



Substitute House Bill No. 5145

Public Act No. 12-80

AN ACT CONCERNING THE RECOMMENDATIONS OF THE SENTENCING COMMISSION REGARDING THE CLASSIFICATION OF UNCLASSIFIED MISDEMEANORS.

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

Section 1. Section 53a-26 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(a) An offense for which a person may be sentenced to a term of imprisonment of not more than one year is a misdemeanor.

(b) Misdemeanors are classified for the purposes of sentence as follows: (1) Class A, (2) class B, (3) class C, ~~(4) class D,~~ and ~~[(4)] (5)~~ unclassified.

(c) The particular classification of each misdemeanor defined in this chapter is expressly designated in the section defining it.

(d) Any offense defined in any [other] section of the general statutes which, by virtue of an expressly specified sentence, is within the definition set forth in subsection (a) of this section, but for which a particular classification is not expressly designated, shall be deemed: (1) A class A misdemeanor if the maximum term of imprisonment specified is one year; (2) a class B misdemeanor if the maximum term

Substitute House Bill No. 5145

of imprisonment specified is six months; (3) a class C misdemeanor if the maximum term of imprisonment specified is three months; (4) a class D misdemeanor if the maximum term of imprisonment specified is thirty days; and (5) an unclassified misdemeanor if the maximum term of imprisonment specified is a term other than a term set forth in subdivision (1), (2), (3) or (4) of this subsection.

Sec. 2. Section 53a-36 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

A sentence of imprisonment for a misdemeanor shall be a definite sentence and, unless the section of the general statutes that defines or provides the penalty for the crime specifically provides otherwise, the term shall be fixed by the court as follows: (1) For a class A misdemeanor, a term not to exceed one year; (2) for a class B misdemeanor, a term not to exceed six months; (3) for a class C misdemeanor, a term not to exceed three months; ~~(4) for a class D misdemeanor, a term not to exceed thirty days;~~ and ~~[(4)]~~ (5) for an unclassified misdemeanor, a term in accordance with the sentence specified in the section of the general statutes that defines or provides the penalty for the crime.

Sec. 3. Section 53a-42 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

A fine for the conviction of a misdemeanor shall, unless the section of the general statutes that defines or provides the penalty for the crime specifically provides otherwise, be fixed by the court as follows: (1) For a class A misdemeanor, an amount not to exceed two thousand dollars; (2) for a class B misdemeanor, an amount not to exceed one thousand dollars; (3) for a class C misdemeanor, an amount not to exceed five hundred dollars; (4) for a class D misdemeanor, an amount not to exceed two hundred fifty dollars; and (5) for an unclassified misdemeanor, an amount in accordance with the fine specified in the

Substitute House Bill No. 5145

section of the general statutes that defines or provides the penalty for the crime.

Sec. 4. Subsection (d) of section 53a-29 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012, and applicable to sentences imposed for crimes committed on or after said date*):

(d) Except as provided in subsection (f) of this section, the period of probation or conditional discharge, unless terminated sooner as provided in section 53a-32 or 53a-33, shall be as follows: (1) For a class B felony, not more than five years; (2) for a class C or D felony or an unclassified felony, not more than three years; (3) for a class A misdemeanor, not more than two years; (4) for a class B₁ [or] C or D misdemeanor, not more than one year; and (5) for an unclassified misdemeanor, not more than one year if the authorized sentence of imprisonment is [three] six months or less, or not more than two years if the authorized sentence of imprisonment is in excess of [three] six months, or where the defendant is charged with failure to provide subsistence for dependents, a determinate or indeterminate period.

Sec. 5. Section 8-12 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

If any building or structure has been erected, constructed, altered, converted or maintained, or any building, structure or land has been used, in violation of any provision of this chapter or of any bylaw, ordinance, rule or regulation made under authority conferred hereby, any official having jurisdiction, in addition to other remedies, may institute an action or proceeding to prevent such unlawful erection, construction, alteration, conversion, maintenance or use or to restrain, correct or abate such violation or to prevent the occupancy of such building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises. Such regulations shall be

Substitute House Bill No. 5145

enforced by the officer or official board or authority designated therein, who shall be authorized to cause any building, structure, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereon in violation of any provision of the regulations made under authority of the provisions of this chapter or, when the violation involves grading of land, the removal of earth or soil erosion and sediment control, to issue, in writing, a cease and desist order to be effective immediately. The owner or agent of any building or premises where a violation of any provision of such regulations has been committed or exists, or the lessee or tenant of an entire building or entire premises where such violation has been committed or exists, or the owner, agent, lessee or tenant of any part of the building or premises in which such violation has been committed or exists, or the agent, architect, builder, contractor or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation exists, shall be fined not less than ten [nor] dollars or more than one hundred dollars for each day that such violation continues; but, if the offense is wilful, the person convicted thereof shall be fined not less than one hundred dollars [nor] or more than two hundred [and] fifty dollars for each day that such violation continues, or imprisoned not more than ten days for each day such violation continues not to exceed a maximum of thirty days for such violation, or both; and the Superior Court shall have jurisdiction of all such offenses, subject to appeal as in other cases. Any person who, having been served with an order to discontinue any such violation, fails to comply with such order within ten days after such service, or having been served with a cease and desist order with respect to a violation involving grading of land, removal of earth or soil erosion and sediment control, fails to comply with such order immediately, or continues to violate any provision of the regulations made under authority of the provisions of this chapter specified in such order shall be subject to a civil penalty not to exceed two thousand five hundred

Substitute House Bill No. 5145

dollars, payable to the treasurer of the municipality. In any criminal prosecution under this section, the defendant may plead in abatement that such criminal prosecution is based on a zoning ordinance or regulation which is the subject of a civil action wherein one of the issues is the interpretation of such ordinance or regulations, and that the issues in the civil action are such that the prosecution would fail if the civil action results in an interpretation different from that claimed by the state in the criminal prosecution. If the court renders judgment for such municipality and finds that the violation was wilful, the court shall allow such municipality its costs, together with reasonable attorney's fees to be taxed by the court. The court before which such prosecution is pending may order such prosecution abated if it finds that the allegations of the plea are true.

Sec. 6. Subsection (h) of section 14-283 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(h) Any person who wilfully or negligently obstructs or retards any ambulance or vehicle operated by a member of an emergency medical service organization while answering any emergency call or taking a patient to a hospital, or any vehicle used by a fire department or any officer or member of a fire department while on the way to a fire, or while responding to an emergency call, or any vehicle used by the state police or any local police department, or any officer of the Division of State Police within the Department of Emergency Services and Public Protection or any local police department while on the way to an emergency call or in the pursuit of fleeing law violators, shall be fined not more than [two hundred dollars or imprisoned not more than seven days, or both] two hundred fifty dollars.

