



General Assembly

Substitute Bill No. 447

February Session, 2004

* SB00447ENV__030804__ *

**AN ACT CONCERNING COMMERCIAL FISHERIES LICENSE
REQUIREMENTS AND WILDLIFE PERMITS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 26-1 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 Words and terms used in this chapter shall be construed as follows:

4 (1) "Animal" includes birds, quadrupeds, reptiles and amphibians.

5 (2) "Bait species" means all species of fish, frogs, crustaceans and
6 insects listed as bait in the regulations issued by the Commissioner of
7 Environmental Protection.

8 (3) "Black bass" means small mouth bass (*Micropterus dolomieu*)
9 and large mouth bass (*Micropterus salmoides*).

10 (4) Repealed.

11 (5) "Closed season" means that period of time during which
12 hunting, trapping or fishing is prohibited for any species of wildlife.

13 (6) "Commercial fisherman" means any person, firm or corporation
14 engaged in commercial fishing.

15 (7) "Commercial fishing" means taking or attempting to take any

16 finfish, crustacea, sea scallops, squid, horseshoe crabs or bait species
17 for commercial purposes or by the use of any commercial fishing gear.

18 (8) "Commercial fishing gear" means any equipment commonly
19 used to take finfish, crustacea, sea scallops, squid, horseshoe crabs or
20 bait species for commercial purposes including, but not limited to,
21 lobster pots, otter trawls, beam trawls, balloon trawls, midwater
22 trawls, sea scallop dredges, scoop nets, scap nets, seines, trap nets, fyke
23 nets, crab traps, gill nets, trammel nets, set lines, long lines, hook and
24 line if such fishing is conducted for commercial purposes, minnow
25 seines, minnow traps, eel pots, fish pots, pound nets, throw nets or
26 similar devices and any equipment listed as commercial fishing gear in
27 regulations adopted by the Commissioner of Environmental
28 Protection.

29 (9) "Commercial hatchery" means an institution or place where
30 legally acquired fish are held, hatched and reared for sale or where fish
31 so acquired or hatched are reared or held for sale in waters which are
32 under complete control of the owner.

33 (10) "Daily bag, catch or creel limit" means the quantity or number
34 of wildlife allowed to be taken during the period from 12:01 a.m. to
35 12:00 midnight as provided by this chapter or by regulations made by
36 the Commissioner of Environmental Protection.

37 (11) "Grouse" includes ruffed grouse, partridge and spruce grouse.

38 (12) "Hunting" means pursuing, shooting, killing and capturing any
39 bird, quadruped or reptile and attempting to pursue, shoot, kill and
40 capture any bird, quadruped or reptile, whether such act results in
41 taking or not, including any act of assistance to any other person in
42 taking or attempting to take any such animal.

43 (13) "Quadruped" means any four-legged animal which is ferae
44 naturae or wild by nature, although such animal may be enclosed and
45 considered a pet or semidomesticated, but shall exclude purely
46 domesticated animals.

47 (14) "Pickerel" means the chain pickerel (*Esox niger*), not the dwarf
48 species referred to variously as the banded pickerel (*Esox americanus*),
49 grass pike, grass pickerel, mud pike or brook pickerel.

50 (15) "Private waters" means a natural or artificial pond or lake to
51 which the owner, not a corporation, partnership or voluntary
52 association, has exclusive right of access, of which water supply all
53 sources are located substantially within the property of the owner, to
54 which fish do not have access from waters not under the control of
55 such owner or from water stocked at the expense of the state, except
56 that a natural or artificial pond five acres or less in extent may be
57 owned by an individual, a corporation, partnership or voluntary
58 association and, when meeting the other requirements of this
59 subsection, such pond may be registered as private waters.

60 (16) "Seafood dealer" means (A) a person, firm or corporation, other
61 than the ultimate consumer, who purchases, ships, consigns, transfers,
62 transports, barter, accepts or packs lobsters, sea scallops, finfish,
63 crabs, including horseshoe crabs, or squid directly from a commercial
64 fisherman for resale, or (B) a commercial fisherman who sells, ships,
65 consigns, transfers or barter his or her own catch of such species to
66 anyone other than a seafood dealer.

