



General Assembly

**Substitute Bill No. 6428**

January Session, 2009

\* \_\_\_\_\_HB06428JUD\_\_040309\_\_\_\_\_\*

**AN ACT CONCERNING THE OFFENSE OF HUNTING WHILE  
INTOXICATED AND ESTABLISHING A MARINE WATERS FISHING  
LICENSE.**

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

1 Section 1. Section 53-206d of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 (a) (1) No person shall carry a pistol, revolver, machine gun,  
4 shotgun, rifle or other firearm, which is loaded and from which a shot  
5 may be discharged, upon his person (A) while under the influence of  
6 intoxicating liquor or any drug, or both, or (B) while the ratio of  
7 alcohol in the blood of such person is [ten-hundredths] eight-  
8 hundredths of one per cent or more of alcohol, by weight.

9 (2) Any person who violates any provision of this subsection shall  
10 be guilty of a class B misdemeanor.

11 (b) (1) No person shall engage in hunting while under the influence  
12 of intoxicating liquor or any drug, or both, or while impaired by the  
13 consumption of intoxicating liquor. A person shall be deemed under  
14 the influence when at the time of the alleged offense the person (A) is  
15 under the influence of intoxicating liquor or any drug, or both, or (B)  
16 has an elevated blood alcohol content. For the purposes of this  
17 subdivision, "elevated blood alcohol content" means (i) a ratio of

18 alcohol in the blood of such person that is [ten-hundredths] eight-  
19 hundredths of one per cent or more of alcohol, by weight, or (ii) if such  
20 person has been convicted of a violation of this subsection, a ratio of  
21 alcohol in the blood of such person that is seven-hundredths of one per  
22 cent or more of alcohol, by weight. A person shall be deemed impaired  
23 when at the time of the alleged offense the ratio of alcohol in the blood  
24 of such person was more than seven-hundredths of one per cent of  
25 alcohol, by weight, but less than [ten-hundredths] eight-hundredths of  
26 one per cent of alcohol, by weight.

27 (2) Any person who violates any provision of this subsection shall  
28 be guilty of a class A misdemeanor.

29 (3) Enforcement officers of the Department of Environmental  
30 Protection are empowered to arrest for a violation of the provisions of  
31 this subsection.

32 Sec. 2. Section 26-27 of the general statutes is repealed and the  
33 following is substituted in lieu thereof (*Effective January 1, 2010*):

34 (a) Except as provided in subsection (b), (c), (e) or (f) of this section  
35 and other provisions of this chapter providing specific license  
36 exemption, no person shall take, hunt or trap, or shall attempt to take,  
37 hunt or trap, or assist in taking, hunting or trapping, any wild bird or  
38 mammal and no person more than sixteen years of age shall take,  
39 attempt to take, or assist in taking any fish or bait species in the inland  
40 waters or marine district by any method or land marine fish and bait  
41 species in the state, regardless of where such marine fish or bait species  
42 are taken, without first having obtained a license as provided in this  
43 chapter. No person under sixteen years of age shall hunt or trap,  
44 except as provided in section 26-38.

45 (b) Any landowner who has a domiciliary residence in this state, his  
46 spouse or lineal descendants may hunt, trap or fish on land owned by  
47 him or on land leased by him and on which he is actually domiciled,  
48 which land is not used for club, fishing or hunting purposes, without a

49 license, subject to the provisions of this chapter.

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

53 (d) The taking of fish and bait species as herein provided shall be  
54 regarded as sport fishing and the taking or landing of such species in  
55 the inland waters or marine district by commercial methods for  
56 commercial purposes shall be governed by other provisions of this  
57 chapter.

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

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

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

71 Sec. 3. Section 26-28 of the general statutes is repealed and the  
72 following is substituted in lieu thereof (*Effective January 1, 2010*):

73 (a) Except as provided in subsection (b) of this section, the fees for  
74 firearms hunting, archery hunting, trapping and sport fishing licenses  
75 or for the combination thereof shall be as follows: (1) Resident firearms  
76 hunting license, [fourteen] eighteen dollars; (2) resident fishing license,  
77 [twenty] twenty-five dollars; (3) resident marine waters fishing license,  
78 twenty dollars; (4) one-day resident marine waters fishing license, ten

