



General Assembly

Substitute Bill No. 5831

February Session, 2008

* HB05831ENV 031308 *

AN ACT CONCERNING NATURAL RESOURCE PROGRAMS OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION.

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

1 Section 1. Section 26-27 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective January 1, 2009*):

3 (a) Except as provided in subsection (b), (c), (e), [or] (f) or (g) of this
4 section and other provisions of this chapter providing specific license
5 exemption, no person shall take, hunt or trap, or shall attempt to take,
6 hunt or trap, or assist in taking, hunting or trapping, any wild bird or
7 mammal and no person more than sixteen years of age shall take,
8 attempt to take, or assist in taking any fish or bait species in the inland
9 waters or marine district by any method or land marine fish and bait
10 species in the state regardless of where such marine fish or bait species
11 are taken, without first having obtained a license as provided in this
12 chapter. No person under sixteen years of age shall hunt or trap,
13 except as provided in section 26-38.

14 (b) Any landowner who has a domiciliary residence in this state, his
15 spouse or lineal descendants may hunt, trap or fish on land owned by
16 him or on land leased by him and on which he is actually domiciled,
17 which land is not used for club, fishing or hunting purposes, without a
18 license, subject to the provisions of this chapter.

19 (c) No fishing license shall be required for any person who is rowing
20 a boat or operating the motor of a boat from which other persons are
21 taking or attempting to take fish.

22 (d) The taking of fish and bait species as herein provided shall be
23 regarded as sport fishing and the taking or landing of such species in
24 the inland waters or marine district by commercial methods for
25 commercial purposes shall be governed by other provisions of this
26 chapter.

27 (e) No fishing license shall be required for any resident of the state
28 who is participating in a fishing derby authorized in writing by the
29 Commissioner of Environmental Protection provided (1) no fees are
30 charged for such derby, (2) such derby has a duration of one day or
31 less and (3) such derby is sponsored by a nonprofit civic service
32 organization. Such organization shall be limited to one derby in any
33 calendar year.

34 (f) The Commissioner of Environmental Protection may designate
35 one day in each calendar year when no license shall be required for
36 sport fishing.

37 (g) No fishing license shall be required for any person who is fishing
38 as a passenger on a party boat, charter boat or head boat registered
39 under section 26-142a, as amended by this act, and operating solely in
40 the marine district.

41 Sec. 2. Section 26-28 of the general statutes is repealed and the
42 following is substituted in lieu thereof (*Effective January 1, 2009*):

43 (a) Except as provided in subsection (b) of this section, the fees for
44 firearms hunting, archery hunting, trapping and sport fishing licenses
45 or for the combination thereof shall be as follows: (1) Resident firearms
46 hunting license, fourteen dollars; (2) resident inland fishing license,
47 twenty dollars; (3) resident marine waters fishing license, fifteen
48 dollars; (4) one-day resident marine waters fishing license, five dollars;
49 (5) resident all-waters fishing license, twenty-five dollars; (6) resident