67 [(16)] (17) "Set line" means a line fastened between two points, to
68 which is attached a number of smaller lines with hooks attached, but a
69 single line not personally attended may constitute a set line.

70 [(17)] (18) "Sport fishing" means taking or attempting to take any
71 fish, crustacea, sea scallops, squid, horseshoe crabs or bait species
72 whether from salt, brackish or fresh water by any method other than
73 by commercial methods specified by law and regulations of the
74 Commissioner of Environmental Protection for commercial purposes.

75 [(18)] (19) "Taking" means shooting, pursuing, hunting, fishing,
76 killing, capturing, trapping, snaring, hooking and netting any species
77 of wildlife and attempting to shoot, pursue, hunt, fish, kill, capture,
78 trap, snare, hook, net or catch any species of wildlife or any act of

79 assistance to any other person in taking or attempting to take such
80 wildlife whether or not such act results in the capture of any such
81 wildlife.

82 [(19)] (20) "Trapping" means pursuing, killing and capturing by use
83 of any trap, snare, net or other device any bird or wild or domestic
84 quadruped, excluding rats, mice, moles and reptiles, whether such act
85 results in taking or not, including any act of assistance to any other
86 person in taking or attempting to take any such animal by any such
87 method.

88 [(20)] (21) "Trout and salmon" includes brook trout or speckled
89 trout, brown trout, rainbow trout, lake trout, Atlantic salmon, kokanee
90 or sockeye salmon, coho salmon, chinook salmon or any hybrid of any
91 two or more of these species.

92 [(21)] (22) "Wildlife" means all species of invertebrates, fish,
93 amphibians, reptiles, birds and mammals which are *ferae naturae* or
94 wild by nature.

95 Sec. 2. Section 26-157b of the general statutes is repealed and the
96 following is substituted in lieu thereof (*Effective from passage*):

97 (a) Each person who engages in commercial fishing in the waters of
98 this state, lands lobsters, sea scallops, finfish, crabs, [or] including
99 horseshoe crabs, squid or bait species for commercial purposes in this
100 state regardless of where such species are taken, [purchases finfish,
101 lobsters, crabs, sea scallops, squid or bait species from commercial
102 fishermen for resale] operates as a seafood dealer or holds any
103 commercial fishing license issued by the commissioner, license to take
104 lobsters for personal use, license to take menhaden for personal use,
105 license to buy finfish, lobsters, crabs, sea scallops, squid or bait species
106 for resale, license to land lobsters, sea scallops, finfish, crabs, or squid
107 or pound net registration shall report information to the commissioner
108 [, at such intervals and at such times as may be required and upon
109 forms provided by the commissioner, such information as] that the
110 commissioner deems necessary at intervals and by methods the

111 commissioner deems necessary. The commissioner may request that
112 commercial shellfish harvesters of oysters and clams voluntarily
113 report, upon forms provided by the commissioner, such information as
114 the commissioner deems necessary. The information required to be
115 reported or voluntarily submitted may include but is not limited to:
116 The number of individuals employed by such person, the number and
117 value of boats, nets, apparatus and other devices used, the area fished,
118 the effort expended and the number, weight, market value and species
119 of finfish, lobsters, oysters, clams, sea scallops, squid, [or] crabs,
120 including horseshoe crabs or bait species caught, landed or purchased.
121 Each person who holds a party boat, head boat or charter boat
122 registration shall report to the commissioner, at such times and at such
123 intervals as may be required and upon forms provided by the
124 commissioner, such information as the commissioner deems necessary,
125 which may include but is not limited to: The number of individuals
126 carried for the purpose of fishing, the area fished, the effort expended,
127 the number and weight by species of all finfish taken and, if any of the
128 catch is sold by such person or by the captain or crew of such vessel,
129 the number, weight, species and value of such finfish.

130 (b) Any person who violates any reporting requirement under
131 subsection (a) of this section shall have committed an infraction and
132 may pay the fine by mail or plead not guilty under the provisions of
133 section 51-164n, as amended, and shall not be subject to the provisions
134 of section 26-61.

