



General Assembly

Substitute Bill No. 194

February Session, 2006

* SB00194ENV 032006 *

**AN ACT CONCERNING THE ENFORCEMENT OF HUNTING,
TRAPPING AND FISHING LAWS.**

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

1 Section 1. Section 54-56h of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2006*):

3 (a) The court may, in the disposition of any criminal or motor
4 vehicle case, including a dismissal or the imposition of a sentence,
5 consider the fact that the defendant has made a monetary contribution
6 to the Criminal Injuries Compensation Fund established under section
7 54-215 or a contribution of community service work hours to a private
8 nonprofit charity or other nonprofit organization. The court may also
9 consider the fact that any defendant who has been charged with a
10 violation of chapter 26 has made a monetary contribution to a
11 nonprofit organization that provides rewards to persons who report
12 violations of fish and game or wildlife protection laws.

13 (b) In entering a nolle prosequi, the state's attorney, assistant state's
14 attorney or deputy assistant state's attorney in charge of the case may
15 consider the fact that the defendant has made a monetary contribution
16 to the Criminal Injuries Compensation Fund established under section
17 54-215 or a contribution of community service work hours to a private
18 nonprofit charity or other nonprofit organization. The state's attorney,
19 assistant state's attorney or deputy assistant state's attorney in charge

20 of the case may also consider the fact that any defendant who has been
21 charged with a violation of chapter 26 has made a monetary
22 contribution to a nonprofit organization that provides rewards to
23 persons who report violations of fish and game or wildlife protection
24 laws.

25 Sec. 2. Section 22a-248 of the general statutes is repealed and the
26 following is substituted in lieu thereof (*Effective October 1, 2006*):

27 As used in sections 22a-247 to 22a-249, inclusive, 22a-250, as
28 amended by this act, and 22a-251:

29 (1) "Commissioner" means the Commissioner of Environmental
30 Protection or his designated agent as defined in subsection (b) of
31 section 22a-2;

32 (2) "Department" means the Department of Environmental
33 Protection;

34 (3) "Person" means person as defined in subsection (c) of section
35 22a-2;

36 (4) "Litter" means any discarded, used or unconsumed substance or
37 waste material, whether made of aluminum, glass, plastic, rubber,
38 paper, or other natural or synthetic material, or any combination
39 thereof, including, but not limited to, fishing line, any bottle, jar or can,
40 or any top, cap or detachable tab of any bottle, jar or can, any
41 unlighted cigarette, cigar, match or any flaming or glowing material or
42 any garbage, trash, refuse, debris, rubbish, grass clippings or other
43 lawn or garden waste, newspaper, magazines, glass, metal, plastic or
44 paper containers or other packaging or construction material which
45 has not been deposited in a litter receptacle;

46 (5) "Litter bag" means a bag, sack or other container made of any
47 material which is large enough to serve as a receptacle for litter inside
48 a motor vehicle or watercraft of any person and is not necessarily
49 limited to the state recommended litter bag but shall be similar in size

50 and capacity;

51 (6) "Litter receptacle" means a receptacle suitable for the depositing
52 of litter;

53 (7) "Vehicle" includes every device capable of being moved upon a
54 public highway and in, upon or by which any person or property is or
55 may be transported or drawn upon a public highway, except devices
56 moved by human or animal power or used exclusively upon stationary
57 rails or tracks;

58 (8) "Watercraft" means any boat, ship, vessel, barge or other floating
59 craft;

60 (9) "Public place" means any area that is used or held out for use by
61 the public whether owned or operated by public or private interests;

62 (10) "Recycling" means the process of sorting, cleansing, treating
63 and reconstituting waste or other discarded material for the purpose of
64 using the altered form;

65 (11) "Recycling center" means any facility at which recyclable
66 material is processed or stored, separated or prepared for reuse or
67 resale;

68 (12) "Dump" means to discard (A) more than one cubic foot in
69 volume of litter at one time or (B) furniture, garbage bags or contents
70 thereof or other similar materials. Material which has been placed at a
71 location with an intent to leave it indefinitely at such location, or
72 material which has not been removed from a location within forty-five
73 days, is deemed discarded.

74 Sec. 3. Section 22a-250 of the 2006 supplement to the general statutes
75 is repealed and the following is substituted in lieu thereof (*Effective*
76 *October 1, 2006*):

77 (a) No person shall throw, scatter, spill or place or cause to be

78 blown, scattered, spilled, thrown or placed, or otherwise dispose of
79 any litter (1) upon any public property in the state, (2) upon any public
80 land in the state, (3) upon any private property in this state not owned
81 by such person, or (4) in the waters of this state, including, but not
82 limited to, any public highway, public park, beach, campground, forest
83 land, recreational area, mobile manufactured home park, highway,
84 road, street or alley except: (A) When such property is designated by
85 the state or any political subdivision thereof for the disposal of garbage
86 and refuse, and such person is authorized to use such property for
87 such purpose; or (B) into a litter receptacle in such a manner that the
88 litter will be prevented from being carried away or deposited by the
89 elements upon any part of said private or public property or waters.
90 For the purposes of this subsection, "public land" means a state park,
91 state forest or municipal park or any other publicly-owned land that is
92 open to the public for active or passive recreation.

