



General Assembly

**Substitute Bill No. 5211**

January Session, 2009

\*           HB05211ENVGAE031909           \*

**AN ACT CONCERNING LOCAL SHELLFISH COMMISSIONS.**

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

1       Section 1. Section 26-257a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2009*):

3       (a) Any town, city or borough, acting by its legislative body or its  
4 board of selectmen, if a town, or its mayor, if a city, or its warden, if a  
5 borough, may establish a shellfish commission or may join with one or  
6 more other towns, cities or boroughs, acting by their respective  
7 legislative bodies or boards of selectmen or mayors or wardens, as the  
8 case may be, in establishing such a commission. The number of  
9 members and their term of office shall be determined by the legislative  
10 body or board of selectmen or mayor or warden, as the case may be,  
11 or, in the case of such joint action, by agreement of the legislative  
12 bodies or boards of selectmen or mayors or wardens, as the case may  
13 be.

14       (b) Such commission shall have charge of all the shellfisheries and  
15 shellfish grounds lying in such municipality or municipalities not  
16 granted to others and not under the jurisdiction of the Commissioner  
17 of Agriculture, including all rivers, inland waters and flats adjacent to  
18 all beaches and waters within the limits and marine bounds of the  
19 municipality or municipalities. The commission may designate  
20 suitable places in the navigable waters within its jurisdiction for

21 planting or cultivating oysters, clams or mussels. The commission may  
22 issue licenses for the taking of shellfish therefrom and fix the fees  
23 therefor, may designate the quantities of such shellfish to be taken, the  
24 sizes of such shellfish and the methods of taking. The commission may  
25 prohibit the taking of such shellfish from certain designated areas for  
26 periods not in excess of one year. All moneys collected by the  
27 commission under the provisions of this section shall be paid to the  
28 commission and used by it for the protection and propagation of the  
29 shellfish under its control. Any person who violates any regulation  
30 issued by the commission pursuant to this section shall be fined not  
31 more than fifty dollars or imprisoned not more than thirty days or  
32 both.

33 (c) The commission shall prepare and periodically update a shellfish  
34 management plan. The plan shall be submitted to the Commissioner of  
35 Agriculture and any appropriate board of selectmen, mayor or warden  
36 for review and comment.

37 (d) All updates to the commission's shellfish management plan  
38 made pursuant to subsection (c) of this section and any comments  
39 made by the Department of Agriculture regarding such updates shall  
40 be in writing and shall be subject to the provisions of chapter 14.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2009	26-257a

**ENV**

**Joint Favorable Subst. C/R**

**GAE**