



General Assembly

**Raised Bill No. 587**

February Session, 2004

LCO No. 2319

\* \_\_\_\_\_SB00587ENV\_\_031704\_\_\_\_\_\*

Referred to Committee on Environment

Introduced by:  
(ENV)

**AN ACT IMPLEMENTING THE LEGISLATIVE COMMISSIONERS' RECOMMENDATIONS FOR TECHNICAL REVISIONS TO THE ENVIRONMENT STATUTES.**

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

1 Section 1. Subsection (b) of section 15-133c of the general statutes, as  
2 amended by section 3 of public act 03-202 and section 9 of public act  
3 03-244, is repealed and the following is substituted in lieu thereof  
4 (*Effective from passage*):

5 (b) The clerk of the court in which a conviction for a violation of  
6 section 15-133, as amended, [or] 15-134, as amended, 15-140l, as  
7 amended or 15-140n, as amended is rendered shall cause notice of such  
8 conviction to be given to the Commissioner of Environmental  
9 Protection not later than thirty days after such conviction.

10 Sec. 2. Subdivision (2) of subsection (f) of section 15-134 of the  
11 general statutes, as amended by section 15 of public act 03-244, is  
12 repealed and the following is substituted in lieu thereof (*Effective from*  
13 *passage*):

14 (2) The commissioner shall hold an informational meeting in the

15 town or one of the towns in which authorization is sought, giving all  
16 towns involved and all interested persons an opportunity to present  
17 their views regarding the proposed [mark] marked course or jump  
18 ramp. Any such informational meeting shall not be deemed to be a  
19 hearing under the provisions of chapter 54. Prior to issuing or denying  
20 such authorization the commissioner shall consider: (A) The  
21 completeness, accuracy and detail of the application, (B) public safety,  
22 (C) any environmental impacts directly related to the proposed  
23 marked course or jump ramp, and (D) the possible conflicts with other  
24 water uses.

25 Sec. 3. Section 15-140q of the general statutes, as amended by section  
26 5 of public act 03-244, is repealed and the following is substituted in  
27 lieu thereof (*Effective from passage*):

28 (a) Any person who operates a vessel in this state shall be deemed  
29 to have consented to a chemical analysis of such person's blood, breath  
30 or urine, and if such person is a minor, such person's parent or parents  
31 or guardian shall also be deemed to have given their consent for such  
32 an analysis of the minor's blood, breath or urine.

33 (b) If any such person, having been placed under arrest for: (1)  
34 Violating subsection (b) of section 53-206d; (2) operating a vessel upon  
35 the waters of this state while under the influence of intoxicating liquor  
36 or any drug, or both; (3) operating a vessel upon the waters of this  
37 state while such person has an elevated blood alcohol content, and  
38 thereafter, after being apprised of such person's constitutional rights,  
39 having been requested to submit to a blood, breath or urine test at the  
40 option of the police officer, having been afforded a reasonable  
41 opportunity to telephone an attorney prior to the performance of such  
42 test and having been informed that such person's safe boating  
43 certificate, right to operate a vessel that requires a safe boating  
44 certificate for operation or certificate of personal watercraft operation  
45 issued by the commissioner as a condition of operating a vessel shall  
46 be suspended in accordance with the provisions of this section if such

47 person refuses to submit to such test or if such person submits to such  
48 test and the results of such test indicate that such person has an  
49 elevated blood alcohol content and that evidence of any such refusal  
50 shall be admissible in accordance with subsection (d) of section 15-  
51 140r, as amended, and may be used against such person in any  
52 criminal prosecution, refuses to submit to the designated test, the test  
53 shall not be given; provided, if such person refuses or is unable to  
54 submit to a blood test, the peace officer shall designate the breath or  
55 urine test as the test to be taken. The peace officer shall make a  
56 notation upon the records of the police department that such officer  
57 informed such person that such person's safe boating certificate, right  
58 to operate a vessel that requires a safe boating certificate for operation  
59 or certificate of personal watercraft operation would be suspended if  
60 such person refused to submit to such test or if such person submitted  
61 to such test and the results of such test indicated that such person [has]  
62 had an elevated blood alcohol content at the time of arrest.

63 (c) If the person arrested refuses to submit to such test or analysis,  
64 or submits to such test or analysis commenced within two hours of the  
65 time of operation, and the results of such test or analysis indicate that  
66 at the time of the alleged offense such person had an elevated blood  
67 alcohol content, the peace officer shall immediately revoke the safe  
68 boating certificate, right to operate a vessel that requires a safe boating  
69 certificate for operation or certificate of personal watercraft operation,  
70 if any, of such person for a twenty-four-hour period. The peace officer  
71 shall prepare a written report of the incident and shall mail the report  
72 together with any certificate taken into possession and a copy of the  
73 results of any chemical test or analysis, to the commissioner within  
74 three business days. The report shall be made on a form approved by  
75 the commissioner and shall be subscribed and sworn to under penalty  
76 of false statement as provided in section 53a-157b by the peace officer  
77 before whom such refusal was made or who administered or caused to  
78 be administered such test or analysis. If the person arrested refused to  
79 submit to such test or analysis, the report shall be endorsed by a third  
80 person who witnessed such refusal. The report shall set forth the

81 grounds for the officer's belief that there was probable cause to arrest  
82 such person for operating such vessel while under the influence of  
83 intoxicating liquor or any drug, or both, or while such person [has] had  
84 an elevated blood alcohol content and shall state that such person  
85 refused to submit to such test or analysis when requested by such  
86 peace officer or that such person submitted to such test or analysis,  
87 commenced within two hours of the time of operation, and the results  
88 of such test or analysis indicated that such person at the time of the  
89 alleged offense had an elevated blood alcohol content.