Sec. 7. Section 15-25 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Substitute House Bill No. 5145

Any person who removes, damages or destroys any buoy, beacon, channel marker or floating guide placed in the waters of this state by authority of the Commissioner of Transportation or the harbor master of any harbor, or moors or in any manner attaches any boat, vessel or raft of any kind to such buoy, beacon, channel marker or floating guide, unless his life, or the safety of the vessel in which he is, is endangered, or cuts down, removes, damages or destroys any beacon or navigational aid erected on land in this state, shall be fined not [less than two hundred fifty dollars nor more than five hundred dollars, or imprisoned not more than sixty days or both] more than one thousand dollars.

Sec. 8. Subsection (h) of section 15-144 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(h) (1) Any person who operates or any owner who permits the operation of a vessel on the waters of this state which has not been numbered or registered in accordance with the provisions of this chapter and any other applicable section of the general statutes shall have committed a violation and shall be fined not less than twenty-five dollars or more than two hundred dollars for the first offense and for each subsequent offense shall be fined not less than two hundred dollars or more than five hundred dollars. (2) No person shall use any vessel registration or registration decals that have been issued to another person pursuant to sections 15-142 to 15-144, inclusive. No person shall use a vessel registration or registration decals on any vessel other than the vessel for which such registration number or registration decals have been issued. Any person who violates any provision of this subdivision shall be fined not more than [one hundred dollars or imprisoned not more than thirty days, or both] two hundred fifty dollars. (3) Any officer empowered to enforce the provisions of this chapter and any other applicable section of the

Substitute House Bill No. 5145

general statutes who finds a vessel which is not numbered or registered in accordance with the provisions of this chapter and such discovery is subsequent to a violation of this chapter may make application to the court for a warrant to seize such vessel and take it into custody pending proof of payment of proper numbering or registration fees. No officer shall be liable for any act performed under the provisions of this subsection.

Sec. 9. Subsection (d) of section 15-154 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(d) Upon the immediate approach of a law enforcement vessel using an audible signal device and flashing blue lights or a fire rescue vessel using an audible signal device and flashing red or yellow lights, any person operating a vessel shall immediately slow to a speed sufficient to maintain steerage only, shall alter course, within its ability, so as not to inhibit or interfere with the operation of the law enforcement vessel or fire rescue vessel, and shall proceed, unless otherwise directed by an officer in the law enforcement vessel or fire rescue vessel, at a reduced speed until beyond the area of operation of the law enforcement vessel or fire rescue vessel. Any person operating a vessel who wilfully or negligently obstructs or retards any law enforcement or fire rescue vessel answering an emergency call or in pursuit of fleeing law violators [] shall be fined not more than [two hundred dollars or imprisoned not more than seven days, or both] two hundred fifty dollars.

Sec. 10. Section 16-44 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Whenever any company is organized for the purpose of doing business as a public service company, or whenever any company so organized acquires any plant or any part of a plant or equipment, or

Substitute House Bill No. 5145

begins doing business as a public service company, or whenever any foreign public service company commences business in this state, or whenever any public service company doing business in this state merges with any other company or companies or permanently discontinues doing business as a public service company, or changes its corporate name, the secretary of the company shall, within ten days from the date thereof, notify the Public Utilities Regulatory Authority of the action of the company or companies, on blanks to be furnished by the authority on request. The secretary of any public service company who fails to comply with the provisions of this section shall be fined not more than [two hundred dollars or imprisoned not more than sixty days or both] two hundred fifty dollars.

Sec. 11. Section 19a-113 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

The Commissioner of Public Health shall adopt, in accordance with chapter 54, and enforce regulations concerning the quality of the compressed air sold for use in self-contained underwater breathing apparatus. No compressed air shall be sold or distributed for such use unless it complies with the standards of quality established by the commissioner. Any person who violates the provisions of this section shall be fined not more than five hundred dollars, [or imprisoned not more than five months, or both.]

Sec. 12. Section 20-249 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Any licensed master barber who fails to comply with any regulation adopted under this chapter shall forfeit his right to be again licensed. Any person who practices the occupation of a master barber without having obtained a certificate of registration, or [who] wilfully employs a master barber who does not have such a certificate, or falsely pretends to be qualified to practice such occupation, or practices the

Substitute House Bill No. 5145

occupation of a master barber after the expiration of his license, or violates any other provision of this chapter, unless a penalty is otherwise specifically prescribed, shall be fined not more than [one hundred dollars or imprisoned not more than thirty days or both] two hundred fifty dollars.

Sec. 13. Section 20-366 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Any person who knowingly or wilfully violates any provision of this chapter shall be fined not more than [three hundred dollars or be imprisoned not more than three months or both] five hundred dollars.

Sec. 14. Section 21-1 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Each person who exposes for sale by auction any goods or articles, except provisions, charcoal, wood, the products of a farm and secondhand household furniture, in any town, city or borough of which he is not a resident, without a license therefor from a majority of the selectmen of such town or from the authorities of such city or borough authorized by the charter or ordinances of such city or borough to issue such license, shall be fined not more than [fifty dollars or imprisoned not more than sixty days or both] two hundred fifty dollars. This section shall not apply to any auction conducted by or contracted for the state in accordance with any court order [,] under the provisions of section 54-36b or [section] 54-36c.

Sec. 15. Section 22-12b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

The breeding and raising in captivity of foxes, mink, chinchilla, marten, fisher, nutria and muskrat, and the marketing of such animals, shall be classified as farming and as an agricultural pursuit and all such animals so raised in captivity, or lawfully acquired, shall be

Substitute House Bill No. 5145

classified as domestic animals. No person shall possess two or more such animals of opposite sex without first obtaining a fur breeder's license from the Department of Agriculture. The fee for such license shall be sixteen dollars. Such license shall be annual and nontransferable and shall expire on the thirty-first day of December after its issuance. All applications for such licenses shall be upon blanks prepared and furnished by the Commissioner of Agriculture. All license fees received by the commissioner under the provisions of this section shall be transmitted to the State Treasurer and by him be applied to the General Fund. All licensees shall keep a record of all such animals exchanged or transported by such licensees, whether the same are alive or dead, and shall report to the commissioner at the expiration of the license period, on forms furnished by the commissioner, the number of animals possessed at the beginning of the license period, those disposed of during such period and the number of animals on hand at the close of the period. For purposes of disease control, the commissioner at his discretion may require special import or export permits for any specified period. Said commissioner, in the interest of protecting game or domestic animals from disease, may confiscate animals possessed by licensees referred to herein, and may quarantine the same, and may destroy such animals when, in his opinion, such action is advisable. Any license granted under the provisions of this section may be revoked by the commissioner for a violation of any regulation made by him or a violation of any provision of this section. Any person who violates any provision of this section shall be fined not more than [one hundred dollars or imprisoned not more than thirty days, or both] two hundred fifty dollars.

