



General Assembly

February Session, 2012

Raised Bill No. 5447

LCO No. 1973

01973_____ENV

Referred to Committee on Environment

Introduced by:
(ENV)

**AN ACT CONCERNING AQUATIC ANIMALS AS FOOD AND THE
TAKING OF ESCALLOPS FROM THE NIAHTIC 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 and
4 harvesting of aquatic animals in land-based or marine-based culture
5 systems, tanks, containers, impoundments, floating or submerged nets
6 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, which are intended for human consumption.
11 "Aquatic animals" does not include birds or 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 cultivate,

15 process and supply aquatic animals intended to be sold for human
16 consumption, to promote compliance by such facilities with principles,
17 practices and generally recognized standards that protect public
18 health. Such regulations shall include, but not be limited to, provisions
19 concerning (1) minimum qualifications and the application procedure
20 for such license and license renewals, (2) processing standards and
21 inspection procedures for such facilities, including compliance with
22 the provisions of 21 CFR 123--Fish and Fishery Products, Subpart A
23 and the Food and Drug Administration Food Code, as from time to
24 time amended, (3) designation of any such facility that complies with
25 such 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 Section 26-287 of the general statutes is repealed and the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 scallops, clams and oysters from such portions of the Niantic River
41 as it designates, for a period not exceeding one year at a time,
42 designate, from time to time, the manner in which said shellfish may
43 be taken and license such taking and, in connection therewith, adopt
44 reasonable regulations and fix license and permit fees. When said
45 commission designates any place or places in said river from which the
46 taking of scallops, oysters and clams is to be prohibited or designates
47 a new manner in which scallops, clams and oysters may or may not

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

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

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

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

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

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

Statement of Purpose:

To provide for the licensing and inspection of facilities cultivating, processing and supplying aquatic animals in the state for human consumption and to promote scallop production in the Niantic River.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]