



General Assembly

February Session, 2004

Amendment

LCO No. 3717

HB0523903717SR0

Offered by:
SEN. MCKINNEY, 28th Dist.

To: Subst. House Bill No. 5239 File No. 39 Cal. No. 465

**"AN ACT CONCERNING SHELLFISH SANITATION AND THE
AGRICULTURAL TECHNOLOGY DEVELOPMENT ADVISORY
BOARD."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 26-192f of the general statutes, as amended by
4 section 146 of public act 03-6 of the June 30 special session, is repealed
5 and the following is substituted in lieu thereof (*Effective July 1, 2004*):

6 Any person, firm or corporation (1) harvesting or taking shellfish
7 from an area closed and posted by the Department of Agriculture and
8 Consumer Protection against the [taking] removal of shellfish, except
9 as provided in section 26-192h, as amended, or an area closed by
10 commercial shellfish transplant license issuance or by order of the local
11 director of health with the approval of the department, (2) misusing
12 any shipping tag or license in violation of section 26-192c, as amended,
13 (3) mislabeling shellfish shipments or deliveries with any false
14 information, (4) failing to identify shellfish shipments or deliveries in

15 accordance with regulations adopted by the department, [or (5) failing
16 to surrender a license to the department upon request,] (5) harvesting
17 shellfish from undesignated grounds, or (6) harvesting shellfish from
18 designated grounds not listed on a license issued by the Department of
19 Agriculture and Consumer Protection to such person, firm or
20 corporation shall be fined [not less than fifty dollars nor more than] (A)
21 one thousand dollars, or (B) three times the market value of any
22 shellfish taken, based on the quantity and type [,] involved in the
23 violation if such amount is greater than one thousand dollars, or
24 imprisoned not more than twelve months and shall surrender any
25 such shellfish license to the department upon request. The
26 Commissioner of Agriculture and Consumer Protection may revoke
27 any license issued by said commissioner for ninety days for the first
28 violation of this section, one hundred eighty days for a second
29 violation of this section, one year for a third violation and permanently
30 for a fourth violation. Any person who defaces or removes a sign
31 posted by the Department of Agriculture and Consumer Protection in
32 accordance with the provisions of section 26-192e, as amended, shall
33 be fined not more than five hundred dollars or imprisoned not more
34 than six months. The provisions of this section are in addition to and in
35 no way derogate any other enforcement provisions or penalties
36 contained in any other section of the general statutes.

37 Sec. 502. Section 26-235 of the general statutes, as amended by
38 section 146 of public act 03-6 of the June 30 special session, is repealed
39 and the following is substituted in lieu thereof (*Effective July 1, 2004*):

40 (a) No person shall take any long clams less than one and one-half
41 inches in length, provided the Waterford-East Lyme shellfish
42 commission may make such residency requirements for digging or
43 taking clams from the shores or waters of the Niantic River as it deems
44 reasonable and in the best public interest of the Waterford-East Lyme
45 area. Unless otherwise provided by statute, regulation or local
46 ordinance, the recreational harvest limit of clams shall not exceed
47 one-half bushel per person daily. The Commissioner of Agriculture
48 and Consumer Protection may designate by regulations adopted in

49 accordance with the provisions of chapter 54 shores and waters for the
50 exclusive recreational harvesting of clams. For the purposes of this
51 section, recreational harvest of clams means the collection of clams by
52 an individual for [his own or his family's consumption] personal
53 consumption or consumption by such individual's family.

54 (b) The common council of any consolidated town and city and the
55 selectmen of any other town may determine the quantity of clams to be
56 taken therein by a person during one day and may prohibit, for a
57 period not exceeding one year, the taking of clams from any waters or
58 beaches they may designate within the territorial limits of such town, if
59 they deem such prohibition necessary for the protection of the natural
60 clam areas, by posting notices on such designated territorial limits
61 stating that the taking of clams within such areas is prohibited.

62 (c) Any person who violates any provision of subsection (a) or (b) of
63 this section shall have committed an infraction.

64 (d) Any person who takes clams from an area closed and posted
65 against the taking of clams by the Department of Agriculture and
66 Consumer Protection, or from an area closed by license issuance or by
67 order of a local health department shall be fined not less than seventy-
68 five dollars nor more than one thousand dollars or three times the
69 market value of any clams taken, based on the quantity and type
70 involved in the violation, if such amount is greater than one thousand
71 dollars, or imprisoned not more than twelve months.

72 (e) Any person who defaces or removes a sign posted by the
73 Department of Agriculture and Consumer Protection, in accordance
74 with the provisions of section 26-192e, as amended, shall be fined not
75 more than five hundred dollars or imprisoned not more than six
76 months."