



House Bill No. 5875

Public Act No. 09-173

AN ACT AUTHORIZING SPECIAL DISTRICTS TO MAINTAIN WATER QUALITY IN LAKES, STATE LAND WHERE HUNTING IS PERMITTED, THE ESTABLISHMENT OF A MARINE WATERS FISHING LICENSE AND THE TAKING OF SHELLFISH IN WESTPORT.

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

Section 1. Section 7-326 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

At such meeting, the voters may establish a district for any or all of the following purposes: To extinguish fires, to light streets, to plant and care for shade and ornamental trees, to construct and maintain roads, sidewalks, crosswalks, drains and sewers, to appoint and employ watchmen or police officers, to acquire, construct, maintain and regulate the use of recreational facilities, to plan, lay out, acquire, construct, reconstruct, repair, maintain, supervise and manage a flood or erosion control system, to plan, lay out, acquire, construct, maintain, operate and regulate the use of a community water system, to collect garbage, ashes and all other refuse matter in any portion of such district and provide for the disposal of such matter, to implement tick control measures, to install highway sound barriers, to maintain water quality in lakes that are located solely in one town in this state, to establish a zoning commission and a zoning board of appeals or a

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planning commission, or both, by adoption of chapter 124 or chapter 126, excluding section 8-29, or both chapters, as the case may be, which commissions or board shall be dissolved upon adoption by the town of subdivision or zoning regulations by the town planning or zoning commission; and to adopt building regulations, which regulations shall be superseded upon adoption by the town of building regulations. Any district may contract with a town, city, borough or other district for carrying out any of the purposes for which such district was established.

Sec. 2. Section 7-328 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

(a) The territorial limits of the district shall constitute a separate taxing district, and the assessor or assessors of the town shall separate the property within the district from the other property in the town and shall annually furnish the clerk of the district with a copy of the grand list of all property in the district after it has been completed by the board of assessment appeals of the town. If the legislative body of the town elects, pursuant to section 12-62c, to defer all or any part of the amount of the increase in the assessed value of real property in the year a revaluation becomes effective and in any succeeding year in which such deferment is allowed, the grand list furnished to the clerk of the district for each such year shall reflect assessments based upon such deferment. When the district meeting has fixed the tax rate, the clerk shall prepare a rate bill, apportioning to each owner of property his proportionate share of the taxes, which rate bill, when prepared, shall be delivered to the treasurer; and the district and the treasurer thereof shall have the same powers as towns and collectors of taxes to collect and enforce payment of such taxes, and such taxes when laid shall be a lien upon the property in the same manner as town taxes, and such liens may be continued by certificates recorded in the land record office of the town, and foreclosed in the same manner as liens

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for town taxes. The assessor or board of assessment appeals shall promptly forward to the clerk of the district any certificate of correction or notice of any other lawful change to the grand list of the district. The district clerk shall, within ten days of receipt of any such certificate or notice, forward a copy thereof to the treasurer, and the assessment of the property for which such certificate or notice was issued and the rate bill related thereto shall be corrected accordingly. If the district constructs any drain, sewer, sidewalk, curb or gutter, such proportion of the cost thereof as such district determines may be assessed by the board of directors, in the manner prescribed by such district, upon the property specially benefited by such drain, sewer, sidewalk, curb or gutter, and the balance of such costs shall be paid from the general funds of the district. In the construction of any flood or erosion control system, the cost to such district may be assessed and shall be payable in accordance with sections 25-87 to 25-93, inclusive. The cost for the maintenance of water quality in a lake shall be assessed on the land in a district and payment shall be apportioned equally among the owners of parcels of property. Subject to the provisions of the general statutes, the district may issue bonds and the board of directors may pledge the credit of the district for any money borrowed for the construction of any public works or the acquisition of recreational facilities authorized by sections 7-324 to 7-329, inclusive, and such board shall keep a record of all notes, bonds and certificates of indebtedness issued, disposed of or pledged by the district. All moneys received by the directors on behalf of the district shall be paid to the treasurer. No contract or obligation which involves an expenditure in the amount of (1) ten thousand dollars or more in districts where the grand list is less than or equal to twenty million dollars, or (2) twenty thousand dollars or more in districts where the grand list is greater than twenty million dollars, in any one year shall be made by the board of directors, unless the same is specially authorized by a vote of the district, nor shall the directors borrow money without like authority. The clerk of the district shall give

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written notice to the treasurer of the town in which the district is located of any final decision of the board of directors to borrow money, not later than thirty days after the date of such decision. The district may adopt ordinances, with penalties to secure their enforcement, for the purpose of regulating the carrying out of the provisions of sections 7-324 to 7-329, inclusive, and defining the duties and compensation of its officers and the manner in which their duties shall be carried out.

(b) Upon the request of the clerk of any district, the registrar of voters and the assessor of the town in which the district is located shall provide a list of voters of the district.

Sec. 3. (NEW) (*Effective from passage*) The Commissioner of Environmental Protection shall not reduce the amount of state land where hunting is permitted without providing for an equal amount of such land elsewhere in the state. The amount of state land where hunting is permitted shall not be less than the percentage of state land where hunting was permitted as of July 1, 2008.

