



**Substitute House Bill No. 5211**

**Public Act No. 09-195**

**AN ACT CONCERNING LOCAL SHELLFISH COMMISSIONS AND  
THE TRANSFER OF COMMERCIAL FISHING LICENSES.**

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

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 Section 26-257a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2009*):

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

(b) Such commission shall have charge of all the shellfisheries and shellfish grounds lying in such municipality or municipalities not granted to others and not under the jurisdiction of the Commissioner of Agriculture, including all rivers, inland waters and flats adjacent to

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all beaches and waters within the limits and marine bounds of the municipality or municipalities. The commission may designate suitable places in the navigable waters within its jurisdiction for planting or cultivating oysters, clams or mussels. The commission may issue licenses for the taking of shellfish therefrom and fix the fees therefor, may designate the quantities of such shellfish to be taken, the sizes of such shellfish and the methods of taking. The commission may prohibit the taking of such shellfish from certain designated areas for periods not in excess of one year. All moneys collected by the commission under the provisions of this section shall be paid to the commission and used by it for the protection and propagation of the shellfish under its control. Any person who violates any regulation issued by the commission pursuant to this section shall be fined not more than fifty dollars or imprisoned not more than thirty days or both.

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

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

Sec. 2. Section 26-142b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) For the purposes of this section, "active" with regard to a commercial finfish license, commercial fishing license or commercial lobster pot license means that the license has been renewed in the current year and "number of lobster pots actively fished" means the maximum calculated number of pots as established by the

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Commissioner of Environmental Protection pursuant to regulations adopted in accordance with section 26-157c.

(b) Notwithstanding any other provision of law, the Commissioner of Environmental Protection shall issue resident and nonresident commercial finfish licenses, commercial fishing licenses and commercial lobster pot licenses under section 26-142a only to persons who held a commercial finfish license, a commercial fishing license, or a commercial lobster pot license at any time from June 1, 1995, to December 31, 2003, inclusive, provided, if such license holder is incapacitated or unable to operate a vessel, the commissioner may reissue a license to a member of such license holder's immediate family or to a member of such license holder's crew, as designated by such license holder, on a temporary basis not to exceed the duration of such incapacity or inability. Such temporary license shall be subject to the provisions of section 26-142a.

(c) (1) The commissioner may authorize the transfer of an active commercial finfish license, commercial fishing license or commercial lobster pot license, issued pursuant to subsection (c) of section 26-142a, provided the person transferring the license held the license and landed finfish, lobsters, sea scallops, crabs or squid in at least five of the eight calendar years preceding the transfer request and reported such landings to the commissioner, pursuant to section 26-157b, for at least thirty fishing days in each year. Such landings shall be verified by seafood dealer reports submitted pursuant to section 26-157b. The recipient of a transferred commercial lobster pot license shall be limited to the number of lobster pots allocated to such license, except a transferee who currently holds a commercial lobster pot license, issued pursuant to subsection (c) of section 26-142a, shall be limited to the number of pots allocated to such person's currently held lobster pot license or to the transferred license, whichever is greater. The length of any commercial fishing vessel used by the recipient of a transferred

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license to fish with a trawl net in the waters of this state shall be not more than ten per cent greater than the length of the largest vessel used by the person transferring the license during such qualifying period.

(2) The commissioner shall authorize the transfer of an active commercial fishing license, issued pursuant to subsection (c) of section 26-142a, provided the person transferring the license held the license every year from 1980 to 1989, inclusive, and landed summer flounder in this state in at least six of such ten years and reported such landings to the commissioner pursuant to section 26-157b.

(d) The commissioner may authorize the transfer of an active commercial finfish license, commercial fishing license or commercial lobster pot license pursuant to subsection (c) of this section, for a period of two years from the date of death of such license holder.

(e) Upon transfer of a license, the original license holder shall become ineligible to obtain a renewal of that license. Such original license holder may acquire a new license through a subsequent license transfer.

(f) A transfer of a license under this section shall not be made while a commercial fishery license, registration or vessel permit held by the transferor or transferee is under suspension and a transfer shall not be authorized for any transferee who has had a commercial fishery license, registration or vessel permit revoked or suspended within the preceding twelve months.

Approved July 8, 2009