2003</i>
Sec. 2	<i>July 1, 2003</i>
Sec. 3	<i>July 1, 2003</i>
Sec. 4	<i>July 1, 2003</i>
Sec. 5	<i>July 1, 2003</i>
Sec. 6	<i>July 1, 2003</i>