Sec. 16. Section 22-167 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

No provision of section 22-133 shall affect the authority of any town, city or borough to enact ordinances concerning the sale or distribution,

Substitute House Bill No. 5145

within its limits, of milk which may be detrimental to public health. In any town, city or borough where no local system of milk and cream control is provided for by charter, the local director of health or board of health may present, at a meeting of the electors warned and held for such purpose, proposed rules and regulations concerning the inspection of dairies and the production, care, handling, marketing or sale of milk or cream, the protection of the public from the use of milk or cream which may be detrimental to the public health and the granting of licenses to milk dealers. Upon approval by the town, city or borough, such rules and regulations shall be enforced in the town, city or borough by the director of health. Amendments of such rules and regulations shall be made in accordance with the procedure provided for their adoption. Such local directors of health or boards of health may revoke any license granted in accordance herewith after due notice and hearing for violation of any such rules and regulations. Any person who produces, handles, markets or sells milk or cream within the limits of any town, city or borough in which such rules and regulations are in effect, without a license as hereinbefore provided, shall be fined not more than [one hundred dollars or imprisoned not more than thirty days or both] two hundred fifty dollars. Any person aggrieved by the failure of the local director of health or board of health to grant a license in accordance with the foregoing provisions or by the action of such director of health or board in revoking a license may appeal from the action of such director of health or board to the Milk Regulation Board in accordance with the provisions of sections 22-169 and 22-170.

Sec. 17. Section 22a-363 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Any person violating any provision of sections 22a-359 to 22a-362, inclusive, shall be fined not [less than fifteen dollars nor more than fifty dollars or imprisoned not less than ten days nor more than thirty

Substitute House Bill No. 5145

days or be both fined and imprisoned] more than two hundred fifty dollars.

Sec. 18. Section 25-43 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(a) Any person who bathes or swims in any reservoir from which the inhabitants of any town, city or borough are supplied with water, or in any lake, pond or stream tributary to any distribution reservoir, or in any part of any lake, pond or stream tributary to any storage reservoir, which part is distant less than two miles measured along the flow of water from any part of such storage reservoir, and any person who causes or allows any pollutant or harmful substance to enter any such public water supply reservoir, whether distribution or storage, or any of its tributaries, or commits any nuisance in any public water supply reservoir or its watershed, shall be fined not more than five hundred dollars. [or imprisoned not more than thirty days, or both.] For the purposes of this section, "storage reservoir" means an artificial impoundment of substantial amounts of water, used or designed for the storage of a public water supply and the release thereof to a distribution reservoir, and "distribution reservoir" means a reservoir from which water is directly released into pipes or pipelines leading to treatment or purification facilities or connected directly with distribution mains of a public water system.

(b) No person, after having received notice or after notice has been posted that any reservoir, lake or pond, or any stream tributary thereto, is used for supplying the inhabitants of a town, city or borough with water, shall wash any animal or clothing or other article or allow any animal to enter therein. No person shall cause or allow any pollutant or harmful substance to enter such reservoir, lake, pond or stream, nor shall any person, after receipt of written notice from the municipality, water company, as defined in section 25-32a, or the local director of health having jurisdiction, or their agents, that the same is

Substitute House Bill No. 5145

detrimental to such water supply, permit any such substance to be placed upon land owned, occupied or controlled by such person, so that the same may be carried by rains or freshets or otherwise flow into the water of such reservoir, lake, pond or stream, or allow to be drained any sewage from such land into such water. Any person who violates any provision of this subsection shall be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.

(c) No person shall cause or permit an aircraft, as defined in subdivision (5) of section 15-34, to land upon, take off from or be operated, kept, parked, garaged, stored or otherwise maintained on any distribution or storage reservoir or on any watercourse tributary to any such reservoir. Any person who violates a provision of this subsection shall be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.

(d) Any water company, as defined in section 25-32a, aggrieved by a violation of this section may institute a civil action in the superior court for the judicial district where such reservoir or watercourse tributary is located, either entirely or in part, to recover all damages, expenses and costs incurred by the water company in responding to the violation and the remediation and abatement of any contamination resulting from the violation.

Sec. 19. Section 25-45 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

The legislative body of any city or borough may make, alter and repeal ordinances to regulate or prevent fishing, trespassing or any nuisance in or upon any property of such city or borough or of any subdivision thereof. Such ordinances may provide for the imposition of a fine [not exceeding fifty dollars or imprisonment for not more than six months, or both,] of not more than two hundred fifty dollars for any violation thereof. The common council of any city or the warden

Substitute House Bill No. 5145

and burgesses of any borough may appoint special constables to protect reservoir property and to execute any such ordinance and any provision of the statutes relating to protection of water supply, and for that purpose such constables shall have all the powers of constables of towns.

Sec. 20. Section 25-135 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Any person who engages in well drilling or offers to engage in well drilling, or advertises or holds himself out or acts temporarily or otherwise as a well driller, without first having obtained the required registration and any person who violates any provision of this chapter shall be [prosecuted and punished as for a violation of the Public Health Code] fined not more than two hundred fifty dollars.

Sec. 21. Section 26-18 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Any person who, in making application to the Commissioner of Energy and Environmental Protection for any fish, fish fry, fingerling fish, game or game bird or any egg of any game bird, makes any false statement concerning the use to be made thereof, with intent to deceive the commissioner, or who makes any use thereof other than that specified in such application, shall be fined not more than [one hundred dollars or imprisoned not more than thirty days, or both] two hundred fifty dollars.

Sec. 22. Subsection (c) of section 26-42 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(c) Any person who violates any provision of this section shall be fined not [less than one hundred dollars or more than two hundred fifty dollars or imprisoned not more than ten days or be both fined and

Substitute House Bill No. 5145

imprisoned] more than two hundred fifty dollars.

Sec. 23. Section 26-43 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Any licensed resident fur dealer or any other person who sells raw furs to any unlicensed nonresident fur dealer while within the boundaries of this state or who aids such unlicensed nonresident dealer, while within the boundaries of this state, in buying raw furs shall be fined not [less than one hundred dollars nor more than two hundred and fifty dollars or be imprisoned not more than ten days or be both fined and imprisoned] more than two hundred fifty dollars, and such licensed resident fur dealer shall forfeit his fur dealer's license for one year from the date of his conviction.

Sec. 24. Section 26-56 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

No person shall transport into this state any wild hare or rabbit or liberate in this state any such animal which has been so transported, without a permit from the commissioner, except that wild hares known as snowshoe rabbits or variant hares may be imported without a permit from any of the New England states or the Province of Quebec or the maritime provinces of Canada and liberated in this state, subject to regulations issued by the commissioner, any statute to the contrary notwithstanding. The commissioner may quarantine, confiscate, destroy or otherwise dispose of any wild hare or rabbit other than a snowshoe rabbit or variant hare imported into this state and may make regulations as to importation and liberation of any such animal. Any person who violates any provision of this section or any regulation made under any such provision shall be fined not more than [one hundred dollars or imprisoned not more than thirty days or both] two hundred fifty dollars.

Substitute House Bill No. 5145

Sec. 25. Subsection (b) of section 26-58 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(b) Any person who violates any provision of subsection (a) of this section shall be fined not [less than one dollar or more than one hundred dollars or imprisoned not more than thirty days or be both fined and imprisoned] more than two hundred fifty dollars.