135 (c) Notwithstanding any provision of section 1-210, as amended, to
136 the contrary, no person shall obtain, attempt to obtain or release to any
137 person or government agency any identifiable individual record of or
138 information derived from any report required to be submitted or
139 voluntarily submitted in accordance with the provisions of subsection
140 (a) of this section, or any identifiable fishery record or fishery sampling
141 information provided or submitted voluntarily or received by the
142 department upon request of the commissioner, without the consent of
143 the person making the report or providing the information, provided
144 the commissioner may authorize the release of such information for

145 the purposes of fisheries research, management and development and
146 conservation law enforcement. Any person who violates any provision
147 of this section shall be fined not more than one thousand dollars or
148 imprisoned not more than thirty days or both and each such violation
149 shall constitute a separate offense.

150 Sec. 3. Section 26-142a of the general statutes is repealed and the
151 following is substituted in lieu thereof (*Effective from passage*):

152 (a) For the purposes of this section, an environmental tourism cruise
153 vessel is one which is operated for a fee for the purpose of education
154 and observation and retention of marine and estuarine resources
155 collected under the conditions of the permit issued under this section,
156 except that holders of a permit issued under section 26-60 shall not be
157 required to obtain a permit under this section. No person shall operate,
158 use or attempt to operate or use a vessel for commercial fishing or
159 landing activities authorized by this section unless the commissioner
160 has issued a vessel permit for such vessel to the owner of the vessel.
161 No person shall operate, use or attempt to operate or use a vessel or
162 commercial fishing gear for environmental tourism cruises authorized
163 by this section unless the commissioner has issued an environmental
164 tourism cruise permit for such vessel, including conditions for the use
165 of such fishing gear, to the owner of the vessel. No person shall use or
166 assist in using commercial fishing gear in any water of the state or land
167 in this state any species taken by commercial fishing gear or for
168 commercial purposes, regardless of where such species was taken,
169 unless such person has been licensed by the Commissioner of
170 Environmental Protection to use such commercial fishing gear or land
171 such species; except that any person who holds a license to [set or
172 tend] use gill nets, [a license to take lobsters or fish for personal use, a
173 resident commercial fishing license, a nonresident commercial fishing
174 license or a commercial landing license may] lobster pots, trawl nets,
175 sea scallop dredges, seines, traps, fish pots, fykes, hook and line, long
176 lines or eel pots may, when using such gear, be accompanied and
177 assisted by persons not so licensed. A resident of a state which does
178 not issue commercial licenses to take eels to residents of Connecticut

179 shall not be eligible to obtain a commercial license to take eels in the
180 waters of this state or to land eels in this state. No vessel shall be used
181 to land any finfish, lobsters, crabs, including blue crabs and horseshoe
182 crabs, sea scallops, squid or bait species for sale, barter, exchange,
183 consignment or transportation to any point of sale unless an operator
184 of the vessel is licensed for such purpose, except that any person who
185 holds a commercial fishing license issued by the commissioner to fish
186 by the method used to take such species, regardless of where such
187 species were taken, shall not be required to obtain a landing license.
188 No person shall take or attempt to take lobsters or horseshoe crabs for
189 personal use by hand or by scuba diving or skin diving unless such
190 person has been licensed by the commissioner to take lobsters or
191 horseshoe crabs by such methods. No person shall take or attempt to
192 take finfish for commercial purposes by the use of hook and line,
193 including, but not limited to, rod and reel, hand line, set line, long line,
194 or similar device unless such person has been licensed by the
195 commissioner to use such gear for commercial purposes, except that
196 notwithstanding the issuance of such a license, no person shall take
197 finfish for commercial purposes in the inland district by the use of
198 hook and line. The use of a purse seine or similar device [to take
199 species] is prohibited. [The commissioner may adopt regulations, in
200 accordance with the provisions of chapter 54, to conserve the
201 menhaden fishery and such regulations may provide for a moratorium
202 on the taking of menhaden for any period of time that the
203 commissioner deems necessary.] No pound net shall be used to take
204 finfish unless such pound net is registered with the commissioner.
205 Lobsters and blue crabs taken in pound nets shall be released
206 unharmed. No person shall buy for resale finfish, lobsters, crabs,
207 including blue crabs and horseshoe crabs, sea scallops or squid landed
208 in Connecticut from any commercial fisherman unless such buyer [has]
209 and commercial fisherman have been licensed by the commissioner. A
210 licensed commercial fisherman who acts as a seafood dealer may,
211 without holding a seafood dealer license, sell, ship, consign, transfer or
212 barter his or her own catch of finfish, lobsters, crabs, including blue
213 crabs and horseshoe crabs, sea scallops or squid landed in this state.

