



General Assembly

January Session, 2009

**Amendment**

LCO No. 8791

**\*HB0579508791SD0\***

Offered by:  
SEN. MAYNARD, 18<sup>th</sup> Dist.

To: House Bill No. 5795

File No. 502

Cal. No. 603

**"AN ACT CONCERNING SHELLFISH WATER TESTING."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. Section 26-142b of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective from passage*):

5 (a) For the purposes of this section, "active" with regard to a  
6 commercial finfish license, commercial fishing license or commercial  
7 lobster pot license means that the license has been renewed in the  
8 current year and "number of lobster pots actively fished" means the  
9 maximum calculated number of pots as established by the  
10 Commissioner of Environmental Protection pursuant to regulations  
11 adopted in accordance with section 26-157c.

12 (b) Notwithstanding any other provision of law, the Commissioner  
13 of Environmental Protection shall issue resident and nonresident  
14 commercial finfish licenses, commercial fishing licenses and  
15 commercial lobster pot licenses under section 26-142a only to persons

16 who held a commercial finfish license, a commercial fishing license, or  
17 a commercial lobster pot license at any time from June 1, 1995, to  
18 December 31, 2003, inclusive, provided, if such license holder is  
19 incapacitated or unable to operate a vessel, the commissioner may  
20 reissue a license to a member of such license holder's immediate family  
21 or to a member of such license holder's crew, as designated by such  
22 license holder, on a temporary basis not to exceed the duration of such  
23 incapacity or inability. Such temporary license shall be subject to the  
24 provisions of section 26-142a.

25 (c) (1) The commissioner may authorize the transfer of an active  
26 commercial finfish license, commercial fishing license or commercial  
27 lobster pot license, issued pursuant to subsection (c) of section 26-142a,  
28 provided the person transferring the license held the license and  
29 landed finfish, lobsters, sea scallops, crabs or squid in at least five of  
30 the eight calendar years preceding the transfer request and reported  
31 such landings to the commissioner, pursuant to section 26-157b, for at  
32 least thirty fishing days in each year. Such landings shall be verified by  
33 seafood dealer reports submitted pursuant to section 26-157b. The  
34 recipient of a transferred commercial lobster pot license shall be  
35 limited to the number of lobster pots allocated to such license, except a  
36 transferee who currently holds a commercial lobster pot license, issued  
37 pursuant to subsection (c) of section 26-142a, shall be limited to the  
38 number of pots allocated to such person's currently held lobster pot  
39 license or to the transferred license, whichever is greater. The length of  
40 any commercial fishing vessel used by the recipient of a transferred  
41 license to fish with a trawl net in the waters of this state shall be not  
42 more than ten per cent greater than the length of the largest vessel  
43 used by the person transferring the license during such qualifying  
44 period.

45 (2) The commissioner shall authorize the transfer of an active  
46 commercial fishing license, issued pursuant to subsection (c) of section  
47 26-142a, provided the person transferring the license held the license  
48 every year from 1980 to 1989, inclusive, and landed summer flounder  
49 in this state in at least nine of such ten years and reported such

50 landings to the commissioner pursuant to section 26-157b.

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

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

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