90 (d) If the person arrested submits to a blood or urine test at the  
91 request of the peace officer, and the specimen requires laboratory  
92 analysis in order to obtain the test results, and if the test results  
93 indicate that such person [has] had an elevated blood alcohol content  
94 at the time of arrest, the peace officer, immediately upon receipt of the  
95 test results, shall notify and submit to the commissioner the written  
96 report required pursuant to subsection (c) of this section.

97 (e) Upon receipt of such report, the commissioner shall suspend the  
98 safe boating certificate, right to operate a vessel that requires a safe  
99 boating certificate for operation or certificate of personal watercraft  
100 operation of such person effective as of a date certain, [such] which  
101 date shall be no later than thirty-five days after the date such person  
102 received notice of such person's arrest by the peace officer. Any person  
103 whose safe boating certificate, right to operate a vessel that requires a  
104 safe boating certificate for operation or certificate of personal  
105 watercraft operation is suspended in accordance with this subsection  
106 shall be entitled to a hearing before the commissioner to be held prior  
107 to the effective date of the suspension. The commissioner shall send a  
108 suspension notice to such person informing such person that such  
109 person's safe boating certificate, right to operate a vessel that requires a  
110 safe boating certificate for operation or certificate of personal  
111 watercraft operation is suspended and shall specify the date of such  
112 suspension and that such person is entitled to a hearing prior to the  
113 effective date of the suspension and may schedule such hearing by

114 contacting the commissioner not later than seven days after the date of  
115 mailing of such suspension notice.

116 (f) If such person does not contact the department to schedule a  
117 hearing, the commissioner shall affirm the suspension contained in the  
118 suspension notice for the appropriate period specified in subsection (i)  
119 of this section.

120 (g) If such person contacts the department to schedule a hearing, the  
121 commissioner shall assign a date, time and place for the hearing, which  
122 date shall be prior to the effective date of the suspension. At the  
123 request of such person and upon a showing of good cause, the  
124 commissioner may grant one continuance for a period not to exceed  
125 thirty days. The hearing shall be limited to a determination of the  
126 following issues: (1) Whether the peace officer had probable cause to  
127 arrest the person for operating the vessel while under the influence of  
128 intoxicating liquor or drugs, or both, or while such person [has] had an  
129 elevated blood alcohol content; (2) whether such person was placed  
130 under arrest; (3) whether such person (A) refused to submit to such  
131 test or analysis, or (B) submitted to such test or analysis, commenced  
132 within two hours of the time of operation, and the results of such test  
133 or analysis indicated that at the time of the alleged offense [that] such  
134 person had an elevated blood alcohol content; and (4) whether such  
135 person was operating the vessel. At the hearing, the results of the test  
136 or analysis shall be sufficient to indicate the ratio of alcohol in the  
137 blood of such person at the time of operation, except that if the results  
138 of an additional test, administered pursuant to section 15-140r, as  
139 amended, indicate that the ratio of alcohol in the blood of such person  
140 is eight-hundredths of one per cent or less of alcohol, by weight, and is  
141 higher than the results of the first test, evidence shall be presented that  
142 demonstrates that the test results and analysis thereof accurately  
143 indicate the blood alcohol content at the time of operation. The fees of  
144 any witness summoned to appear at the hearing shall be the same as  
145 provided in section 52-260.

146 (h) If, after such hearing, the commissioner finds on any one of said  
147 issues in the negative, the commissioner shall stay the safe boating  
148 certificate, right to operate a vessel that requires a safe boating  
149 certificate for operation or certificate of personal watercraft operation  
150 suspension. If, after such hearing, the commissioner does not find on  
151 any one of said issues in the negative or if such person fails to appear  
152 at such hearing, the commissioner shall affirm the suspension  
153 contained in the suspension notice for the appropriate period specified  
154 in subsection (i) of this section. The commissioner shall render a  
155 decision at the conclusion of such hearing or send a notice of the  
156 decision by certified mail to such person not later than thirty-five days  
157 from the date of notice of such person's arrest by the peace officer or, if  
158 a continuance is granted, not later than sixty-five days from the date  
159 such person received notice of such person's arrest by the peace officer.  
160 The notice of such decision sent by certified mail to the address of such  
161 person as shown by the records of the commissioner shall be sufficient  
162 notice to such person that such person's safe boating certificate, right to  
163 operate a vessel that requires a safe boating certificate for operation or  
164 certificate of personal watercraft operation is suspended or the  
165 suspension is stayed. Unless a continuance of the hearing is granted  
166 pursuant to subsection (g) of this section, if the commissioner fails to  
167 render a decision within thirty-five days from the date that such  
168 person received notice of such person's arrest by the peace officer, the  
169 commissioner shall not suspend such person's safe boating certificate,  
170 right to operate a vessel that requires a safe boating certificate for  
171 operation or certificate of personal watercraft operation.

172 (i) The commissioner shall suspend the operator's safe boating  
173 certificate, right to operate a vessel that requires a safe boating  
174 certificate for operation or certificate of personal watercraft operation  
175 of a person who does not contact the department to schedule a hearing  
176 under subsection (e) of this section, who fails to appear at such  
177 hearing, or against whom, after a hearing, the commissioner holds  
178 pursuant to subsection (g) of this section. Such suspension shall be as  
179 of the effective date contained in the suspension notice or the date the

