



House of Representatives

General Assembly

File No. 396

February Session, 2012

Substitute House Bill No. 5447

House of Representatives, April 12, 2012

The Committee on Environment reported through REP. ROY of the 119th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING AQUATIC ANIMALS AS FOOD AND THE TAKING OF SCALLOPS FROM THE NIAN TIC RIVER.

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

1 Section 1. (NEW) (*Effective October 1, 2012*) (a) As used in this
2 section:

3 (1) "Aquaculture" means the controlled rearing, cultivation,
4 processing and harvesting of aquatic animals in land-based or marine-
5 based culture systems, tanks, containers, impoundments, floating or
6 submerged nets or pens and ponds.

7 (2) "Aquatic animals" means fresh or saltwater finfish, crustaceans
8 and other forms of aquatic life, including alligator, frog, aquatic turtle,
9 jellyfish, sea cucumber and sea urchin, and the roe of such animals,
10 and all mollusks. "Aquatic animals" does not include birds or
11 mammals.

12 (b) The Commissioner of Agriculture shall adopt regulations, in

13 accordance with the provisions of chapter 54 of the general statutes, for
14 the licensing and inspection of aquaculture facilities that supply
15 aquatic animals intended to be sold for human consumption, to
16 promote compliance by such facilities with principles, practices and
17 generally recognized standards that protect public health. Such
18 regulations shall include, but not be limited to, provisions concerning
19 (1) minimum qualifications and the application procedure for such
20 license and license renewals, (2) processing standards and inspection
21 procedures for such facilities, including compliance with the
22 provisions of 21 CFR 123--Fish and Fishery Products, Subpart A and
23 the Food and Drug Administration Food Code, as from time to time
24 amended, (3) designation of any such facility that complies with such
25 standards and procedures as an "approved food source" for
26 households, restaurants, hotels and other residential facilities, and (4)
27 oversight of such facilities by the Commissioner of Agriculture.

28 Sec. 2. Section 26-287 of the general statutes is repealed and the
29 following is substituted in lieu thereof (*Effective July 1, 2012*):

30 (a) The Waterford-East Lyme shellfish commission shall consist of
31 four electors of each of said towns appointed by their respective
32 boards of selectmen. Annually such board shall appoint an elector as a
33 member of said commission who shall serve for a term of four years
34 from June first in the year of his appointment. Neither of said towns
35 shall be represented on said commission by more than two members of
36 the same political party. Any vacancies that may from time to time
37 occur shall be filled for the balance of the unexpired term by the board
38 of selectmen of the town which, because of such vacancy, has one less
39 member on said commission. Said commission may prohibit the taking
40 of [escallops] scallops, clams and oysters from such portions of the
41 Niantic River as it designates, for a period not exceeding one year at a
42 time, designate, from time to time, the manner in which said shellfish
43 may be taken and license such taking and, in connection therewith,
44 adopt reasonable regulations and fix license and permit fees. When
45 said commission designates any place or places in said river from
46 which the taking of [escallops] scallops, oysters and clams is to be

47 prohibited or designates a new manner in which [escallops] scallops,
48 clams and oysters may or may not be taken, or adopts, rescinds or
49 amends any regulation or license or permit fee adopted hereunder, it
50 shall cause to be published at least twice, in a newspaper having a
51 circulation in each of said towns, a notice describing the place or places
52 upon which such prohibition is to be operative or the manner in which
53 [escallops] scallops, oysters or clams may or may not be taken, or the
54 regulation, license or permit fee adopted, rescinded or amended, and
55 shall post copies of such notices upon the shores of the river. No
56 person shall take any [escallops] scallops, oysters or clams from any
57 grounds from which the taking of the same has been prohibited during
58 the time of such prohibition nor in any manner in violation of any such
59 designation or regulation.

60 (b) No person shall, at any time, take any [escallops] scallops which
61 may pass through a [two-inch] two and one-half inch ring or more
62 than three bushels of [escallops] scallops in any one day, provided said
63 commission may increase or decrease the daily limit at any time after it
64 has been in force for thirty days.