Sec. 4. (NEW) (*Effective June 15, 2009*) (a) Except as provided in subsections (b), (d), (e) or (f) of this section and other provisions of chapter 490 of the general statutes providing specific license exemption, no person more than sixteen years of age shall take, attempt to take or assist in taking any fish or bait species in the marine district by any method or land marine fish and bait species in the state regardless of where such marine fish or bait species are taken, without first having obtained a marine waters fishing license as provided in section 5 of this act.

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

(c) The taking of fish and bait species as herein provided shall be

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regarded as sport fishing and the taking or landing of such species in the marine district by commercial methods for commercial purposes shall be governed by other provisions of chapter 490 of the general statutes.

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

(e) No marine waters fishing license shall be required for any person who is fishing as a passenger on a party boat, charter boat or head boat registered under section 26-142a of the general statutes and operating solely in the marine district.

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

Sec. 5. (NEW) (*Effective June 15, 2009*) (a) Except as provided in subsection (b) of this section, the fee for a resident marine waters fishing license shall be ten dollars and the fee for a nonresident marine waters fishing license shall be fifteen dollars. Persons sixty-five years of age and over who have been residents of this state for not less than one year may be issued an annual marine waters fishing license without fee. The town clerk shall retain a recording fee of one dollar for each marine waters fishing license issued by him or her.

(b) Any nonresident residing in one of the New England states or the state of New York may procure a marine waters fishing license for the same fee or fees as a resident of this state if he or she is a resident of

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a state the laws of which allow the same privilege to residents of this state.

Sec. 6. Section 26-46 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective June 15, 2009*):

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

(b) If and when the state of New York, the state of Massachusetts, the state of New Hampshire, the state of Maine or the state of Rhode Island enacts a similar law granting reciprocal privileges to residents of this state, any nonresident who holds a marine waters fishing license issued by one of said states having such reciprocal privileges may fish in the marine district or land marine species in Connecticut and shall not be required to purchase a Connecticut nonresident marine waters fishing license. Such nonresidents shall be subject to all other provisions of the statutes and the regulations of the commissioner relating to fishing in the marine district.

Sec. 7. Section 26-15 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The state of Connecticut assents to the provisions of the Act of

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Congress entitled "An Act to Provide that the United States Shall Aid the States in Wildlife Restoration Projects, and for Other Purposes", approved September 2, 1937, and the Commissioner of Environmental Protection is authorized and directed to perform such acts as may be necessary to the establishment and operation of cooperative wildlife restoration projects, as defined in said act of congress, in compliance with said act and with rules and regulations promulgated by the Secretary of the Interior thereunder, and no funds accruing to the state from license fees paid by hunters, including, but not limited to, license fees paid by hunters pursuant to section 26-28 shall be diverted for any other purpose than the protection, propagation, preservation and investigation of fish and game and administration of the functions of the department relating thereto.

Sec. 8. Section 26-14 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The state hereby assents to the provisions of Public Law 681, 81st Congress, entitled "An Act to Provide that the United States Shall Aid the States in Fish Restoration and Management Projects, and for Other Purposes", approved August 9, 1950, and the Commissioner of Environmental Protection is directed to perform such acts as may be necessary to the conduct and establishment of cooperative fish restoration projects, as defined in said act, in compliance with said act and rules and regulations promulgated by the Secretary of the Interior thereunder; and no funds accruing to the state from license fees paid by fishermen, including, but not limited to, license fees paid by fishermen pursuant to section 5 of this act, shall be diverted for any other purpose than the protection, propagation, preservation and investigation of fish and game and administration of the functions of the department relating thereto.

Sec. 9. Section 26-280 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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No person shall take, remove or carry away shellfish of any kind from the shores, beaches and flats at "Saugatuck Shores", so called, in the town of Westport, between June first and October first in each year, except under a written permit issued by the selectmen of said town or as authorized by the shellfish commission of the town of Westport, provided residents of the towns of Westport, Weston and Wilton may take, remove or carry away shellfish from the shores, beaches and flats between the westerly boundary of Sherwood Island Park and the mouth of the Saugatuck River without obtaining such a permit. Any other person desiring to take shellfish from said shores, beaches and flats shall make application to the police department of Westport on a form similar to that provided in connection with licenses or permits for fishing and such police department shall issue such number of permits and to such applicants as appear suitable and proper, and each permittee or licensee shall pay the sum of one dollar for such permit or license when issued to him and such license or permit, unless revoked for cause, shall continue in effect for the balance of the calendar year in which the same is issued. Any person who takes shellfish from said shores, beaches and flats in violation of the provisions hereof shall be fined not more than [twenty-five] seventy-five dollars. [or imprisoned not more than thirty days or both.] The provisions of this section shall not be deemed to extend the jurisdiction of the selectmen or the shellfish commission of the town of Westport to any shores, beaches, or flats not within the jurisdiction of such selectmen or commission on or before October 1, 1983.

Approved July 1, 2009