180 commissioner renders a decision, whichever is later, for a period of: (1)  
181 (A) Except as provided in subparagraph (B) of this subdivision, ninety  
182 days if such person submitted to a test or analysis and the results of  
183 such test or analysis indicated that at the time of the alleged offense  
184 [that] such person had an elevated blood alcohol content, or (B) one  
185 hundred twenty days if such person submitted to a test or analysis and  
186 the results of such test or analysis indicated that the ratio of alcohol in  
187 the blood of such person was sixteen-hundredths of one per cent or  
188 more of alcohol, by weight, or (C) six months if such person refused to  
189 submit to such test or analysis; (2) if such person has previously had  
190 such person's safe boating certificate, right to operate a vessel that  
191 requires a safe boating certificate for operation or certificate of  
192 personal watercraft operation suspended under this section, (A) except  
193 as provided in subparagraph (B) of this subdivision, nine months if  
194 such person submitted to a test or analysis and the results of such test  
195 or analysis indicated that at the time of the alleged offense [that] such  
196 person had an elevated blood alcohol content, (B) ten months if such  
197 person submitted to a test or analysis and the results of such test or  
198 analysis indicated that the ratio of alcohol in the blood of such person  
199 was sixteen-hundredths of one per cent or more of alcohol, by weight,  
200 and (C) one year if such person refused to submit to such test or  
201 analysis; and (3) if such person has two or more times previously had  
202 such person's safe boating certificate, right to operate a vessel that  
203 requires a safe boating certificate for operation or certificate of  
204 personal watercraft operation suspended under this section, (A) except  
205 as provided in subparagraph (B) of this subdivision, two years if such  
206 person submitted to a test or analysis and the results of such test or  
207 analysis indicated that at the time of the alleged offense [that] such  
208 person had an elevated blood alcohol content, (B) two and one-half  
209 years if such person submitted to a test or analysis and the results of  
210 such test or analysis indicated that the ratio of alcohol in the blood of  
211 such person was sixteen-hundredths of one per cent or more of  
212 alcohol, by weight, and (C) three years if such person refused to  
213 submit to such test or analysis.

214 (j) Notwithstanding the provisions of subsections (b) to (i),  
215 inclusive, of this section, any peace officer who obtains the results of a  
216 chemical analysis of a blood sample taken from an operator of a vessel  
217 involved in an accident who suffered or allegedly suffered physical  
218 injury in such accident shall notify the commissioner and submit to the  
219 commissioner a written report if such results indicate that at the time  
220 of the alleged offense such person had an elevated blood alcohol  
221 content, and if such person was arrested for a violation of subsection  
222 (d) of section 15-133, as amended, or section 15-140l, as amended, or  
223 15-140n, as amended, in connection with such accident. The report  
224 shall be made on a form approved by the commissioner containing  
225 such information as the commissioner prescribes and shall be  
226 subscribed and sworn under penalty of false statement, as provided in  
227 section 53a-157b, by the peace officer. The commissioner shall, after  
228 notice and an opportunity for hearing, which shall be conducted in  
229 accordance with chapter 54, suspend the safe boating certificate, right  
230 to operate a vessel that requires a safe boating certificate for operation  
231 or certificate of personal watercraft operation of such person for a  
232 period of up to ninety days, or, if such person has previously had such  
233 person's operating privilege suspended under this section, for a period  
234 up to one year. Each hearing conducted under this section shall be  
235 limited to a determination of the following issues: (1) Whether the  
236 peace officer had probable cause to arrest the person for operating a  
237 vessel while under the influence of intoxicating liquor or drugs, or  
238 both, or while such person [has] had an elevated blood alcohol content;  
239 (2) whether such person was placed under arrest; (3) whether such  
240 person was operating the vessel; (4) whether the results of the analysis  
241 of the blood of such person indicate that such person had an elevated  
242 blood alcohol content; and (5) whether the blood sample was obtained  
243 in accordance with conditions for admissibility as set forth in  
244 subsection (b) of section 15-140r, as amended. If, after such hearing, the  
245 commissioner finds on any issue in the negative, the commissioner  
246 shall not impose a suspension. The fees of any witness summoned to  
247 appear at the hearing shall be the same as provided by the general

248 statutes for witnesses in criminal cases.

249 (k) The provisions of this section shall apply with the same effect to  
250 the refusal by any person to submit to an additional chemical test as  
251 provided in subdivision (5) of subsection (a) of section 15-140r, as  
252 amended.

253 (l) The provisions of this section do not apply to any person whose  
254 physical condition is such that, according to competent medical advice,  
255 such test would be inadvisable.

256 (m) The state shall pay the reasonable charges of any physician who,  
257 at the request of a municipal police department, takes a blood sample  
258 for purposes of a test under the provisions of this section.

259 (n) For the purposes of this section, "elevated blood alcohol content"  
260 means: (1) A ratio of alcohol in the blood of such person that is eight-  
261 hundredths of one per cent or more of alcohol, by weight, or (2) if such  
262 person is under twenty-one years of age, a ratio of alcohol in the blood  
263 of such person that is two-hundredths of one per cent or more of  
264 alcohol, by weight.

265 (o) The commissioner may adopt regulations, in accordance with  
266 chapter 54, to implement the provisions of this section.

267 Sec. 4. Section 20-197 of the general statutes, as amended by section  
268 1 of public act 03-277, is repealed and the following is substituted in  
269 lieu thereof (*Effective from passage*):

270 No person shall practice veterinary medicine, surgery or dentistry  
271 until he has obtained a license as provided in section 20-199. A person  
272 shall be construed to practice veterinary medicine, surgery or  
273 dentistry, within the meaning of this chapter, who holds himself out as  
274 being able to diagnose, administer biologics for, treat, operate or  
275 prescribe for any animal or bird disease, pain, injury, deformity or  
276 physical condition, or who either offers or undertakes, by any means  
277 or methods, to diagnose, administer biologics for, treat, operate or

278 prescribe for any animal or bird disease, pain, injury, deformity or  
279 physical condition. The euthanizing of animals in accordance with  
280 applicable state and federal drug laws by the Connecticut Humane  
281 Society, the floating of teeth in horses by persons experienced in that  
282 practice and the performance of myofascial trigger point therapy by  
283 persons experienced in that practice shall not be deemed to be the  
284 practice of veterinary medicine. For the purposes of this section,  
285 "floating teeth" means using hand-held rasps to reduce or eliminate  
286 sharp or uneven edges on a horse's upper and lower molars to avoid  
287 injury to the tongue and cheeks and to improve chewing food, but  
288 does not include treating decay, tumors or extracting teeth. For  
289 purposes of this section, "myofascial trigger point therapy" means the  
290 use of specific palpation, compression, stretching and corrective  
291 exercise for promoting optimum athleticism, and "persons experienced  
292 in that practice" means [a person] persons who, prior to October 1,  
293 2003, [has] have attended a minimum of two hundred hours of  
294 classroom, lecture and hands-on practice in myofascial trigger point  
295 therapy, including animal musculoskeletal anatomy and biomechanics,  
296 theory and application of animal myofascial trigger point techniques,  
297 factors that habituate a presenting condition and corrective exercise.