79 dollars; (5) resident all-waters fishing license, thirty dollars; (6)  
80 resident combination license to [firearms hunt and] fish in inland  
81 waters and firearms hunt, [twenty-eight] ~~thirty-five~~ dollars; [(4)] (7)  
82 resident combination license to fish in marine waters and firearms  
83 hunt, ~~thirty-five~~ dollars; (8) resident combination license to fish in all  
84 waters and firearms hunt, forty-five dollars; (9) resident combination  
85 license to fish in all waters and bow and arrow permit to hunt deer and  
86 small game issued pursuant to section 26-86c, sixty-five dollars; (10)  
87 resident firearms super sport license to fish in all waters and firearms  
88 hunt, firearms private land shotgun or rifle deer permit issued  
89 pursuant to section 26-86a and permit to hunt wild turkey during the  
90 spring season on private land issued pursuant to section 26-48a, as  
91 amended by this act, ninety-five dollars; (11) resident archery super  
92 sport license to fish in all waters, bow and arrow permit to hunt deer  
93 and small game issued pursuant to section 26-86c and permit to hunt  
94 wild turkey during the spring season on private land issued pursuant  
95 to section 26-48a, as amended by this act, ninety dollars; (12) resident  
96 trapping license, [twenty-five] ~~thirty-one~~ dollars; [(5)] (13) resident  
97 junior trapping license for persons under sixteen years of age, [three]  
98 four dollars; [(6)] (14) junior firearms hunting license, [three] four  
99 dollars; [(7)] (15) nonresident firearms hunting license, [sixty-seven]  
100 eighty-four dollars; [(8)] (16) nonresident inland waters fishing license,  
101 [forty] fifty dollars; [(9)] (17) nonresident inland waters fishing license  
102 for a period of three consecutive days, [sixteen] twenty dollars; [(10)]  
103 (18) nonresident marine waters fishing license, thirty dollars; (19)  
104 nonresident marine waters fishing license for a period of three  
105 consecutive days, twenty dollars; (20) nonresident all-waters fishing  
106 license, sixty dollars; (21) nonresident combination license to firearms  
107 hunt and inland waters fish, [eighty-eight] one hundred ten dollars;  
108 [and (11)] (22) nonresident combination license to fish in all waters and  
109 firearms hunt, ninety dollars; (23) nonresident combination license to  
110 fish in marine waters and firearms hunt, seventy-five dollars; and (24)  
111 nonresident trapping license, two hundred fifty dollars. Persons sixty-  
112 five years of age and over who have been residents of this state for not  
113 less than one year and who meet the requirements of subsection (b) of

114 section 26-31 may be issued [a lifetime] an annual license to firearms  
115 hunt or to fish or combination license to fish and firearms hunt or a  
116 license to trap without fee. The issuing agency shall indicate on a  
117 combination license the specific purpose for which such license is  
118 issued. The town clerk shall retain a recording fee of one dollar for  
119 each license issued by him.

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

125 Sec. 4. Section 26-35 of the general statutes is repealed and the  
126 following is substituted in lieu thereof (*Effective January 1, 2010*):

127 Each firearms hunting, archery hunting, trapping or sport fishing  
128 license or the combination firearms hunting and fishing license, except  
129 licenses issued pursuant to subdivisions [(7) and (10)] (4), (17) and (19)  
130 of subsection (a) of section 26-28, as amended by this act, shall expire  
131 December thirty-first next following the date of issue and shall not be  
132 transferable. No person shall change or alter such a license or loan to  
133 another or permit another to have or use such license issued to himself  
134 or use any license issued to another. All licenses shall be carried as  
135 designated by the commissioner at all times when such licensee is  
136 hunting, trapping or sport fishing and shall be produced for  
137 examination upon demand of any conservation officer or other  
138 employee of the department designated by the commissioner or any  
139 other officer authorized to make arrests or the owner or lessee or the  
140 agent of any owner or lessee of any land or water upon which such  
141 licensed person may be found. Whenever the commissioner has  
142 designated any land or water area a wildlife management study area,  
143 he may require such licensee to surrender his license upon entering  
144 such area and issue to the licensee an arm band, back tag or other  
145 identification. The license shall be returned to the licensee upon  
146 leaving such area. Each person receiving a license to hunt or to trap

147 shall make an annual report to the commissioner in such form and at  
148 such time as may be required by him showing the numbers and kinds  
149 of birds and quadrupeds killed or trapped. A firearms hunting or a  
150 combination firearms hunting and fishing license shall not authorize  
151 the carrying or possession of a pistol or revolver.