Sec. 26. Section 26-87 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

The commissioner may authorize the commissioner's conservation officers or other agents to take rabbits by the use of ferrets for the purpose of restocking and redistribution. Any person who takes any rabbit by the use of a ferret, except as authorized in this section, shall be fined not [less than ten dollars or more than fifty dollars or imprisoned not more than thirty days or be both fined and imprisoned] more than two hundred fifty dollars, and the possession of each rabbit taken by the use of a ferret, except as so authorized, shall constitute a separate offense.

Sec. 27. Subsection (a) of section 26-91 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(a) The closed season, daily bag limit and possession limit for migratory game birds and the methods of taking such game birds shall be at least as stringent as the closed season, daily bag limit, possession limit and methods of taking, including allowable compositions of nontoxic shot, fixed for such birds by the regulations of the United States Fish and Wildlife Service, made under the provisions of an Act of Congress Relating to Migratory Birds. Nothing in this section shall affect the right to kill or have in possession to be sold or offered for

Substitute House Bill No. 5145

sale wild ducks, geese and brant, bred or propagated by any domestic breeder. Any person who violates any provision of this [section] subsection shall be fined not more than [fifty dollars or imprisoned not more than thirty days, or both] two hundred fifty dollars. The possession of each bird or part thereof shall constitute a separate offense.

Sec. 28. Section 26-94 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Any person who hunts, takes, wounds or kills or attempts to hunt, take, wound or kill any species of swan, including the whistling swan (*Cygnus columbianus*), the trumpeter swan (*Cygnus buccinator*) and the mute swan (*Stehenelides olor*), shall be fined not more than [one hundred dollars or be imprisoned not more than thirty days or both] two hundred fifty dollars.

Sec. 29. Section 26-98 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Any person who violates any provision of this part, or any regulation issued by the commissioner pursuant thereto, for which no other penalty is provided, or who makes any material false statement in procuring any permit, shall be fined not [less than ten dollars nor more than two hundred dollars or imprisoned not more than thirty days or be both fined and imprisoned] more than two hundred fifty dollars, and the possession of each bird or part thereof, taken or possessed in violation of any such provision, shall constitute a separate offense.

Sec. 30. Section 26-104 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

No person shall hunt, take, kill or attempt to kill any duck, geese, brant, swan or other waterfowl or shore birds or waders protected by

Substitute House Bill No. 5145

law, resting on or flying over the waters of Bantam Lake or that part of Bantam River located between said lake and a distance of five hundred feet below the second highway bridge located adjacent to the jambs, so called, or shall kill or attempt to kill any such birds within a distance of two hundred feet from the water level of said lake. The commissioner or any agent of the department may, within the discretion of the commissioner, take and kill wild animals or birds in or above said waters which said commissioner determines to be destructive of any wildlife protected by the provisions of this chapter. The commissioner may, with the approval of the Governor, build or erect a structure or dam with a fish screen thereon on Bantam River, but such structure or dam shall not contain a gate. Any person who violates any provision of this section shall be fined not more than [one hundred dollars or imprisoned not more than thirty days or both] two hundred fifty dollars.

Sec. 31. Section 26-105 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

No person shall hunt, take, kill or attempt to kill any duck, goose, brant, swan or other waterfowl or shore bird or wader protected by law, resting on or flying over the waters of Lake Wononscopomuc, or kill or attempt to kill any such bird within a distance of five hundred feet from the water level of said lake, except that when in the opinion of the first selectman and the conservation commission, waterfowl have reached numbers that are considered a nuisance or threaten to affect adversely the quality of the water of said lake, the chief executive officer of the town of Salisbury, acting as the issuing agent of the Department of Energy and Environmental Protection, may issue permits to hunt such waterfowl. Any person violating this section shall be fined not more than [one hundred dollars or imprisoned not more than thirty days, or both] two hundred fifty dollars. The commissioner or any agent of the department may, within the discretion of said

Substitute House Bill No. 5145

commissioner, take and kill wild animals or birds in or above said waters which the commissioner determines to be destructive of any wildlife protected by the provisions of this chapter.

Sec. 32. Section 26-217 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

No person shall use any dredge with a chain bag having rings of less than three-quarters of an inch in diameter, or any net bag with smaller mesh than two inches from knot to knot, on any natural oyster bed. Any person who violates any provision of this section shall be fined not more than [fifty dollars or imprisoned not more than thirty days or both] two hundred fifty dollars.

Sec. 33. Subsection (a) of section 26-232 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(a) Any person who (1) between the twentieth day of July and the twentieth day of September, gathers or takes any oysters or shells from any natural oyster bed specified in section 26-193 other than any such bed in the Housatonic River, (2) between the twentieth day of July and the twentieth day of September in any year, gathers or takes any oysters or shells in the Saugatuck River, or (3) between the twentieth day of July and the twentieth day of October in any year, gathers or takes any oysters or shells in the Housatonic River shall be fined not more than [one hundred dollars or imprisoned not more than thirty days or both] two hundred fifty dollars; provided nothing in this section shall be construed to prohibit the gathering or taking of shells or mussels by the use of tongs in said Housatonic River below a line drawn from a stake on the west bank of said river, at Quimber's Neck Point, so called, and running thence in a northeasterly direction to a stake on the east side of said river. Said stakes shall be located and maintained at said points by the selectmen of the town of Stratford,

Substitute House Bill No. 5145

and a certificate of such location by said selectmen shall be recorded in the office of the town clerk of said town of Stratford. Nothing in this chapter or in chapter 492 shall be construed as prohibiting the excavation of material in deepening the channels of navigable waters by work authorized by the United States government.

Sec. 34. Section 26-244 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Any owner of any such place who has lost the evidences of his title, after filing the same with the town clerk, may apply to the shellfish commission of the town in which such place is situated, and in East Haven and West Haven to the selectmen, and if he satisfies them that the same justly belongs to him, and that he had obtained and filed such evidences of title with the town clerk, and that such evidences have been lost or destroyed, such commission or selectmen may designate and set such place to him anew, notwithstanding he may have acquired title to other places, though the whole of the places held by him would exceed two acres in extent; but no new application and designation shall affect the rights of any other person to any place so designated and set out or to the oysters thereon. Any person who fraudulently procures any such place to be designated and set to himself, or to any other person, under the provisions of this section shall be fined not more than three hundred dollars, [or imprisoned not more than six months or both.]

Sec. 35. Subsection (b) of section 26-257a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(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

Substitute House Bill No. 5145

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] two hundred fifty dollars.

Sec. 36. Section 26-260 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

The selectmen of the towns of West Haven and Milford may, from time to time as they deem expedient, prohibit the taking of long or soft-shell clams from such portions of the natural clam grounds of their respective towns as they shall from time to time designate, for a period not exceeding one year at a time. When said selectmen designate any place or places within their respective towns from which the taking of long or soft-shell clams is prohibited as aforesaid, the selectmen of the town of West Haven shall publish at least twice in some newspaper published in the city of New Haven, and the selectmen of the town of Milford shall publish at least twice in some newspaper published or having a circulation in the town of Milford, a notice describing the grounds upon which such prohibition is operative, and shall further describe the boundaries of such grounds by posting notices, signed by the selectmen of the town in which such grounds are situated, upon

Substitute House Bill No. 5145

the shore adjacent to such grounds. No person shall take or have in his possession in either of said towns any long or soft-shell clams of less than one and one-half inches in length; and no person shall take any long or soft-shell clams from any grounds from which the taking of the same is prohibited as aforesaid, during the time of such prohibition. Any person who violates any provision of this section shall be fined not more than [seven dollars or imprisoned not more than thirty days or both for each offense] two hundred fifty dollars.