214 No person shall take [or assist in taking] blue crabs for commercial
215 purposes except by scoop net, hand line or manually operated and
216 personally attended devices approved by the commissioner and unless
217 such person has been licensed by the commissioner. No person shall
218 operate a charter boat, party boat or head boat for the purpose of
219 fishing unless such boat has been registered for such purpose with the
220 commissioner and such person holds a current passenger-for-hire
221 license issued by the United States Coast Guard. The owner, operator
222 or captain of any such boat may sell the boat's or crew's share of any
223 [catch] tuna species if such sale is not prohibited on the basis of
224 species, size or closed season. For the purposes of this chapter, a
225 charter boat, party boat or head boat is a vessel [carrying one or more
226 crew members and which is] operated for a fee for the purpose of
227 transporting and providing a fishing platform for sport fishermen [in
228 the marine district] taking marine species in Connecticut waters or
229 landing marine species at Connecticut ports regardless of where such
230 species are taken. The commissioner may by regulations adopted in
231 accordance with the provisions of chapter 54 exempt certain minnow
232 seines, cast nets, scoop nets, traps, eel pots, seines less than thirty feet
233 in length or any similar device used to take bait species and other
234 species for personal use under a sport fishing license in the inland
235 district and without a license in the marine district. No vessel used to
236 take bait species may employ a fish pump. Persons licensed, registered
237 or issued a permit to engage in activities authorized by this subsection
238 shall carry on their persons or in the vessel being used to engage in
239 such activity the permit, license or registration covering such activity.

240 (b) The commissioner shall issue fishing licenses, vessel permits and
241 registrations to qualified applicants upon the submission of an
242 application, on forms provided by the commissioner, containing such
243 information as prescribed by the commissioner, and upon the payment
244 of such license, registration or permit fees as are required by
245 subsection (c) of this section, except that a nonresident whose permit,
246 license or registration in the state of residence has been voided or
247 suspended shall have the Connecticut permit, license or registration

248 voided or suspended during the suspension of such out-of-state
249 permit, license or registration or until another permit, license or
250 registration is obtained in the state of residence. The commissioner
251 shall not issue any fishing license or registration or vessel permit to
252 any applicant who has not met the reporting requirements of section
253 26-157b, as amended by this act. No vessel permit shall be issued to
254 any person for any vessel during the time period that such vessel
255 permit has been revoked pursuant to subsection (f) of this section. Any
256 fishing license or registration or vessel permit issued by the
257 commissioner shall be nontransferable and shall expire on the thirty-
258 first day of December next following its issuance.

259 (c) The fee for the following fishing licenses and registrations and
260 for a commercial fishing vessel permit shall be: (1) For a license to take
261 blue crabs for commercial purposes, seventy-five dollars; (2) for a
262 license to take lobsters for personal use, but not for sale, (A) by the use
263 of not more than ten lobster pots, traps or similar devices provided
264 finfish may be taken incidentally during such use if taken in
265 accordance with recreational fishery creel limits adopted under section
266 26-159a and if taken for personal use and not for sale, or (B) by skin
267 diving, scuba diving or by hand, sixty dollars; (3) for a license to take
268 lobsters, fish or crabs, other than blue crabs for personal use or for sale,
269 by the use of more than ten lobster pots or similar devices, one
270 hundred fifty dollars for residents of this state and two hundred
271 twenty-five dollars for nonresidents, provided any such license issued
272 to a resident of a state that does not issue commercial licenses
273 conferring the same authority to take lobsters to residents of
274 Connecticut shall be limited to the taking of crabs, other than blue
275 crabs, and a nonresident shall not be issued such license if the laws of
276 the nonresident's state concerning the taking of lobster are less
277 restrictive than regulations adopted pursuant to section 26-157c; (4) for
278 a license to take lobsters, crabs other than blue crabs, squid, sea
279 scallops and finfish, for personal use or for sale, by the use of more
280 than ten lobster pots or similar devices, or by the use of any otter trawl,
281 balloon trawl, beam trawl, sea scallop dredge or similar device, two