50 combination license to [firearms hunt and] fish in inland waters and
51 firearms hunt, twenty-eight dollars; [(4)] (7) resident combination
52 license to fish in marine waters and firearms hunt, twenty-five dollars;
53 (8) resident combination license to fish in all waters and firearms hunt,
54 thirty dollars; (9) resident combination license to fish in all waters and
55 bow and arrow permit to hunt deer and small game, issued pursuant
56 to section 26-86c, forty-two dollars; (10) resident firearms super sport
57 license to fish in all waters and firearms hunt, firearms private land
58 shotgun or rifle deer permit issued pursuant to section 26-86a and
59 permit to hunt wild turkey during the spring season on private land,
60 issued pursuant to section 26-48a, fifty-eight dollars; (11) resident
61 archery super sport license to fish in all waters, bow and arrow permit
62 to hunt deer and small game, issued pursuant to section 26-86c and
63 permit to hunt wild turkey during the spring season on private land,
64 issued pursuant to section 26-48a, fifty-two dollars; (12) resident
65 trapping license, twenty-five dollars; [(5)] (13) resident junior trapping
66 license for persons under sixteen years of age, three dollars; [(6)] (14)
67 junior firearms hunting license, three dollars; [(7)] (15) nonresident
68 firearms hunting license, sixty-seven dollars; [(8)] (16) nonresident
69 inland waters fishing license, forty dollars; [(9)] (17) nonresident inland
70 waters fishing license for a period of three consecutive days, sixteen
71 dollars; [(10)] (18) nonresident marine waters fishing license, thirty
72 dollars; (19) nonresident marine waters fishing license for a period of
73 three consecutive days, twelve dollars; (20) nonresident all-waters
74 fishing license, fifty dollars; (21) nonresident combination license to
75 [firearms hunt and] fish in inland waters and firearms hunt, eighty-
76 eight dollars; [and (11)] (22) nonresident combination license to fish in
77 all waters and firearms hunt, ninety-five dollars; (23) nonresident
78 combination license to fish in marine waters and firearms hunt, eighty-
79 five dollars; and (24) nonresident trapping license, two hundred
80 dollars. Persons sixty-five years of age and over who have been
81 residents of this state for not less than one year and who meet the
82 requirements of subsection (b) of section 26-31 may be issued [a
83 lifetime] an annual license to firearms hunt or to fish or combination
84 license to fish and firearms hunt or a license to trap without fee. The

85 issuing agency shall indicate on a combination license the specific
86 purpose for which such license is issued. The town clerk shall retain a
87 recording fee of one dollar for each license issued by him.

88 (b) Any nonresident residing in one of the New England states or
89 the state of New York may procure a license to hunt or to fish or to
90 hunt and fish for the same fee or fees as a resident of this state if he is a
91 resident of a state the laws of which allow the same privilege to
92 residents of this state.

93 Sec. 3. Section 26-35 of the general statutes is repealed and the
94 following is substituted in lieu thereof (*Effective January 1, 2009*):

95 Each firearms hunting, archery hunting, trapping or sport fishing
96 license or the combination firearms hunting and fishing license, except
97 licenses issued pursuant to subdivisions [(7)] (4), (17) and [(10)] (19) of
98 subsection (a) of section 26-28, as amended by this act, shall expire
99 December thirty-first next following the date of issue and shall not be
100 transferable. No person shall change or alter such a license or loan to
101 another or permit another to have or use such license issued to himself
102 or use any license issued to another. All licenses shall be carried as
103 designated by the commissioner at all times when such licensee is
104 hunting, trapping or sport fishing and shall be produced for
105 examination upon demand of any conservation officer or other
106 employee of the department designated by the commissioner or any
107 other officer authorized to make arrests or the owner or lessee or the
108 agent of any owner or lessee of any land or water upon which such
109 licensed person may be found. Whenever the commissioner has
110 designated any land or water area a wildlife management study area,
111 he may require such licensee to surrender his license upon entering
112 such area and issue to the licensee an arm band, back tag or other
113 identification. The license shall be returned to the licensee upon
114 leaving such area. Each person receiving a license to hunt or to trap
115 shall make an annual report to the commissioner in such form and at
116 such time as may be required by him showing the numbers and kinds
117 of birds and quadrupeds killed or trapped. A firearms hunting or a

118 combination firearms hunting and fishing license shall not authorize
119 the carrying or possession of a pistol or revolver.

120 Sec. 4. Section 26-46 of the general statutes is repealed and the
121 following is substituted in lieu thereof (*Effective January 1, 2009*):

122 (a) If and when the state of New York, the state of Massachusetts or
123 the state of Rhode Island enacts a similar law granting reciprocal
124 privileges to residents of this state, any person who holds a license to
125 fish in the state of New York, the state of Massachusetts or the state of
126 Rhode Island may fish in waters lying partly in this state and partly in
127 such adjoining state, or in such waters as negotiated by the
128 Commissioner of Environmental Protection of this state and any
129 similar authority in such adjoining state, without a nonresident license
130 to fish as required by this chapter; provided such nonresidents shall be
131 subject to all other provisions of the statutes and the regulations of the
132 commissioner relating to fishing in lakes and ponds.