Sec. 37. Section 26-276 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Except as otherwise provided, any person who, in any one day, takes, gathers or collects more than two bushels of oysters, clams, mussels or shells, from any portion of Hammonasset River not designated for planting shellfish, shall be fined not more than [twenty dollars or imprisoned not more than sixty days or both] two hundred fifty dollars.

Sec. 38. Section 26-284 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Any person who takes or carries away from the Thames River any oyster shells or seed oysters for the purpose of planting the same upon any private oyster bed, or who takes or carries away from said river, except from his own private bed or beds, more than ten bushels of oysters in any one day, shall be fined not more than [seven dollars or imprisoned not more than thirty days or both] two hundred fifty dollars.

Sec. 39. Section 26-285 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Any person who takes any clams less than two inches in length or more than one-half bushel of clams, or more than one-half bushel of

Substitute House Bill No. 5145

oysters except from an area designated for planting oysters, in any day in the town of Old Lyme shall be fined not more than [fifty dollars or imprisoned not more than thirty days or both] two hundred fifty dollars.

Sec. 40. Section 26-286 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Any person who takes any oysters from the inland waters of the towns of East Lyme and Waterford above the demarcation line during the months of June, July and August shall be fined not [less than seven dollars nor more than twenty dollars or imprisoned not more than thirty days or be both fined and imprisoned] more than two hundred fifty dollars.

Sec. 41. Subsection (e) of section 26-287 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

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

Sec. 42. Section 26-288 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

No person shall have in his possession any scallops other than adult scallops. For the purpose of this section, an adult scallop is defined as an scallop having a well-defined growth line. All seed scallops taken shall be immediately returned alive to waters having a

Substitute House Bill No. 5145

depth of at least three feet at mean low tide, except that the selectmen of any town bordering on Long Island Sound may, on application, authorize such scallops to be removed and transplanted in waters along the sound. No person shall take any scallops from the first day of April to the first day of October or from sunset to sunrise, except that in the waters of Little Narragansett Bay no person shall take any scallops from the first day of April to the fifteenth day of September or from sunset to sunrise. No person shall use any rake, dredge, drag or other device which may be drawn along the surface of the bottom, except a device such as a scoop net which is attached to a pole and has an opening not more than sixteen inches wide and is used manually by the person engaged in taking scallops. No person shall open and return to the water the shell and entrails of any scallops after the eye or muscle has been removed, nor shall any starfish taken from the waters be returned thereto. Any person who violates any provision of this section shall be fined not more than [fifty dollars or imprisoned not more than sixty days or both] two hundred fifty dollars.

Sec. 43. Section 26-290 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

The town council of Groton may prohibit the taking of scallops from such portions of the waters of said town as they designate, for a period not exceeding one year at a time, and may designate the daily take of scallops from said waters not to exceed fifteen bushels per person or fifteen bushels per boat if more than one person is carried on said boat. When the council designates any place or places in said waters from which such taking is prohibited, they shall cause to be published, at least twice in a newspaper having a circulation in said town and at least ten days before such prohibition takes effect, a notice describing the place or places upon which and the period for which such prohibition is to be operative, and shall post copies of such notices, signed by the council, upon the shores adjacent to such places.

Substitute House Bill No. 5145

No person shall, at any time, take scallops from said waters without having first obtained a permit issued by the council or any persons designated by it. Permits shall be issued for the taking of any amount up to the daily limit upon application and the payment of fifteen cents per bushel and shall be dated as of the day of issue or such other day during the open season as the applicant may designate. Permits shall be valid only for the day designated thereon. A season permit shall be issued by the council upon application and the payment of ten dollars and shall allow the taking of the daily limit for each day of the open season. The council shall designate special officers for the enforcement of this section, who shall receive compensation on a per diem basis. All moneys collected under the provisions of this section shall be used by the council for the protection, conservation and propagation of scallops and other shellfish in the town waters. Any person who violates any provision of this section shall be fined not more than [fifty dollars or imprisoned not more than sixty days or be both fined and imprisoned] two hundred fifty dollars and the court may order that a permit shall not be issued to such person to take scallops in the waters of the town of Groton for the remainder of the open season.

Sec. 44. Subsection (c) of section 26-291a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(c) Any person who violates any provision of this section or any regulation adopted pursuant to this section shall be fined not more than [twenty-five dollars or imprisoned not more than thirty days or both] two hundred fifty dollars, and upon conviction the court may order that a permit shall not be issued to such person to take clams or oysters from the waters of the town of Stonington for one year.

Sec. 45. Section 26-292 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Substitute House Bill No. 5145

The board of selectmen of the town of Stonington may prohibit the taking of escallops from such portions of the waters of said town as they designate, for a period not exceeding one year at a time, and may designate the daily take of escallops from said waters not to exceed fifteen bushels per person or fifteen bushels per boat if more than one person is carried on such boat. When said selectmen designate any place or places in said waters from which such taking is prohibited, they shall cause to be published, at least twice in a newspaper having a circulation in said town and at least ten days before such prohibition takes effect, a notice describing the place or places upon which and the period for which such prohibition is to be operative and shall post copies of such notices, signed by said selectmen, upon the shores adjacent to such places. No person shall, at any time, take escallops from said waters without having first obtained a permit issued by the selectmen or any persons designated by them. Permits shall be issued for the taking of any amount up to the daily limit upon application and the payment of a fee per bushel established by the selectmen but not more than six dollars and shall be dated as of the day of issue or such other day during the open season as the applicant may designate. Permits shall be valid only for the day designated thereon. A season permit shall be issued by the selectmen upon application and the payment of a fee established by the selectmen but not more than sixty dollars and shall allow the taking of the daily limit for each day of the open season. The selectmen shall designate special officers for the enforcement of this section, who shall receive compensation on a per diem basis. All moneys collected under the provisions of this section shall be used by the selectmen for the protection, conservation and propagation of escallops and other shellfish in the town waters. Any person who violates any provision of this section shall be fined not more than [fifty dollars or imprisoned not more than sixty days or be both fined and imprisoned] two hundred fifty dollars and the court may order that a permit shall not be issued to such person to take escallops in the waters of the town of Stonington for the remainder of

Substitute House Bill No. 5145

the open season.