282 hundred twenty-five dollars for residents of this state and one
283 thousand two hundred fifty dollars for nonresidents, provided any
284 such license issued to residents of states which do not issue
285 commercial licenses conferring the same authority to take lobsters to
286 residents of Connecticut shall be limited to the taking of crabs other
287 than blue crabs, squid, sea scallops and finfish by the use of any otter
288 trawl, balloon trawl, beam trawl, sea scallop dredge or similar device,
289 and a nonresident shall not be issued such license if the laws of the
290 state of residency concerning the taking of lobster are less restrictive
291 than regulations adopted under the authority of section 26-157c; (5) for
292 a license to set [,] or tend [or assist in setting or tending] gill nets,
293 seines, scap or scoop nets used to take American shad, one hundred
294 dollars; (6) for the registration of each pound net or similar device used
295 to take finfish, two hundred twenty-five dollars, provided persons
296 setting, operating, tending or assisting in setting, operating or tending
297 such pound nets shall not be required to be licensed; (7) for a license to
298 set or tend gill nets, [to tend or assist in setting or tending] seines,
299 traps, fish pots, cast nets, fykes, scaps, scoops, eel pots or similar
300 devices to take finfish other than American shad or bait species for
301 commercial purposes, or, in any waters seaward of the inland district
302 demarcation line, to take finfish other than American shad or bait
303 species for commercial purposes by hook and line, or to take horseshoe
304 crabs by hand, one hundred fifty dollars for residents of this state and
305 two hundred dollars for nonresidents, and any such license obtained
306 for the taking of any fish species for commercial purposes by hook and
307 line, in excess of any creel limit adopted under the authority of section
308 26-159a, three hundred dollars for residents of this state and five
309 hundred dollars for nonresidents, provided for the taking for bait of
310 horseshoe crabs only, this license may be issued without regard to the
311 limitations in section 26-142b, as amended by this act, to any holder of
312 a Department of Agriculture conch license who held such license
313 between January 1, 1995, and July 1, 2000, inclusive; (8) for a license to
314 set [,] or tend [or assist in setting, operating or tending] seines, traps,
315 scaps, scoops, weirs or similar devices to take bait species in the inland
316 district for commercial purposes, fifty dollars; (9) for a license to set [,]

317 or tend [or assist in setting, operating or tending] seines, traps, scaps,
318 scoops or similar devices to take bait species in the marine district for
319 commercial purposes, fifty dollars; (10) for a license to buy finfish,
320 lobsters, crabs, including blue crabs and horseshoe crabs, sea scallops,
321 squid or bait species for resale from any commercial fisherman
322 licensed to take or land such species for commercial purposes,
323 regardless of where taken, two hundred dollars; (11) for the
324 registration of any party boat, head boat or charter boat used for
325 fishing, two hundred fifty dollars; (12) for a license to land finfish,
326 lobsters, crabs, including blue crabs and horseshoe crabs, sea scallops,
327 squid or bait species, four hundred dollars; (13) for a commercial
328 fishing vessel permit, fifty dollars; (14) for a license to take menhaden
329 from marine waters for personal use, but not for sale, by the use of a
330 single gill net not more than sixty feet in length, fifty dollars; (15) for
331 an environmental tourism cruise vessel permit, fifty dollars, provided
332 the landing of any species regulated under Department of
333 Environmental Protection regulations is prohibited.