133 (b) If and when the state of New York, the state of Massachusetts,
134 the state of New Hampshire, the state of Maine or the state of Rhode
135 Island enacts a similar law granting reciprocal privileges to residents
136 of this state, any nonresident who holds a marine or all-waters fishing
137 license issued by one of the aforementioned states may fish in the
138 marine district or land marine species in Connecticut and is not
139 required to purchase a Connecticut nonresident marine or all-waters
140 license. Such nonresidents shall be subject to all other provisions of the
141 statutes and the regulations of the commissioner relating to fishing in
142 the marine district.

143 Sec. 5. Subsection (a) of section 26-142a of the general statutes is
144 repealed and the following is substituted in lieu thereof (*Effective*
145 *January 1, 2009*):

146 (a) For the purposes of this section, an environmental tourism cruise
147 vessel is one which is operated for a fee for the purpose of education
148 and observation and retention of marine and estuarine resources
149 collected under the conditions of the permit issued under this section,

150 except that holders of a permit issued under section 26-60 shall not be
151 required to obtain a permit under this section. No person shall operate,
152 use or attempt to operate or use a vessel for commercial fishing or
153 landing activities authorized by this section unless the commissioner
154 has issued a vessel permit for such vessel to the owner of the vessel.
155 No person shall operate, use or attempt to operate or use a vessel or
156 commercial fishing gear for environmental tourism cruises authorized
157 by this section unless the commissioner has issued an environmental
158 tourism cruise permit for such vessel, including conditions for the use
159 of such fishing gear, to the owner of the vessel. No person shall use or
160 assist in using commercial fishing gear in any water of the state or land
161 in this state any species taken by commercial fishing gear or for
162 commercial purposes, regardless of where such species was taken,
163 unless such person has been licensed by the Commissioner of
164 Environmental Protection to use such commercial fishing gear or land
165 such species; except that any person who holds a license to use gill
166 nets, lobster pots, trawl nets, sea scallop dredges, seines, traps, fish
167 pots, fykes, hook and line, long lines or eel pots may, when using such
168 gear, be accompanied and assisted by persons not so licensed. A
169 resident of a state which does not issue commercial licenses to take eels
170 to residents of Connecticut shall not be eligible to obtain a commercial
171 license to take eels in the waters of this state or to land eels in this state.
172 No vessel shall be used to land any finfish, lobsters, crabs, including
173 blue crabs and horseshoe crabs, sea scallops, squid or bait species for
174 sale, barter, exchange, consignment or transportation to any point of
175 sale unless an operator of the vessel is licensed for such purpose,
176 except that any person who holds a commercial fishing license issued
177 by the commissioner to fish by the method used to take such species,
178 regardless of where such species were taken, shall not be required to
179 obtain a landing license. No person shall take or attempt to take
180 lobsters or horseshoe crabs for personal use by hand or by scuba
181 diving or skin diving unless such person has been licensed by the
182 commissioner to take lobsters or horseshoe crabs by such methods. No
183 person shall take or attempt to take finfish for commercial purposes by
184 the use of hook and line, including, but not limited to, rod and reel,