93 (b) (1) Any person who violates any provision of subsection (a) of
94 this section shall be fined not more than one hundred ninety-nine
95 dollars. One-half of any fine collected pursuant to this subsection shall
96 be payable to the state and one-half of such fine shall be payable to the
97 municipality in which the arrest was made unless the arrest was made
98 by a conservation officer, special conservation officer or patrolman
99 appointed by the Commissioner of Environmental Protection under
100 authority of section 26-5, in which case one-half of such fine shall be
101 payable to the Department of Environmental Protection.

102 (2) Whenever any person is convicted of a violation of subdivision
103 (2) of subsection (a) of this section, the court shall, in addition to
104 imposing the fine authorized by subdivision (1) of this subsection,
105 impose a surcharge in an amount equal to fifty per cent of such fine.
106 Any such surcharge collected pursuant to this subdivision shall be
107 payable to the municipality in which the arrest was made unless the
108 arrest was made by a conservation officer, special conservation officer
109 or patrolman appointed by the Commissioner of Environmental
110 Protection under authority of section 26-5, in which case such

111 surcharge shall be payable to the Department of Environmental
112 Protection.

113 (3) When any such material or substances are thrown, blown,
114 scattered or spilled from a vehicle, the operator thereof shall be
115 deemed prima facie to have committed such offense.

116 (c) No person shall dump, as defined in subdivision (12) of section
117 22a-248, as amended by this act, any material upon any public
118 property in the state or upon private property in this state not owned
119 by such person except when (1) such property is designated by the
120 state or any political subdivision thereof for dumping or such property
121 is a licensed facility for such purpose, and (2) such person is
122 authorized to use such property. It shall not be a defense under this
123 subsection that the dumping occurred with the permission of the
124 property owner. The commissioner or the municipality in which such
125 dumping occurs may, upon complaint or on their own initiative,
126 investigate any violation of this subsection.

127 (d) No person shall dump, as defined in this subsection, any
128 material upon any public property in the state or upon private
129 property in this state not owned by such person except when (1) such
130 property is designated by the state or any political subdivision thereof
131 for dumping or such property is a licensed facility for such purpose,
132 and (2) such person is authorized to use such property. The
133 commissioner or the municipality in which such dumping occurs may,
134 upon complaint or on their own initiative, investigate any violation of
135 this subsection. It shall not be a defense under this subsection that the
136 dumping occurred with the permission of the property owner. As used
137 in this subsection "dump" means to discard automobiles or automobile
138 parts, large appliances, tires, bulky waste, hazardous waste, as defined
139 in section 22a-115, or any other similar material.

140 (e) If the commissioner, after investigation, finds that there has been
141 a violation of subsection (c) or (d) of this section, [he] the commissioner
142 may issue an order pursuant to section 22a-225 to remove material

143 dumped in violation of said subsection (c) or (d) to a solid waste
144 facility approved by the commissioner.

145 (f) (1) If the chief elected official of a municipality, after
146 investigation, finds that there has been a violation of subsection (c) or
147 (d) of this section, [he] such chief elected official may send a notice to
148 the owner of the property where such violation has occurred by
149 certified mail, return receipt requested, to the address of record for
150 property tax purposes. Such notice shall include (A) a reference to the
151 statute alleged to have been violated; (B) a short and plain statement of
152 the matter asserted or charged; (C) a demand that such property
153 owner remove any material dumped in violation of subsection (c) or
154 (d) of this section to a solid waste facility approved by the
155 commissioner; and (D) a statement that such property owner has the
156 right to a hearing to contest the chief elected official's finding and the
157 date, time and place for the hearing. Such hearing shall be fixed for a
158 date not later than ten days after the notice is mailed. The hearing shall
159 be completed within fifteen days after such hearing commences and a
160 decision shall be rendered within ten days of the completion of such
161 hearing.

162 (2) The chief elected official or [his] such chief elected official's
163 designee shall hold a hearing upon the alleged violation unless such
164 property owner fails to appear at the hearing. If such property owner
165 fails to appear at the hearing or if, after the hearing, the chief elected
166 official or [his] such chief elected official's designee finds that material
167 has been dumped on such owner's property in violation of subsection
168 (c) or (d) of this section and such property owner has not removed
169 such material to a solid waste facility approved by the commissioner,
170 the official may order that such property owner within thirty days
171 remove such material to a solid waste facility approved by the
172 commissioner. The official shall send a copy of any order issued
173 pursuant to this subdivision by certified mail, return receipt requested,
174 to such property owner. The person may appeal from an order of the
175 chief elected official of a municipality under this subdivision in

176 accordance with the provisions of section 8-8.

177 (3) If the owner fails to remove such material within thirty days
178 from the date of the order issued by the chief elected official under
179 subdivision (2) of this subsection, and no appeal of such order has
180 been taken in accordance with section 8-8, the municipality may enter
181 such property and remove such material to a solid waste facility
182 approved by the commissioner.