334 (d) The commissioner may determine for all waters of the state,
335 including the inland and marine districts, areas within which
336 commercial fishing gear may be set or used, the specifications and
337 dimensions of such commercial fishing gear, including materials,
338 length, depth, width, and size of mesh, the length of set lines or long
339 lines, the number and size of hooks, and, for all commercial fishing
340 and landing activities by persons issued either a commercial fishing
341 vessel permit or a license by the commissioner, regardless where such
342 activities take place, the species which may be taken, possessed or
343 landed, the seasons in which species may be taken, possessed or
344 landed, the number and size of finfish, squid and crabs, including blue
345 crabs, which may be taken, possessed or landed and the rules
346 regulating the use of commercial fishing gear, including hours or days
347 of use, and the number of licenses, permits or registrations which may
348 be issued. The commissioner may also order the emergency closure of
349 any fishery if such closure is necessary to conform to regulations
350 adopted under the Fishery Conservation and Management Act of 1976

351 (Public Law 94-265, as amended) or by other regional fisheries
352 management authorities.

353 (e) The commissioner may, during and for any reasonable period of
354 time prior to and after the spawning period of any inland or marine
355 game fish or food fish, close any portion of any inland or marine water
356 where any such fish congregate prior to or during the spawning
357 season.

358 (f) The commissioner shall revoke any commercial fishing vessel
359 permit issued under authority of subsection (b) of this section upon
360 conviction or upon the forfeiture of any bond taken upon any
361 complaint, for the following offenses: (1) Possession of ten or more
362 egg-bearing lobsters or lobsters from which the eggs have been
363 removed; (2) possession of either: (A) Ten or more lobsters less than
364 the minimum length if such lobsters constitute more than ten per cent
365 of the lobsters on board; or (B) fifty lobsters which are less than the
366 minimum length, whichever is the lesser amount; (3) possession of
367 either: (A) Twenty or more finfish of at least one species which are less
368 than the minimum length if such finfish constitute more than ten per
369 cent of the finfish on board for that species; or (B) one hundred finfish
370 of at least one species which are less than the minimum length,
371 whichever is the lesser amount; (4) for a second offense within seven
372 hundred and thirty days in violation of regulations relating to bottom
373 trawl nets adopted under this section; [26-142a;] (5) for a second
374 offense within seven hundred and thirty days for possession of finfish
375 or lobsters more than ten per cent in excess of possession limits
376 specified in regulations adopted under authority of section 26-157c or
377 26-159a. Said revocation period shall be for one hundred and eighty
378 days for a first offense, one year for a second offense, two years for a
379 third offense, and shall be permanent for a fourth offense. The
380 provisions of this subsection are in addition to and in no way derogate
381 from any other enforcement provision or penalty contained in any
382 other statute.

383 (g) Any person who violates any provision of this part relating to

384 commercial fishing vessel permits shall be fined no more than five
385 hundred dollars or imprisoned not more than thirty days or both, and
386 each violation of any provision of this section relating to commercial
387 fishing vessel permits shall constitute a separate offense.

388 (h) Notwithstanding the requirements of subsection (a) of this
389 section, no commercial fishing vessel permit shall be required for any
390 vessel used for the operation of an environmental tourism cruise, a
391 charter, party or head boat or for a vessel used for taking of lobsters for
392 personal use only, or a vessel used for taking inland or marine bait,
393 blue crabs, or American shad, or any vessel used in support of a vessel
394 issued a commercial fishing vessel permit and engaged in the
395 operation of a registered marine pound net.

396 Sec. 4. Section 26-142b of the general statutes is repealed and the
397 following is substituted in lieu thereof (*Effective from passage*):

398 (a) For the purposes of this section, "active" with regard to a
399 commercial finfish license, commercial fishing license or commercial
400 lobster pot license means that the license has been renewed in the
401 current year and "number of lobster pots actively fished" means the
402 maximum calculated number of pots as established by the
403 Commissioner of Environmental Protection pursuant to regulations
404 adopted in accordance with section 26-157c.