298 Sec. 5. Subsection (a) of section 20-420 of the general statutes, as  
299 amended by section 1 of public act 03-186, is repealed and the  
300 following is substituted in lieu thereof (*Effective from passage*):

301 (a) No person shall hold [oneself] himself or herself out to be a  
302 contractor or salesperson without first obtaining a certificate of  
303 registration from the commissioner as provided in this chapter, except  
304 that an individual or partner, or officer or director of a corporation  
305 registered as a contractor shall not be required to obtain a salesperson's  
306 certificate. No certificate shall be given to any person who holds  
307 [oneself] himself or herself out to be a contractor that performs radon  
308 mitigation unless such contractor provides evidence, satisfactory to the  
309 commissioner, that the contractor is certified as a radon mitigator by  
310 the National Radon Safety Board or the National Environmental

311 Health Association.

312 Sec. 6. Section 22-38 of the general statutes, as amended by section 1  
313 of public act 03-161, is repealed and the following is substituted in lieu  
314 thereof (*Effective from passage*):

315 Only farm products grown and eggs produced in Connecticut shall  
316 be advertised or sold in Connecticut as [Connecticut-Grown]  
317 "Connecticut-Grown". Farm products grown and eggs produced in  
318 Connecticut may be advertised or sold in Connecticut as "Native",  
319 "Native-Grown", "Local" or "Locally-Grown". Farm products grown  
320 and eggs produced within a ten-mile radius of the point of sale for  
321 such farm products or eggs may be advertised or sold in Connecticut  
322 as "Native", "Native-Grown", "Local", or "Locally-Grown". Any person,  
323 firm, partnership or corporation advertising farm products as "Native",  
324 "Native-Grown", "Local", "Locally-Grown", or [Connecticut-Grown]  
325 "Connecticut-Grown" shall be required to furnish proof that such  
326 products were grown or produced in Connecticut or within a ten-mile  
327 radius of the point of sale, as applicable, if requested to do so by the  
328 Commissioner of Agriculture. Any person who violates any provision  
329 of this section shall be fined not more than twenty-five dollars for each  
330 violation.

331 Sec. 7. Section 22a-66y of the general statutes, as amended by section  
332 115 of public act 03-6 of the June 30 special session, is repealed and the  
333 following is substituted in lieu thereof (*Effective from passage*):

334 No person shall [(a)] (1) sell, except to competent federal, state or  
335 municipal officers or pest control operators licensed by and qualified  
336 by special examination administered by the Commissioner of  
337 Environmental Protection, or receive in intrastate commerce, any  
338 sodium fluoroacetate or any product containing any amount of sodium  
339 fluoroacetate; [except to competent federal, state or municipal officers  
340 or pest control operators licensed by and qualified by special  
341 examination administered by the Commissioner of Environmental  
342 Protection; (b)] or (2) use or have in his possession sodium

343 fluoroacetate as a rodenticide or for any other purpose except under  
344 such conditions and at such times and places as may be established by  
345 regulations consistent with public health and the prevention of  
346 accidental poisoning, issued by the commissioner, who is authorized  
347 to adopt such regulations in accordance with the provisions of chapter  
348 54. The regulations shall include a requirement for specific written  
349 permission of the commissioner stating the date and place of each  
350 application permitted. Such pest control operators shall register, on or  
351 before January first, annually, with the commissioner at a fee of two  
352 dollars in the manner established by the commissioner.

353 Sec. 8. Section 22a-208z of the general statutes, as amended by  
354 section 1 of public act 03-65, is repealed and the following is  
355 substituted in lieu thereof (*Effective from passage*):

356 (a) As used in this section, "crushed recycled glass" means glass  
357 food or beverage containers and less than five per cent, by volume, of  
358 [~~plastic, metal, paper or other solid waste~~] other solid waste materials,  
359 including plastic, metal and paper that (1) have been combined by  
360 processing source-separated recyclable solid waste at an intermediate  
361 processing facility; (2) cannot be marketed as a cullet for remelt; (3)  
362 have components that measure not greater than three-eighths of an  
363 inch in diameter; and (4) are virtually inert and [~~poses~~] pose neither a  
364 pollution threat to ground or surface waters nor a fire hazard.

365 (b) An owner or operator of a solid waste facility, as defined in  
366 section 22a-207, as amended, may use crushed recycled glass as cover  
367 material, as defined in the regulations adopted pursuant to section 22a-  
368 209.

369 (c) A person may use crushed recycled glass as fill material,  
370 including, but not limited to, aggregate for asphalt or concrete or any  
371 other subgrade construction application in which such glass would  
372 serve as a substitute for sand or stone aggregate, provided such glass  
373 would not constitute greater than ten per cent, by volume, of clean fill,  
374 as defined in the regulations adopted pursuant to section 22a-209.