185 hand line, set line, long line, or similar device unless such person has
186 been licensed by the commissioner to use such gear for commercial
187 purposes, except that notwithstanding the issuance of such a license,
188 no person shall take finfish for commercial purposes in the inland
189 district by the use of hook and line. The use of a purse seine or similar
190 device is prohibited. No pound net shall be used to take finfish unless
191 such pound net is registered with the commissioner. Lobsters and blue
192 crabs taken in pound nets shall be released unharmed. No person shall
193 buy for resale finfish, lobsters, crabs, including blue crabs and
194 horseshoe crabs, sea scallops or squid landed in Connecticut from any
195 commercial fisherman unless such buyer and commercial fisherman
196 have been licensed by the commissioner. A licensed commercial
197 fisherman who acts as a seafood dealer may, without holding a
198 seafood dealer license, sell, ship, consign, transfer or barter his or her
199 own catch of finfish, lobsters, crabs, including blue crabs and
200 horseshoe crabs, sea scallops or squid landed in this state. No person
201 shall take blue crabs for commercial purposes except by scoop net,
202 hand line or manually operated and personally attended devices
203 approved by the commissioner and unless such person has been
204 licensed by the commissioner. No person shall operate a charter boat,
205 party boat or head boat for the purpose of fishing unless such boat has
206 been registered for such purpose with the commissioner and such
207 person holds a current passenger-for-hire license issued by the United
208 States Coast Guard. The owner, operator or captain of any such boat
209 may sell the boat's or crew's share of any tuna species if such sale is not
210 prohibited on the basis of species, size or closed season. For the
211 purposes of this chapter, a charter boat, party boat or head boat is a
212 vessel operated for a fee for the purpose of transporting and providing
213 a fishing platform for sport fishermen taking marine species in
214 Connecticut waters or landing marine species at Connecticut ports
215 regardless of where such species are taken. The commissioner may by
216 regulations adopted in accordance with the provisions of chapter 54
217 exempt certain minnow seines, cast nets, scoop nets, traps, eel pots,
218 seines less than thirty feet in length or any similar device used to take
219 bait species and other species for personal use under a sport fishing

220 license. [in the inland district and without a license in the marine
 221 district.] No vessel used to take bait species may employ a fish pump.
 222 Persons licensed, registered or issued a permit to engage in activities
 223 authorized by this subsection shall carry on their persons or in the
 224 vessel being used to engage in such activity the permit, license or
 225 registration covering such activity.

226 Sec. 6. (NEW) (*Effective from passage*) The Commissioner of
 227 Environmental Protection shall permit qualified applicants to obtain
 228 hunting, fishing and trapping licenses and permits authorized under
 229 title 26 of the general statutes via the Department of Environmental
 230 Protection's Internet web site. Said commissioner shall, not later than
 231 December 31, 2008, establish and implement procedures for such
 232 applicants to obtain such licenses and permits via the department's
 233 Internet web site.

234 Sec. 7. Section 26-15 of the general statutes is repealed and the
 235 following is substituted in lieu thereof (*Effective January 1, 2009*):

236 The state of Connecticut assents to the provisions of the Act of
 237 Congress entitled "An Act to Provide that the United States Shall Aid
 238 the States in Wildlife Restoration Projects, and for Other Purposes",
 239 approved September 2, 1937, and the Commissioner of Environmental
 240 Protection is authorized and directed to perform such acts as may be
 241 necessary to the establishment and operation of cooperative wildlife
 242 restoration projects, as defined in said act of congress, in compliance
 243 with said act and with rules and regulations promulgated by the
 244 Secretary of the Interior thereunder, and no funds accruing to the state
 245 from license fees paid by hunters and trappers shall be diverted for
 246 any other purpose than the protection, propagation, preservation and
 247 investigation of fish and game and administration of the functions of
 248 the department relating thereto.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2009</i>	26-27

Sec. 2	<i>January 1, 2009</i>	26-28
Sec. 3	<i>January 1, 2009</i>	26-35
Sec. 4	<i>January 1, 2009</i>	26-46
Sec. 5	<i>January 1, 2009</i>	26-142a(a)
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>January 1, 2009</i>	26-15

Statement of Legislative Commissioners:

In section 1 (g), the phrase "as amended by this act" was inserted for accuracy.

ENV *Joint Favorable Subst.-LCO*