405 [(a)] (b) Notwithstanding any other provision of law, the
406 Commissioner of Environmental Protection [, from May 31, 1995, until
407 December 31, 2003,] shall issue resident and nonresident commercial
408 finfish licenses, [and] commercial fishing licenses and commercial
409 lobster pot licenses under section 26-142a, as amended by this act, only
410 to persons who held [such a license or registration] a commercial
411 finfish license, a commercial fishing license, or a commercial lobster
412 pot license at any time from [January 1, 1980, to] June 1, 1995, to
413 December 31, 2003, inclusive, provided, if such license holder is
414 incapacitated or unable to operate a vessel, the commissioner may
415 reissue a license to a member of such license holder's immediate family

416 or to a member of such license holder's crew, as designated by such
417 license holder, on a temporary basis not to exceed the duration of such
418 incapacity or inability. Such temporary license shall be subject to the
419 provisions of section 26-142a, as amended by this act. [Upon the death
420 of a license holder or relinquishment of the license between October 1,
421 1999, and December 31, 2001, the commissioner, in accordance with the
422 provisions of this section, may issue a new license of the same type to a
423 member of such license holder's immediate family who shall be
424 designated by such license holder on the form provided by the
425 commissioner for application for, or renewal of, such license. Such
426 form shall include a space in which the designation may be indicated.
427 The commissioner shall allow transfers upon death or relinquishment
428 only in cases of transfers from license holders who fished in 1998 and
429 landed any amount of fish under a valid license issued by the
430 commissioner and in the twelve months immediately preceding the
431 date of the request. Such request shall be made to the commissioner in
432 writing. In the case of relinquishment of license, the original license
433 holder shall become ineligible to obtain a new or renewal license of
434 said type but shall be allowed to recover the license upon the death of
435 the recipient family member or the relinquishment of the license by the
436 recipient. For the purposes of this section, active fishing shall be
437 determined by inspection of commercial fishery catch data submitted
438 in accordance with section 26-157b. No transfer of a license may be
439 made while such license is under suspension. Immediate family shall
440 include spouses, parents, children, siblings, grandparents,
441 grandchildren, nieces, nephews or the spouses of any such family
442 member. Such reissued license shall be subject to the provisions of
443 section 26-142a. If such license holder has not designated a family
444 member to whom the license may be issued, one such family member
445 may apply in the manner otherwise provided by law in order to obtain
446 a license under section 26-142a.]

447 [(b) Notwithstanding the requirements of this section, from May 26,
448 2000, until October 1, 2003, an active commercial fishing license for
449 lobster issued pursuant to subsection (c) of section 26-142a may, upon

450 notice to the commissioner, be transferred, without remuneration, to
451 any person who has not had a commercial fishing license, registration
452 or vessel permit suspended within the preceding twelve months or
453 revoked, provided the person transferring the license held the license
454 and landed lobsters in at least three calendar years between January 1,
455 1995, and October 1, 2003, and reported such lobster catch to the
456 commissioner pursuant to section 26-157b. The person to whom such
457 license is transferred shall be limited to the number of pots actively
458 fished and reported during said period, except that a transferee who
459 currently holds a commercial fishing license for lobster issued
460 pursuant to subsection (c) of section 26-142a shall be limited to the
461 number of pots actively fished and reported during said period under
462 either the currently held license or the transferred license, whichever is
463 greater.

464 (c) Notwithstanding the provisions of this section, the commissioner
465 may authorize the transfer of an active commercial fishing license for
466 lobster provided the person transferring the license: (1) Does not meet
467 the qualification for license transfer in subsection (b) of this section due
468 to such person's own verified and substantiated medical
469 circumstances; and (2) held the license, landed lobsters and reported
470 such lobster catch to the commissioner pursuant to section 26-157b in
471 at least one year during the period from January 1, 1995, to June 8,
472 1998, inclusive. The person to whom such license is transferred shall be
473 limited to the number of pots actively fished and reported during said
474 period by the person transferring the license.]

475 (c) The commissioner may authorize the transfer of an active
476 commercial finfish license, commercial fishing license or commercial
477 lobster pot license, issued pursuant to subsection (c) of section 26-142a,
478 as amended by this act, provided the person transferring the license
479 held the license and landed finfish, lobsters, sea scallops, crabs or
480 squid in at least five of the eight calendar years preceding the transfer
481 request and reported such landings to the commissioner, pursuant to
482 section 26-157b, as amended by this act, for at least thirty fishing days
483 in each year. Such landings shall be verified by seafood dealer reports

484 submitted pursuant to section 26-157b, as amended by this act. The
485 recipient of a transferred commercial lobster pot license shall be
486 limited to the number of lobster pots allocated to such license, except a
487 transferee who currently holds a commercial lobster pot license, issued
488 pursuant to subsection (c) of section 26-142a, as amended by this act,
489 shall be limited to the number of pots allocated to such person's
490 currently held lobster pot license or to the transferred license,
491 whichever is greater. The length of any commercial fishing vessel used
492 by the recipient of a transferred license to fish with a trawl net in the
493 waters of this state shall be not more than ten per cent greater than the
494 length of the largest vessel used by the person transferring the license
495 during such qualifying period.