375 Sec. 9. Subsection (b) of section 22a-361 of the general statutes, as  
376 amended by section 5 of public act 03-263, is repealed and the  
377 following is substituted in lieu thereof (*Effective from passage*):

378 (b) The commissioner, at least thirty days before approving or  
379 denying an application for a permit, shall provide or require the  
380 applicant to provide, by certified mail, return receipt requested, to the  
381 applicant, to the Commissioner of Transportation, the Attorney  
382 General [ ] and the Commissioner of Agriculture and to the chief  
383 executive officer, the chairmen of the planning, zoning, harbor  
384 management and shellfish commissions of each town in which such  
385 structure, fill, obstruction, encroachment or dredging is to be located  
386 or work to be performed, and to the owner of each franchised oyster  
387 ground and the lessee of each leased oyster ground within which such  
388 work is to be performed and shall publish once in a newspaper having  
389 a substantial circulation in the area affected, notice of (1) the name of  
390 the applicant; (2) the location and nature of the proposed activities; (3)  
391 the tentative decision regarding the application; and (4) any additional  
392 information the commissioner deems necessary. There shall be a  
393 comment period following the public notice during which interested  
394 persons may submit written comments. The commissioner may hold a  
395 public hearing prior to approving or denying an application if, in the  
396 commissioner's discretion, the public interest will best be served by  
397 holding such hearing. The commissioner shall hold a public hearing if  
398 the commissioner receives a petition requesting such hearing that is  
399 signed by twenty-five or more persons and an application will: (A)  
400 Significantly impact any shellfish area, as determined by the director of  
401 the Bureau of Aquaculture at the Department of Agriculture, (B) have  
402 interstate ramifications, or (C) involve any project that requires a  
403 certificate issued pursuant to section 16-50k, as amended, or approval  
404 by the Federal Energy Regulatory Commission. Following such notice  
405 and comment period and public hearing, if applicable, the  
406 commissioner may, in whole or in part, approve, modify and approve  
407 or deny the application. The commissioner shall provide to the  
408 applicant and the persons set forth above, by certified mail, return

409 receipt requested, notice of his decision. If the commissioner requires  
410 the applicant to provide the notice specified in this subsection, the  
411 applicant shall certify to the commissioner, no later than twenty days  
412 after providing such notice, that such notice has been provided in  
413 accordance with this subsection.

414 Sec. 10. Subsection (a) of section 3 of public act 03-136 is repealed  
415 and the following is substituted in lieu thereof (*Effective from passage*):

416 (a) In publishing and updating the list of invasive plants required  
417 under section 2 of [this act] public act 03-136, the Invasive Plants  
418 Council shall determine that a plant possesses the following  
419 characteristics before it is included on such list: (1) [Is] The plant is  
420 nonindigenous to the state; (2) the plant is naturalized or has the  
421 potential to become naturalized or occurring without the aid and  
422 benefit of cultivation in an area where the plant is nonindigenous; (3)  
423 under average conditions, the plant has the biological potential for  
424 rapid and widespread dispersion and establishment in the state or  
425 region within the state; (4) under average conditions, the plant has the  
426 biological potential for excessive dispersion over habitats of varying  
427 sizes that are similar or dissimilar to the site of the plant's introduction  
428 into the state; (5) under average conditions, the plant has the biological  
429 potential for existing in high numbers outside of habitats that are  
430 intensely managed; (6) the plant occurs widely in a region of the state  
431 or a particular habitat within the state; (7) the plant has numerous  
432 individuals within many populations; (8) the plant is able to out-  
433 compete other species in the same natural plant community; and (9)  
434 the plant has the potential for rapid growth, high seed production and  
435 dissemination and establishment in natural plant communities.

436 Sec. 11. Subsection (b) of section 22a-450a of the general statutes, as  
437 amended by section 1 of public act 03-122, is repealed and the  
438 following is substituted in lieu thereof (*Effective from passage*):

439 (b) The Commissioner of Environmental Protection shall, in  
440 conjunction with the Northeast Regional Fuels Task Force, develop

441 and implement a plan for the phase-out of the use of MTBE in a  
442 manner that will eliminate MTBE as a gasoline additive in gasoline  
443 intended for sale to ultimate consumers in this state on and after  
444 January 1, 2004, provided the state of New York also requires the  
445 elimination of MTBE as a gasoline additive on [such] said date. In the  
446 event that the state of New York does not require the elimination of  
447 MTBE as a gasoline additive in gasoline on and after January 1, 2004,  
448 the commissioner shall develop and implement such phase-out plan  
449 that will eliminate MTBE as a gasoline additive on and after July 1,  
450 2004. Not later than January 1, 2001, and annually thereafter through  
451 January 1, 2004, the commissioner shall report to the joint standing  
452 committee of the General Assembly having cognizance of matters  
453 relating to the environment on how the elimination of MTBE will be  
454 achieved. Each report shall include a progress update on the status of  
455 the regional efforts to reduce MTBE levels in gasoline. Nothing in this  
456 section shall prohibit a person from selling, offering for sale,  
457 distributing or blending a motor fuel that contains not more than one-  
458 half of one per cent by volume of MTBE.

459 Sec. 12. Subsection (a) of section 22a-618 of the general statutes, as  
460 amended by section 17 of public act 03-123, is repealed and the  
461 following is substituted in lieu thereof (*Effective from passage*):

462 (a) The commissioner shall exempt a mercury-added product from  
463 the limits on total mercury content set forth in subsection (a) of section  
464 22a-617 if the level of mercury or mercury compounds contained in the  
465 product are necessary to comply with federal or state health or safety  
466 requirements. In order to obtain such exemption, the manufacturer  
467 shall provide the commissioner with, and notify the regional multistate  
468 clearinghouse described in section 22a-614, as amended, of, [with]  
469 information that demonstrates such necessity.