152 Sec. 5. Section 26-37 of the general statutes is repealed and the  
153 following is substituted in lieu thereof (*Effective January 1, 2010*):

154 The commissioner, upon written application and the payment of a  
155 fee of [seven] nine dollars, shall issue to any person licensed to hunt, to  
156 hunt and trap or fish, or the combination thereof, a duplicate license  
157 when he is satisfied that the original license of such person has been  
158 lost, destroyed or mutilated beyond recognition. No such application  
159 form shall contain any material false statement. All such application  
160 forms shall have printed thereon, "I declare under the penalties of false  
161 statement that the statements herein made by me are true and correct."  
162 Any person who makes any material false statement on such  
163 application form shall be guilty of false statement and shall be subject  
164 to the penalties provided for false statement and such offense shall be  
165 deemed to have been committed in the town of residence of the  
166 applicant, except that in the case of applications received from  
167 nonresidents such offense shall be deemed to have been committed in  
168 the town in which such application is presented or received for  
169 processing. The town clerk certifying such application form shall  
170 receive from the total fee herein specified the sum of one dollar.

171 Sec. 6. Section 26-46 of the general statutes is repealed and the  
172 following is substituted in lieu thereof (*Effective January 1, 2010*):

173 (a) If and when the state of New York, the state of Massachusetts or  
174 the state of Rhode Island enacts a similar law granting reciprocal  
175 privileges to residents of this state, any person who holds a license to  
176 fish in the state of New York, the state of Massachusetts or the state of  
177 Rhode Island may fish in inland waters lying partly in this state and  
178 partly in such adjoining state, or in such waters as negotiated by the

179 Commissioner of Environmental Protection of this state and any  
180 similar authority in such adjoining state, without a nonresident inland  
181 waters license to fish as required by this chapter; provided such  
182 nonresidents shall be subject to all other provisions of the statutes and  
183 the regulations of the commissioner relating to fishing in lakes and  
184 ponds.

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

195 Sec. 7. Section 26-48a of the general statutes is repealed and the  
196 following is substituted in lieu thereof (*Effective January 1, 2010*):

197 (a) The commissioner may establish, by regulations adopted in  
198 accordance with the provisions of chapter 54, standards for the  
199 management of salmon, migratory game birds in accordance with  
200 section 26-92, pheasant and turkey which shall include provision for  
201 the issuance of permits, tags or stamps. The commissioner may charge  
202 a fee for a permit, tag or stamp as follows: Not more than [fourteen]  
203 twenty-eight dollars for turkey; not more than [three] six dollars for  
204 migratory game birds; not more than [fourteen] twenty-eight dollars  
205 for pheasant and not more than [twenty-eight] thirty-five dollars for  
206 salmon. No person shall be issued a permit, tag or stamp for migratory  
207 birds, pheasant or turkey without first obtaining a license to hunt and  
208 no person shall be issued a permit, tag or stamp for salmon without  
209 first obtaining a license to fish. Notwithstanding any provision of any  
210 regulation to the contrary, the commissioner may charge a fee of  
211 [fourteen] twenty-eight dollars for the issuance of a permit to hunt

212 wild turkey on state-owned or private land during the fall season.

213 (b) Such permits, tags or stamps shall be issued to qualified  
 214 applicants by any town clerk. Application for such permits, tags or  
 215 stamps shall be on such form and require of the applicant such  
 216 information as the commissioner may prescribe. The commissioner  
 217 may adopt regulations in accordance with the provisions of chapter 54  
 218 authorizing a town clerk to retain part of any fee paid for a permit, tag  
 219 or stamp issued by such town clerk pursuant to this section, provided  
 220 the amount retained shall not be less than fifty cents.

221 Sec. 8. Section 26-15 of the general statutes is repealed and the  
 222 following is substituted in lieu thereof (*Effective from passage*):

223 The state of Connecticut assents to the provisions of the Act of  
 224 Congress entitled "An Act to Provide that the United States Shall Aid  
 225 the States in Wildlife Restoration Projects, and for Other Purposes",  
 226 approved September 2, 1937, and the Commissioner of Environmental  
 227 Protection is authorized and directed to perform such acts as may be  
 228 necessary to the establishment and operation of cooperative wildlife  
 229 restoration projects, as defined in said act of congress, in compliance  
 230 with said act and with rules and regulations promulgated by the  
 231 Secretary of the Interior thereunder, and no funds accruing to the state  
 232 from license fees paid by hunters shall be diverted for any other  
 233 purpose than the protection, propagation, preservation and  
 234 investigation of fish and game and administration of the functions of  
 235 the department relating thereto.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	53-206d
Sec. 2	<i>January 1, 2010</i>	26-27
Sec. 3	<i>January 1, 2010</i>	26-28
Sec. 4	<i>January 1, 2010</i>	26-35
Sec. 5	<i>January 1, 2010</i>	26-37
Sec. 6	<i>January 1, 2010</i>	26-46