496 (d) The commissioner may authorize the transfer of an active
497 commercial finfish license, commercial fishing license or commercial
498 lobster pot license pursuant to subsection (c) of this section, for a
499 period of two years from the date of death of such license holder.

500 (e) Upon transfer of a license, the original license holder shall
501 become ineligible to obtain a renewal of that license. Such original
502 license holder may acquire a new license through a subsequent license
503 transfer.

504 (f) A transfer of a license under this section shall not be made while
505 a commercial fishery license, registration or vessel permit held by the
506 transferor or transferee is under suspension and a transfer shall not be
507 authorized for any transferee who has had a commercial fishery
508 license, registration or vessel permit revoked or suspended within the
509 preceding twelve months.

510 Sec. 5. Section 26-55 of the general statutes, as amended by section 3
511 of public act 03-192 and section 242 of public act 03-6 of the June 30
512 special session, is repealed and the following is substituted in lieu
513 thereof (*Effective from passage*):

514 No person shall import or introduce into the state, or possess or
515 liberate therein, any live fish, wild bird, wild mammal, reptile,

516 amphibian or invertebrate unless such person has obtained a permit
517 therefor from the commissioner provided nothing in this section shall
518 be construed to require such permit for any [live fish, wild bird, wild
519 mammal, reptile amphibian or invertebrate] primate species that
520 weighs not more than fifty pounds at maturity that was imported [,
521 introduced into the state,] or possessed [or liberated] in the state prior
522 to October 1, 2003. Such permit may be issued at the discretion of the
523 commissioner under such regulations as the commissioner may
524 prescribe. The commissioner may by regulation prescribe the numbers
525 of live fish, wild birds, wild mammals, reptiles, amphibians or
526 invertebrates of certain species which may be imported, possessed,
527 introduced into the state or liberated therein. The commissioner may
528 by regulation exempt certain species or groups of live fish from the
529 permit requirements. The commissioner may by regulation determine
530 which species of wild birds, wild mammals, reptiles, amphibians or
531 invertebrates must meet permit requirements. The commissioner may
532 totally prohibit the importation, possession, introduction into the state
533 or liberation therein of certain species which the commissioner has
534 determined may be a potential threat to humans, agricultural crops or
535 established species of plants, fish, birds, mammals, reptiles,
536 amphibians or invertebrates. The commissioner may by regulation
537 exempt from permit requirements organizations or institutions such as
538 zoos, research laboratories, colleges or universities, public nonprofit
539 aquaria or nature centers where live fish, wild birds, wild mammals,
540 reptiles, amphibians or invertebrates are held in strict confinement.
541 Any such fish, bird, mammal, reptile, amphibian or invertebrate
542 illegally imported into the state or illegally possessed therein shall be
543 seized by any representative of the Department of Environmental
544 Protection and shall be disposed of as determined by the
545 commissioner. Any person, except as provided in section 26-55a, who
546 violates any provision of this section or any regulation issued by the
547 commissioner as herein provided shall be guilty of an infraction.
548 Importation, liberation or possession of each fish, wild bird, wild
549 mammal, reptile, amphibian or invertebrate in violation of this section
550 or such regulation shall be a separate and distinct offense and, in the

551 case of a continuing violation each day of continuance thereof shall be
552 deemed to be a separate and distinct offense.

This act shall take effect as follows:	
Section 1	<i>from passage</i>
Sec. 2	<i>from passage</i>
Sec. 3	<i>from passage</i>
Sec. 4	<i>from passage</i>
Sec. 5	<i>from passage</i>

ENV *Joint Favorable Subst.*