Sec. 46. Section 29-25 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Each person, firm or corporation conducting a laundry or dry cleaning establishment, or offering as an independent contractor the services of such an establishment, shall report to the Commissioner of Emergency Services and Public Protection, on forms supplied by the commissioner, the type and style of laundry or dry cleaning identification marks which are attached to or stamped or written upon garments processed by such establishment when returned to the customer. Such report shall be accompanied by actual samples of the identification markings used. Each such person, firm or corporation shall make such report immediately upon entering the business of laundry or dry cleaning. Any change in identification marking systems, either by eliminating such marking or changing the system of identification marking used, shall be reported to the commissioner immediately. Each such laundry, dry cleaning establishment or independent contractor shall retain customer records for a period of not less than ninety days from the time the garments are delivered to the customer. Any person, firm or corporation which violates any provision of this section shall be fined not more than [one hundred dollars or imprisoned not more than three months or be both fined and imprisoned] two hundred fifty dollars.

Sec. 47. Subsection (b) of section 45a-283 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(b) Every such person neglecting to do so shall be fined not more than [one hundred dollars or imprisoned not more than thirty days or both] two hundred fifty dollars.

Substitute House Bill No. 5145

Sec. 48. Section 53-199 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

No person owning, managing or conducting any place where any moving picture or theatrical production is exhibited shall sell any admission ticket or charge or receive any admission fee or collect or receive any valuable thing from any person after the seating capacity of such place has been exhausted, unless, at the time of such sale, charge, receipt or collection, the person making such sale, charge or collection or receiving such admission fee or valuable thing distinctly announces to the person making such purchase, or from whom such charge or collection is made or fee or valuable thing received, that standing room only is available. The state police shall, in order to [insure] ensure safety and health, limit the number of persons that may occupy standing room in each place where any moving picture or theatrical production is exhibited, and shall require the person owning, managing or conducting such place to display conspicuously, at each entrance thereto, a placard upon which shall be plainly printed such standing room capacity. Any person who violates any provision of this section or any order of the Commissioner of Emergency Services and Public Protection made pursuant thereto limiting the number of persons that may occupy standing room in a theater where any moving picture or theatrical production is exhibited, or who fails to display conspicuously, at the entrance thereto, a placard on which shall be plainly printed such standing room capacity, shall be fined not more than [fifty dollars or imprisoned not more than thirty days or both] two hundred fifty dollars.

Sec. 49. Section 53-280 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

The first selectman of any town, the chief of police of any city or the warden of any borough may grant permits to suitable persons to conduct public billiard and pool rooms in such town, city or borough,

Substitute House Bill No. 5145

as the case may be, and may revoke any permit issued by him, for cause found after hearing. The use of any billiard or pool table for the purpose of gaming within any billiard or pool room, for the conduct of which a permit has been granted, or the carrying on within such billiard or pool room of any game of chance shall be sufficient cause for the revocation of such permit or for the refusal of a renewal of such permit. Each application for such a permit shall be in writing and shall describe the place where such billiard or pool room is to be located and state the number of tables to be used therein and the name of the proprietor thereof. Each such permit shall designate the place where such business is to be carried on and shall continue in force for one year unless revoked. Each person receiving such permit shall annually pay to the authority granting the same the sum of ten dollars for the use of the municipality. Any person who conducts, maintains or keeps open a public billiard or pool room without such permit shall be fined not more than [fifty dollars or imprisoned not more than six months or both] two hundred fifty dollars.

Sec. 50. Subsection (b) of section 51-164n of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(b) Notwithstanding any provision of the general statutes, any person who is alleged to have committed (1) a violation under the provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-283, 7-325, 7-393, 8-12, as amended by this act, 8-25, 8-27, 9-63, 9-322, 9-350, 10-193, 10-197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292 or 12-326g, subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or 13b-410c, subsection (a), (b) or (c) of section 13b-412,

Substitute House Bill No. 5145

section 13b-414, subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e) of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49, 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, as amended by this act, 14-152, 14-153 or 14-163b, a first violation as specified in subsection (f) of section 14-164i, section 14-219 as specified in subsection (e) of said section, subdivision (1) of section 14-223a, section 14-240, 14-249, 14-250 or 14-253a, subsection (a) of section 14-261a, section 14-262, 14-264, 14-267a, 14-269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) or (h) of section 14-283, as amended by this act, section 14-291, 14-293b, 14-296aa, 14-319, 14-320, 14-321, 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3) of section 14-386a, section 15-25, as amended by this act, or 15-33, subdivision (1) of section 15-97, as amended by this act, subsection (a) of section 15-115, section 16-44, as amended by this act, 16-256, 16-256e, 16a-15 or 16a-22, subsection (a) or (b) of section 16a-22h, section 17a-24, 17a-145, 17a-149, 17a-152, 17a-465, 17a-642, 17b-124, 17b-131, 17b-137 or 17b-734, subsection (b) of section 17b-736, section 19a-30, 19a-33, 19a-39 or 19a-87, subsection (b) of section 19a-87a, section 19a-91, 19a-105, 19a-107, 19a-113, as amended by this act, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-249, as amended by this act, 20-257, 20-265, as amended by this act, [or] 20-324e, [section] 20-341l, 20-366, as amended by this act, 20-597, 20-608, 20-610, 21-1, as amended by this act, 21-30, 21-38, 21-39, 21-43, 21-47, 21-48, 21-63 [,] or 21-76a, subdivision (1) of section 21a-19, as amended by this act, section 21a-21, subdivision (1) of subsection (b) of section 21a-25, as amended by this act, section 21a-26 or 21a-30, subsection (a) of section 21a-37, section 21a-46, 21a-61, 21a-63 or 21a-77, subsection (b) of section 21a-79, section 21a-85 [,] or 21a-154, [or] subdivision (1) of subsection (a) of section 21a-159, as amended by this act, subsection (a) of section 21a-279a, section 22-12b, as amended by

Substitute House Bill No. 5145

this act, 22-13, 22-14, 22-15, 22-16, 22-29, 22-34, 22-35, 22-36, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-49, 22-54, 22-61, 22-89, 22-90, 22-98, 22-99, 22-100, 22-111o, 22-167, as amended by this act, 22-279, 22-280a, 22-318a, 22-320h, 22-324a, 22-326 or 22-342, as amended by this act, subsection (b), (e) or (f) of section 22-344, section 22-359, 22-366, as amended by this act, 22-391, 22-413, 22-414, 22-415, 22a-66a or 22a-246, subsection (a) of section 22a-250, subsection (e) of section 22a-256h, section 22a-363, as amended by this act, 22a-381d, 22a-449, 22a-461, 23-37, 23-38, 23-46 or 23-61b, subsection (a) or [(b)] subdivision (1) of subsection (c) of section 23-65, as amended by this act, section 25-37 [.] or 25-40, subsection (a) of section 25-43, as amended by this act, section 25-135, as amended by this act, 26-18, as amended by this act, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-42, as amended by this act, 26-49, 26-54, 26-56, as amended by this act, 26-58, as amended by this act, or 26-59, subdivision (1) of subsection (d) of section 26-61, as amended by this act, section 26-64, subdivision (1) of section 26-76, as amended by this act, section 26-79, 26-87, as amended by this act, 26-89, 26-91, as amended by this act, 26-94, as amended by this act, 26-97, 26-98, as amended by this act, 26-104, as amended by this act, 26-105, as amended by this act, 26-107, 26-117, 26-128, 26-131, 26-132, 26-138 [.] or 26-141, subdivision (1) of section 26-186, as amended by this act, section 26-207, 26-215, 26-217, as amended by this act, or 26-224a, subdivision (1) of section 26-226, as amended by this act, section 26-227, 26-230, 26-232, as amended by this act, 26-244, as amended by this act, 26-257a, as amended by this act, 26-260, as amended by this act, 26-276, as amended by this act, 26-284, as amended by this act, 26-285, as amended by this act, 26-286, as amended by this act, 26-288, as amended by this act, 26-294, 28-13, 29-6a, 29-25, as amended by this act, 29-109, 29-143o, 29-143z or 29-156a, subsection (b), (d), (e) or (g) of section 29-161q, section 29-161y [.] or 29-161z, subdivision (1) of section 29-198, as amended by this act, section 29-210, 29-243, as amended by this act, or 29-277, subsection (c) of section 29-291c, section 29-316, 29-318, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15,