470 Sec. 13. Section 25-157 of the general statutes, as amended by section  
471 6 of public act 03-123 and section 1 of public act 03-148, is repealed and  
472 the following is substituted in lieu thereof (*Effective from passage*):

473 Notwithstanding any other provision of the general statutes, no  
474 state agency, including, but not limited to, the Department of  
475 Environmental Protection and the Connecticut Siting Council, shall  
476 consider or render a final decision for any applications relating to  
477 electric power line crossings, gas pipeline crossings or  
478 telecommunications crossings of Long Island Sound that [has] have  
479 required or will require a certificate issued pursuant to section 16-50k<sub>2</sub>  
480 as amended, or approval by the Federal Energy Regulatory  
481 Commission including, but not limited to, electrical power line, gas  
482 pipeline or telecommunications applications that are pending or  
483 received after June 3, 2002, for a period of two years after June 3, 2002.  
484 Such moratorium shall not apply to applications relating solely to the  
485 maintenance, repair or replacement necessary for repair of electrical  
486 power lines, gas pipelines or telecommunications facilities currently  
487 used to provide service to customers located on islands or peninsulas  
488 off the Connecticut coast or harbors, embayments, tidal rivers, streams  
489 or creeks. Nothing in section 16-244j, this section or sections 25-157a to  
490 25-157c, inclusive, as amended, shall be construed to affect the project  
491 in the corridor across Long Island Sound, from Norwalk to Northport,  
492 New York, to replace the existing electric cables that cross the sound.

493 Sec. 14. Section 26-3 of the general statutes, as amended by section 9  
494 of public act 03-192, is repealed and the following is substituted in lieu  
495 thereof (*Effective from passage*):

496 The Commissioner of Environmental Protection shall enforce all of  
497 the laws relating to fish and wildlife of the state and shall possess all  
498 powers necessary to fulfill the duties prescribed by law with respect  
499 thereto and to bring actions in the proper courts of this state for the  
500 enforcement of such laws and the orders and regulations adopted and  
501 promulgated by said commissioner. Said [Commissioner]  
502 commissioner shall have the supervision of hatcheries and retaining  
503 ponds and of the introduction, propagation, securing and distribution  
504 of such fish and wildlife as are adapted to the waters or lands of this  
505 state, and may designate, as closed to fishing, areas of inland waters to

506 provide for spawning beds. The commissioner may take at any time or  
507 place, other than Sundays, using any method consistent with  
508 professional wildlife management principles, any fish, crustacean, bird  
509 or animal for scientific and educational purposes, public health and  
510 safety, propagation and dissemination, or protection of natural or  
511 agricultural ecosystems. Such taking shall not include the use of a  
512 snare. In the case of an imminent threat to public health or public  
513 safety, notwithstanding any provision of the general statutes, the  
514 commissioner may take at any time or place, using any method  
515 consistent with professional wildlife management principles, any fish,  
516 crustacean, bird or animal. Said commissioner shall have jurisdiction  
517 of all matters relating to fish and wildlife on any land belonging to the  
518 state and the regulation of hunting, fishing and trapping and the use of  
519 the waters of any lake, pond or stream on such land. The  
520 commissioner shall not grant to any conservation officer, appointee or  
521 other person any special privileges with respect to hunting, fishing,  
522 trapping or the use of the waters of any lake, pond or stream on such  
523 land. Said commissioner may erect buildings upon any such land,  
524 subject to the permission of the authorities of any institution or  
525 commission controlling such land and the approval of the  
526 Commissioner of Public Works and the State Properties Review Board.  
527 Said commissioner may employ such special assistants as necessary.  
528 Said commissioner shall cooperate with the United States Fish and  
529 Wildlife Service and the fish and wildlife commissioners of other  
530 states. Said commissioner may acquire, by gift or lease and, with the  
531 approval of the Governor alone, by purchase, lands for the  
532 establishment of fish hatcheries or game preserves and fisheries or  
533 wildlife management areas. Said commissioner may, with the approval  
534 of the Attorney General, grant rights-of-way or other easements or  
535 leases for public purposes to the United States government, any  
536 subdivision of the state or any public utility within the state on or with  
537 respect to any lands under jurisdiction of said commissioner if said  
538 commissioner finds that such purposes are not in conflict with the  
539 public interest, provided any such public utility shall pay for any right-

540 of-way, easement or lease so granted such compensation as said  
541 commissioner considers reasonable. Said commissioner shall have  
542 authority to establish the boundaries of any properties under the  
543 jurisdiction of said commissioner by agreement with owners of  
544 adjoining property and may, with the approval of the Attorney  
545 General alone, exchange land with such property owners and execute  
546 deeds in the name of the state for the purpose of establishing such  
547 boundaries. The commissioner may provide for the importation of fish  
548 and wildlife, and provide for the protection, propagation and  
549 distribution of such imported or native fish and wildlife. The  
550 commissioner may locate, lay out, construct and maintain nurseries  
551 and rearing ponds where fish may be planted, propagated and reared  
552 and liberate and distribute such fish in the waters of this state. Said  
553 commissioner may acquire by gift, purchase, capture or otherwise any  
554 fish or wildlife for propagation, experimental or scientific purposes.  
555 Notwithstanding any provisions of the general statutes, said  
556 commissioner may destroy and dispose of any undesirable or diseased  
557 wildlife in the interest of wildlife management at any time or place and  
558 using any method consistent with professional wildlife management  
559 principles if said commissioner determines that such wildlife (1)  
560 aggressively invades, or is likely to be detrimental to, agricultural  
561 crops, native plants, livestock or wildlife, (2) is likely to be a carrier of  
562 insects, disease or parasites detrimental to such crops, plants or  
563 wildlife, (3) is likely to have a detrimental effect on natural or  
564 agricultural ecosystems, (4) is likely to be detrimental to endangered [ ]  
565 or threatened species or species of special concern, as listed in the  
566 regulations adopted by the commissioner under this chapter, or such  
567 species' essential habitats, or (5) causes severe property damage. The  
568 commissioner may enter into cooperative agreements with educational  
569 institutions and state, federal or other agencies to promote wildlife  
570 research and to train personnel for wildlife management, information,  
571 distribution and education projects, and may enter into cooperative  
572 agreements with federal agencies, municipalities, corporations,  
573 organized groups or landowners, associations and individuals for the

574 development of fish or wildlife management and demonstration  
575 projects. The commissioner may allocate and expend for the  
576 protection, restoration, preservation and propagation of fish and  
577 wildlife all funds of the state collected, appropriated and acquired for  
578 the purpose.