183 (4) The provisions of this subsection shall not apply to any
184 corporation subject to taxation under chapter 210.

185 (g) No property owner shall be ordered to remove dumped material
186 by the commissioner or the chief elected official of a municipality
187 pursuant to subsection (e) or (f) of this section unless (1) the
188 commissioner or the chief elected official, as the case may be, finds that
189 the property owner has dumped such material, or knowingly allowed
190 another person to dump such material, in violation of subsection (c) or
191 (d) of this section or (2) the commissioner or the chief elected official,
192 as the case may be, has determined that there is no reasonable
193 opportunity to compel the responsible party to remove the material or
194 pay the costs of such removal.

195 (h) Any person who violates subsection (c) or (d) of this section shall
196 be liable for a civil penalty of not less than one thousand dollars, nor
197 more than ten thousand dollars for each day such violation continues.
198 The Superior Court, in an action brought by the municipality or by the
199 Attorney General on the request of the commissioner, shall have
200 jurisdiction to issue an order to such person directing the removal of
201 the material to a solid waste facility approved by the commissioner. If
202 the court finds that the violation was wilful, it may impose a civil
203 penalty equivalent to three times the cost of remediation of the
204 violation in addition to other applicable civil penalties. The court may
205 also order that a violator shall pay restitution to a landowner which
206 the court finds has suffered damages as a result of the violation. All
207 such actions shall have precedence in the order of trial as provided in

208 section 52-191. Any such action by the Attorney General shall be
209 brought in the superior court for the judicial district of Hartford. Any
210 vehicle used by any person in violation of subsection (d) may be
211 forfeited in accordance with section 22a-250a.

212 Sec. 4. Section 26-112 of the general statutes is repealed and the
213 following is substituted in lieu thereof (*Effective October 1, 2006*):

214 The commissioner may, after notice and public hearing, issue
215 regulations governing fishing for all species of fish and the taking of all
216 bait species in the inland district, which regulations may: (1) Establish
217 the open and closed seasons, which may be modified by decreasing or
218 increasing the number of days on any specific species, (2) establish
219 hours, days or periods during the open season when fishing shall not
220 be permitted in designated waters for all or limited species, (3)
221 prescribe the legal methods of taking, (4) establish the legal length, (5)
222 establish the daily creel limit, the season creel limit and the possession
223 limit, (6) restrict or prohibit wading in streams or portions thereof,
224 fishing from boats, canoes, rafts and other floating devices and fishing
225 from designated land areas, (7) establish the maximum number of
226 persons, boats, canoes and other floating devices that may use any area
227 of water for fishing, (8) require that a permit be obtained from the
228 landowner or his agent, or from the commissioner or an agent of the
229 department, to enter upon designated premises or areas for the
230 purpose of fishing, and further require that such permit be returned
231 within a specified time to the issuing authority with an accurate report
232 of all fish taken under such permit, time spent on the area and any
233 other data required by the commissioner for management purposes,
234 (9) restrict or prohibit the use of any craft other than manually
235 propelled, (10) designate areas of land and water that shall be
236 restricted for the exclusive use of children or the physically
237 handicapped. For the purpose of protecting public and private
238 interests and preventing unreasonable conduct and abuses by
239 fishermen, and to provide reasonable control of the actions and
240 behavior of such persons, said commissioner may issue regulations

241 and orders to (11) provide that entrance to and exit from streams, lakes
 242 and ponds shall be restricted to rights-of-way designated by posters or
 243 that consent shall be obtained from the landowner or his agent, (12)
 244 establish reasonable distances from the banks of streams, lakes and
 245 ponds beyond which fishermen shall not trespass, (13) prohibit
 246 crossing over lawns and lands under cultivation, (14) prohibit damage
 247 to property, livestock and agricultural crops, (15) prohibit swimming
 248 and picnicking in designated areas, (16) prohibit the operation or
 249 parking of vehicles on designated portions of public and private roads,
 250 parking areas, lanes, passageways, rights-of-way, fields and lots, (17)
 251 prohibit the discarding of fishing line, bottles, glass, cans, paper, junk,
 252 litter and trash, (18) control the launching, anchoring, mooring, storage
 253 and abandonment of boats, trailers and related equipment on
 254 properties under the control of the commissioner.

255 Sec. 5. (NEW) (*Effective October 1, 2006*) Each fishing license issued
 256 pursuant to part III of chapter 490 of the general statutes shall contain
 257 a conspicuous statement printed on such license stating that any
 258 person who discards fishing line in the waters of the state, on public
 259 property of the state or on private property not owned by such person
 260 shall be subject to a fine under section 22a-250 of the 2006 supplement
 261 to the general statutes, as amended by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2006</i>	54-56h
Sec. 2	<i>October 1, 2006</i>	22a-248
Sec. 3	<i>October 1, 2006</i>	22a-250
Sec. 4	<i>October 1, 2006</i>	26-112
Sec. 5	<i>October 1, 2006</i>	New section

ENV *Joint Favorable Subst.*