Substitute House Bill No. 5145

31-16, 31-18, 31-23, 31-24, 31-25, [31-28,] 31-32, 31-36, 31-38, 31-38a, 31-40, 31-44, 31-47, 31-48, 31-51, 31-51k, 31-52, 31-52a or 31-54, subsection (a) or (c) of section 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b or 31-134, subsection (i) of section 31-273, section 31-288, subdivision (1) of section 35-20, as amended by this act, section 36a-787, 42-230, 45a-283, as amended by this act, 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-54, section 46a-59, 46b-22, 46b-24, 46b-34, 47-34a, 47-47, 49-8a, 49-16, [or] 53-133, [or section] 53-199, as amended by this act, 53-212a, 53-249a, 53-252, 53-264, 53-280, as amended by this act, 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331, 53-344 or 53-450, or (2) a violation under the provisions of chapter 268, or (3) a violation of any regulation adopted in accordance with the provisions of section 12-484, 12-487 or 13b-410, or (4) a violation of any ordinance, regulation or bylaw of any town, city or borough, except violations of building codes and the health code, for which the penalty exceeds ninety dollars but does not exceed two hundred fifty dollars, unless such town, city or borough has established a payment and hearing procedure for such violation pursuant to section 7-152c, shall follow the procedures set forth in this section.

Sec. 51. Subsection (e) of section 1-1h of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(e) Any person who misrepresents his age or practices any other deceit in the procurement of an identity card, or uses or exhibits an identity card belonging to any other person, shall be [fined not more than fifty dollars or imprisoned not more than thirty days or both] guilty of a class D misdemeanor.

Sec. 52. Section 9-56 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Substitute House Bill No. 5145

Except as otherwise provided in the case of an elector whose name has not been placed on or has been removed from the enrollment list under section 9-59, 9-60, 9-61 or 9-62, any elector not enrolled on any enrollment list may at any time make a written and signed application for enrollment to the registrars of voters on an application form for admission as an elector, in accordance with the requirements of this section. The application shall be effective as of the date it is filed with the registrars of voters of the town of residence of the applicant and any person making application for enrollment in such manner shall immediately be entitled to the privileges of party enrollment unless the application for enrollment (1) is filed in person by the applicant with the registrars of voters after twelve o'clock noon on the last business day before a primary, in which case he shall be entitled to the privileges of party enrollment immediately after the primary, (2) is otherwise filed with the registrar after the fifth day before the primary, in which case he shall be entitled to the privileges of party enrollment immediately after the primary, except as provided in section 9-23a, or (3) is filed with the registrars of voters after 5:00 p.m. on the last business day before a caucus or convention, in which case he shall be entitled to the privileges of party enrollment immediately after the caucus or convention. The application shall be signed or initialed by the registrar, deputy, assistant or registrar's clerk receiving it, or by such other personnel as such registrar or deputy may appoint for the purpose, showing the date when such application is received and, in the case of an applicant not immediately eligible under section 9-59, 9-60, 9-61 or 9-62 to the privileges accompanying enrollment in the party named in his application, the date upon which such applicant becomes so eligible. In municipalities divided into voting districts in which an enrollment session is held in each district thereof under section 9-51, application for enrollment shall be made to the registrar or assistant registrar, as the case may be, in the voting district in which such elector is entitled to vote at the time of making such application. If any registrar or assistant registrar fails to add any name to any such list on

Substitute House Bill No. 5145

written application or adds any name to any such list except as herein provided, he shall be [fined not more than two hundred dollars or imprisoned not more than thirty days or both] guilty of a class D misdemeanor.

Sec. 53. Section 9-64 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Upon the written application of an enrolled elector of any town, made to any registrar or assistant registrar of any ward or voting district in such town, stating that the name of an elector appearing on the enrollment list of any ward or district does not appear on the last-completed registry list of such ward or district and that such elector is not entitled to vote therein and requesting that the name of such elector be stricken from such enrollment list, such registrar or assistant registrar, upon verifying the accuracy of such information, shall erase such name from the enrollment list, provided any name so erased shall be added to the enrollment list of the same party in the ward or district upon the registry list of which such name appears. Any registrar or assistant registrar failing to so erase any such name shall be [fined not more than two hundred dollars or imprisoned not more than thirty days or both] guilty of a class D misdemeanor.

Sec. 54. Section 9-236 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(a) On the day of any primary, referendum or election, no person shall solicit on behalf of or in opposition to the candidacy of another or himself or on behalf of or in opposition to any question being submitted at the election or referendum, or loiter or peddle or offer any advertising matter, ballot or circular to another person within a radius of seventy-five feet of any outside entrance in use as an entry to any polling place or in any corridor, passageway or other approach

Substitute House Bill No. 5145

leading from any such outside entrance to such polling place or in any room opening upon any such corridor, passageway or approach. Nothing contained in this section shall be construed to prohibit (1) parent-teacher associations or parent-teacher organizations from holding bake sales or other fund-raising activities on the day of any primary, referendum or election in any school used as a polling place, provided such sales or activities shall not be held in the room in which the election booths are located, (2) the registrars of voters from directing the officials at a primary, referendum or election to distribute, within the restricted area, adhesive labels on which are imprinted the words "I Voted Today", or (3) the registrars of voters in a primary, election or referendum from jointly permitting nonpartisan activities to be conducted in a room other than the room in which the election booths are located. The registrars may jointly impose such conditions and limitations on such nonpartisan activity as deemed necessary to ensure the orderly process of voting. The moderator shall evict any person who in any way interferes with the orderly process of voting.

(b) (1) The selectmen shall provide suitable markers to indicate the seventy-five-foot distance from such entrance. Such markers shall consist of a board resting on an iron rod, which board shall be not less than twelve inches square and painted a bright color and shall bear the figures and letters "75 feet" and the following words: "On the day of any primary, referendum or election no person shall solicit in behalf of or in opposition to another or himself or peddle or offer any ballot, advertising matter or circular to another person or loiter within a radius of seventy-five feet of any outside entrance in use as an entry to any polling place or in any corridor, passageway or other approach leading from any such outside entrance to such polling place or in any room opening upon any such corridor, passageway or approach."