579 Sec. 15. Subsection (a) of section 26-82 of the general statutes, as  
580 amended by section 6 of public act 03-192, is repealed and the  
581 following is substituted in lieu thereof (*Effective from passage*):

582 (a) No person shall hunt, pursue, wound or kill any deer or sell or  
583 offer for sale or have in possession the flesh of any deer captured or  
584 killed in this state, or have in possession the flesh of any deer from any  
585 other state or country unless it is properly tagged as required by such  
586 state or country except as provided by the terms of this chapter or  
587 regulations adopted pursuant thereto, and except that any landowner  
588 or primary lessee of land owned by such landowner or the husband or  
589 wife or any lineal descendant of such landowner or lessee or any  
590 designated agent of such landowner or lessee may kill deer with a  
591 shotgun, rifle or bow and arrow provided a damage permit has first  
592 been obtained from the commissioner and such person has not been  
593 convicted for any violation of this section, section 26-85, 26-86a, as  
594 amended, 26-86b or 26-90 or subsection (b) of section 26-86a-2 of the  
595 regulations of Connecticut state agencies within three years preceding  
596 the date of application. Upon the receipt of an application, on forms  
597 provided by the commissioner and containing such information as  
598 said commissioner may require, from any landowner who has or  
599 whose primary lessee has an actual or potential gross annual income of  
600 twenty-five hundred dollars or more from the commercial cultivated  
601 production of grain, forage, fruit, vegetables, flowers, ornamental  
602 plants or Christmas trees and who is experiencing an actual or  
603 potential loss of income because of severe damage by deer, the  
604 commissioner shall issue not more than six damage permits without  
605 fee to such landowner or the primary lessee of such landowner, or the  
606 wife, husband, lineal descendant or designated agent of such

607 landowner or lessee. The application shall be notarized and signed by  
608 all landowners or by the landowner or a lessee to whom a farmer tax  
609 exemption permit has been issued pursuant to subdivision (63) of  
610 section 12-412, as amended. Such damage permit shall be valid  
611 through October thirty-first of the year in which it is issued and may  
612 specify the hunting implement or shot size or both which shall be used  
613 to take such deer. The commissioner may at any time revoke such  
614 permit for violation of any provision of this section or for violation of  
615 any regulation pursuant thereto or upon the request of the applicant.  
616 Notwithstanding the provisions of section 26-85, the commissioner  
617 may issue a permit to any landowner or primary lessee of land owned  
618 by such landowner or the husband or wife or any lineal descendant of  
619 such landowner or lessee and to not more than three designated agents  
620 of such landowner or lessee to use a jacklight for the purpose of taking  
621 deer when it is shown, to the satisfaction of the commissioner, that  
622 such deer are causing damage which cannot be reduced during the  
623 daylight hours between sunrise and one-half hour after sunset on the  
624 land of such landowner. The commissioner may require notification as  
625 specified on such permit prior to its use. Any deer killed in accordance  
626 with the provisions of this section shall be the property of the owner of  
627 the land upon which the same has been killed, but shall not be sold,  
628 bartered, traded or offered for sale, and the person who kills any such  
629 deer shall tag and report each deer killed, as provided in section 26-  
630 86b. Upon receipt of the report required by section 26-86b, the  
631 commissioner shall issue an additional damage permit to the person  
632 making such report. Any deer killed otherwise than under the  
633 conditions provided for in this chapter or regulations adopted  
634 pursuant thereto shall remain the property of the state and may be  
635 disposed of by the commissioner at the commissioner's discretion to  
636 any state institution or may be sold and the proceeds of such sale shall  
637 be remitted to the State Treasurer, who shall apply the same to the  
638 General Fund, and no person, except the commissioner, shall retail, sell  
639 or offer for sale the whole or any part of any such deer. No person  
640 shall be a designated agent of more than one landowner or primary

641 lessee in any calendar year. No person shall make, set or use any trap,  
642 snare, salt lick, bait or other device for the purpose of taking, injuring  
643 or killing any deer, except that deer may be taken over an attractant in  
644 areas designated by the commissioner. For the purposes of this section,  
645 an attractant means any natural or artificial substance placed, exposed,  
646 deposited, distributed or scattered that is used to attract, entice or lure  
647 deer to a specific location including, but not limited to, salt, chemicals  
648 or minerals, including their residues or any natural or artificial food,  
649 hay, grain, fruit or nuts. The commissioner may authorize any  
650 municipality, homeowner association or nonprofit land-holding  
651 organization approved by the commissioner under the provisions of  
652 this section to take deer at any time, other than Sundays, or place using  
653 any method consistent with professional wildlife management  
654 principles when a severe nuisance or ecological damage can be  
655 demonstrated to the satisfaction of the commissioner. Any such  
656 municipality, homeowner association or nonprofit land-holding  
657 organization shall submit to the commissioner, for the commissioner's  
658 review and approval, a plan that describes the extent and degree of the  
659 nuisance or ecological damage and the proposed methods of [take]  
660 taking. Prior to the implementation of any such approved plan, the  
661 municipality, homeowner association or nonprofit land-holding  
662 organization shall provide notice of such plan to any abutting  
663 landowners of such place where the plan will be implemented. Such  
664 plan shall not authorize the use of a snare. No person shall hunt,  
665 pursue or kill deer being pursued by any dog, whether or not such dog  
666 is owned or controlled by such person, except that no person shall be  
667 guilty of a violation under this section when such a deer is struck by a  
668 motor vehicle operated by such person. No person shall use or allow  
669 any dog in such person's charge to hunt, pursue or kill deer. No permit  
670 shall be issued when in the opinion of the commissioner the public  
671 safety may be jeopardized.