65 (c) All constables and other informing officers of either of said
66 towns shall inquire after and prosecute for any violation of this section.
67 For the purpose of enforcing the same, all constables in either of said
68 towns shall have supervision and jurisdiction over that part of the
69 waters of the Niantic River from Golden Spur Bridge southerly to the
70 highway bridge at the Rope Ferry Road, so called, and all offenses
71 committed within said limits, in the same manner and to the same
72 extent as though said portion of said river was within the town within
73 which such officials have jurisdiction.

74 (d) Said commission may designate special officers for the
75 enforcement of this section whose compensation shall be determined
76 by the commission. All moneys collected by either the town of
77 Waterford or the town of East Lyme under the provisions of this
78 section shall be paid to the commission and used by it for the
79 protection and propagation of [escallops] scallops, oysters and clams

80 and other shellfish in the waters of the Niantic River.

81 (e) Any person who violates any provision of this section or any
82 regulation adopted pursuant to this section shall be fined not more
83 than two hundred dollars or imprisoned not more than ten days or
84 both, and upon conviction the court may order that such person shall
85 not be entitled to a permit or license to take [escallops] scallops, oysters
86 and clams from the Niantic River until the beginning of the second
87 season the river is opened by the commission following such
88 conviction.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2012	New section
Sec. 2	July 1, 2012	26-287

Statement of Legislative Commissioners:

In section 1(a)(1), "processing" was added, in section 1(a)(2), "which are intended for human consumption" was deleted, and in section 1(b), "cultivate, process and" was deleted, to avoid repetition and for clarity.

ENV Joint Favorable Subst.

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill, which requires the Department of Agriculture to adopt regulations regarding scallops, does not result in a fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 5447*****AN ACT CONCERNING AQUATIC ANIMALS AS FOOD AND THE TAKING OF SCALLOPS FROM THE NIAN TIC RIVER.*****SUMMARY:**

This bill requires the agriculture commissioner to adopt regulations for licensing and inspecting aquaculture facilities that cultivate, process, and supply aquatic animals for human consumption.

The bill increases, from two to two-and-a-half inches, the minimum size of scallops that a person can take from the Niantic River. It allows the Waterford-East Lyme shellfish commission to increase or decrease the daily limit of scallops a person can take, rather than just increase it.

The bill also makes technical changes.

EFFECTIVE DATE: July 1, 2012, except for the provision requiring the agriculture commissioner to adopt regulations, which is effective October 1, 2012.

REGULATIONS REGARDING AQUACULTURE FACILITIES

The bill requires the commissioner's regulations to promote compliance with principles, practices, and generally recognized standards that protect public health. The regulations must include:

1. (a) minimum qualifications for aquaculture facilities and (b) license application and renewal procedures;
2. processing and inspection standards for aquaculture facilities, including compliance with federal law;
3. designating compliant facilities as an "approved food source" for households, restaurants, hotels, and other residential

facilities; and

- 4. the commissioner’s oversight of aquaculture facilities.

Under the bill, “aquaculture” is the controlled rearing, cultivating, and harvesting of aquatic animals in land- or marine-based culture systems, tanks, containers, impoundments, floating or submerged nets or pens, and ponds. “Aquatic animals” are fresh or saltwater finfish, crustaceans, and other aquatic life forms, including alligator, frog, turtle, jellyfish, sea cucumber, sea urchins, their roe, and mollusks, that are intended for human consumption.

NIANTIC RIVER SCALLOPS

By law, the Waterford-East Lyme shellfish commission may regulate the taking of scallops, clams, and oysters from the Niantic River.

Current law prohibits taking (1) any scallop that passes through a two-inch ring or (2) more than three bushels of scallops a day. But the commission may increase the daily limit after it has been in place for 30 days. The bill instead prohibits taking any scallop that passes through a two-and-a-half-inch ring, thereby increasing the minimum size of scallops that a person may take. It maintains the three-bushel limit, but the commission may increase or decrease it after 30 days.

By law, a violator is subject to a fine of up to \$200, imprisonment of up to 10 days, or both. Upon conviction, the court may order that the violator cannot hold a permit or license to take shellfish in the Niantic River until the second season following the conviction.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 29 Nay 0 (03/23/2012)