672 Sec. 16. Subsection (b) of section 26-91 of the general statutes, as  
673 amended by section 7 of public act 03-192, is repealed and the  
674 following is substituted in lieu thereof (*Effective from passage*):

675 (b) The Commissioner of Environmental Protection may authorize  
676 any municipality, homeowner association or nonprofit land-holding  
677 organization approved by the commissioner under the provisions of  
678 this section to take resident Canada geese at any time, other than  
679 Sundays, or place using any method consistent with professional  
680 wildlife management principles. Any such municipality, homeowner  
681 association or nonprofit land-holding organization shall submit to the  
682 commissioner, for the commissioner's review and approval, a plan that  
683 describes the extent and degree of the nuisance or ecological damage  
684 and the proposed method of [take] taking. Such plan shall include  
685 prohibitions against feeding of such geese and requirements that  
686 landscaping in the area is managed in a way to be less hospitable to  
687 geese, utilizing native plantings. Prior to the implementation of such  
688 plan, the municipality, homeowner association or nonprofit land-  
689 holding organization shall provide notice of such plan to abutting  
690 landowners of such place where the plan will be implemented. Such  
691 plan shall not authorize the use of a snare.

692 Sec. 17. Section 26-92 of the general statutes, as amended by section  
693 8 of public act 03-192, is repealed and the following is substituted in  
694 lieu thereof (*Effective from passage*):

695 No person shall catch, kill or purchase or attempt to catch, kill or  
696 purchase, sell, offer or expose for sale or have in possession, living or  
697 dead, any wild bird other than a game bird, or purchase or attempt to  
698 purchase, sell, offer or expose for sale or have in possession any part of  
699 any such bird or of the plumage thereof except as acquired under the  
700 provisions of this chapter. For the purposes of this section, the  
701 following shall be considered game birds: The anatidae, or waterfowl,  
702 including brant, wild ducks and geese; the rallidae, or rails, including  
703 coots, gallinules and sora and other rails; the limicolae, or shore birds,  
704 including snipe and woodcock; the gallinae, including wild turkeys,  
705 grouse, prairie chickens, pheasants, partridge and quail; the corvidae,  
706 including crows. No person shall take or destroy any nest or any egg  
707 of any wild bird or game bird. No person shall possess any nest or egg

708 of any wild or game bird. English sparrows, starlings and, when found  
709 depredating [upon] ornamental trees, agriculture crops, livestock or  
710 wildlife, or when concentrated in such numbers to constitute a public  
711 health or public safety hazard, crows, rock doves, monk parakeets and  
712 brown-headed cowbirds shall not be included among the birds  
713 protected by this section. Any conservation officer and any other  
714 officer having authority to serve criminal process shall have the same  
715 powers relating to violations of the provisions of this section as are  
716 conferred by section 26-6, as amended.

717 Sec. 18. Subsection (b) of section 26-194 of the general statutes, as  
718 amended by section 2 of public act 03-263, is repealed and the  
719 following is substituted in lieu thereof (*Effective from passage*):

720 (b) Notwithstanding the provisions of subsection (a) of this section,  
721 any owner of a utility line or public use structure that impacts [on] a  
722 leased area shall pay to the lessee the costs of removing or relocating  
723 any shellfish. Nothing in this subsection shall be construed to prohibit  
724 the state or any lessee from recovering damages incurred by the state  
725 or the lessee caused by the installation, construction or presence of  
726 such utility line or public use structure.

727 Sec. 19. Subsection (b) of section 26-240 of the general statutes, as  
728 amended by section 3 of public act 03-263, is repealed and the  
729 following is substituted in lieu thereof (*Effective from passage*):

730 (b) Notwithstanding the provisions of subsection (a) of this section,  
731 any owner of a utility line or public use structure that impacts [on] a  
732 designated area shall pay to the designee the costs of removing or  
733 relocating any shellfish. Nothing in this subsection shall be construed  
734 to prohibit the state, the shellfish commission, the board of selectmen  
735 or a designee from recovering damages incurred by the state, the  
736 shellfish commission, the board of selectmen or the designee caused by  
737 the installation, construction or presence of such utility line or public  
738 use structure.

739 Sec. 20. Subsection (b) of section 26-266 of the general statutes, as  
740 amended by section 4 of public act 03-263, is repealed and the  
741 following is substituted in lieu thereof (*Effective from passage*):

742 (b) Notwithstanding the provisions of subsection (a) of this section,  
743 any owner of a utility line or public use structure that impacts [on] a  
744 designated area shall pay to the designee or grantee the costs of  
745 removing or relocating any shellfish. Nothing in this subsection shall  
746 be construed to prohibit the state, the shellfish commission, the board  
747 of selectmen or any designee or grantee from recovering damages  
748 incurred by the state, the shellfish commission, the board of selectmen,  
749 the designee or grantee caused by the installation, construction or  
750 presence of such utility line or public use structure.

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>
Sec. 6	<i>from passage</i>
Sec. 7	<i>from passage</i>
Sec. 8	<i>from passage</i>
Sec. 9	<i>from passage</i>
Sec. 10	<i>from passage</i>
Sec. 11	<i>from passage</i>
Sec. 12	<i>from passage</i>
Sec. 13	<i>from passage</i>
Sec. 14	<i>from passage</i>
Sec. 15	<i>from passage</i>
Sec. 16	<i>from passage</i>
Sec. 17	<i>from passage</i>
Sec. 18	<i>from passage</i>
Sec. 19	<i>from passage</i>
Sec. 20	<i>from passage</i>

**ENV**      *Joint Favorable*