(2) Notwithstanding the provisions of subdivision (1) of this

Substitute House Bill No. 5145

subsection, the selectmen may provide the markers required by the provisions of this subsection in effect prior to October 1, 1983, except that in the case of a referendum which is not held in conjunction with an election or a primary, the selectmen shall provide the markers required by subdivision (1) of this subsection.

(3) The moderator and the moderator's assistants shall meet at least twenty minutes before the opening of a primary, referendum or an election in the voting district, and shall cause to be placed by a police officer or constable, or such other primary or election official as they select, a suitable number of distance markers. Such moderator or any police officer or constable shall prohibit loitering and peddling of tickets within that distance.

(c) No person except those permitted or exempt under this section or section 9-236a and primary or election officials and party checkers appointed under section 9-235 shall be allowed within any polling place except for the purpose of casting his vote. Representatives of the news media shall be allowed to enter, remain within and leave any polling place or restricted area surrounding any polling place to observe the election, provided any such representative who in any way interferes with the orderly process of voting shall be evicted by the moderator. A number of students in grades four to twelve, inclusive, not to exceed four at any one time in any one polling place, may enter any polling place between twelve o'clock noon and three o'clock p.m. for the purpose of observing the activities taking place in the polling place, provided there is proper parental or teacher supervision present, and provided further, any such student who in any way interferes with the orderly process of voting shall be evicted by the moderator. An elector may be accompanied into any polling place by one or more children who are fifteen years of age or younger and supervised by the elector if the elector is the parent or legal guardian of such children.

(d) Any person who violates any provision of this section or, while

Substitute House Bill No. 5145

the polls are open for voting, removes or injures any such distance marker, shall be [fined not more than fifty dollars or imprisoned not more than three months, or both] guilty of a class C misdemeanor.

Sec. 55. Section 9-396 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

At any caucus of the enrolled members of any party in any municipality or in any voting district of any municipality, the chairman of such caucus shall, upon the receipt of a written motion from any person lawfully participating in such caucus calling for a vote by ballot upon such matter as such motion designates, submit such motion to a rising vote; and, if fifteen electors present and legally entitled to participate in such caucus vote in favor of such motion, the vote on the matter specified in such motion shall be by ballot. The presiding officer shall thereupon appoint two tellers; and, upon the written application of fifteen electors legally entitled to participate in such caucus, he shall appoint a teller from the persons whose names appear on such application. Before any ballot is deposited, the name of the elector offering to vote shall be given to the clerk or secretary of such caucus, and such name shall be checked on the enrollment list of such party. No person shall vote or participate or attempt to vote or participate in any caucus of a party in any voting district unless he is enrolled on the last-completed enrollment list of such party in such voting district; provided, if the party rules of such party provide for a joint caucus for two or more voting districts of a municipality, a person may vote in such joint caucus if the voting district in which he is enrolled is participating in such joint caucus. Any person who violates any provision of this section shall be [fined not more than two hundred dollars or imprisoned not more than thirty days or both] guilty of a class D misdemeanor.

Sec. 56. Subsection (a) of section 9-625 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective*

Substitute House Bill No. 5145

October 1, 2012):

(a) Any state referee or any judge of the Superior Court may, upon the written request of any state's attorney or any assistant state's attorney, conduct an inquiry as to whether any crime has been committed concerning any matters mentioned in such request, within the jurisdiction of such state's attorney or assistant state's attorney making such request, and any such referee or judge, and any such state's or assistant state's attorney, may compel the attendance of any person as a witness by subpoena issued by him; and such person, having been sworn as a witness, may be examined relative to any such matter under investigation. Such referee, judge or attorney may also compel the production for examination at such inquiry of any books or papers or any other thing which he may require in the conduct of such inquiry by subpoena duces tecum issued by him. Such referee or judge may cause any person who fails to appear before him as a witness, having been summoned, to be brought before him by a capias issued by him; and any person in attendance as a witness who refuses to be sworn as a witness, or who, being sworn, refuses to answer any proper question propounded to him, and any person summoned who fails to appear before the referee or judge, may be adjudged guilty of contempt [and fined not more than twenty-five dollars or imprisoned not more than thirty days or both] which shall be punishable as a class D misdemeanor. In any proceeding held under the provisions of this section, if any witness objects to testifying or to producing any book, paper or other thing on the ground that such testimony, book, paper or thing may tend to degrade or incriminate him or render him liable to a penalty or forfeiture, and such referee or judge directs or compels such witness to testify or to produce such book, paper or thing, he shall not be prosecuted for any matter concerning which he has so testified, or evidenced by such book, paper or thing so produced, except for perjury committed in so testifying.

Substitute House Bill No. 5145

Sec. 57. Subdivision (4) of subsection (c) of section 12-53 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(4) No person shall be excused from giving testimony or producing books of account, papers, documents and other records on the ground that such testimony and such production of documents will tend to incriminate such person, but such testimony and such production of documentary evidence shall not be used in any criminal proceeding against such person. Any person who fails to appear at the time and place of such audit as designated in such notice, or, having appeared, refuses to answer any pertinent question or who fails to produce the books, papers or other documents mentioned in such notice, shall be [fined not more than one hundred dollars or imprisoned not more than thirty days or both] guilty of a class D misdemeanor. All property which the assessor or board of assessors believes should have been declared for taxation and was not declared and concerning which sufficient information cannot be obtained by them at such hearing, or any adjournment thereof, shall be added to the list at such percentage of the actual valuation thereof from the best information obtainable by the assessor or board of assessors and twenty-five per cent shall be added to such assessment.

Sec. 58. Subsection (f) of section 14-36a of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(f) (1) Any person who violates any provision of subsection (d) of this section shall, for a first offense, be deemed to have committed an infraction and be fined fifty dollars and, for a subsequent offense, [shall be fined not more than one hundred dollars or imprisoned not more than thirty days, or both] be guilty of a class D misdemeanor.

(2) Any employer who violates subsection (e) of this section shall be

Substitute House Bill No. 5145

subject to a civil penalty of not more than one thousand dollars for a first violation and not more than two thousand five hundred dollars for a second or subsequent violation.

Sec. 59. Subsection (d) of section 14-37a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(d) Any person issued a special operator's permit pursuant to this section who operates a motor vehicle during the period of the permit for a purpose not authorized by the conditions of the permit shall, upon receipt of written report of a police officer, in such form as the commissioner may prescribe, of such unauthorized operation, be subject to a civil penalty of not more than five hundred dollars. Any person who makes improper use of a special operator's permit issued pursuant to this section or in any manner alters any such permit or who loans or sells such permit for use by another person shall be [subject to the penalties provided by section 14-147] guilty of a class D misdemeanor.

Sec. 60. Subsection (e) of section 14-40a of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(e) Any person who violates any provision of subsection (a), (b) or (d) of this section shall, for a first offense, be deemed to have committed an infraction and be fined fifty dollars and, for any subsequent offense, [shall be fined not more than one hundred dollars or imprisoned not more than thirty days, or both] be guilty of a class D misdemeanor.

Sec. 61. Subsection (c) of section 14-66c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Substitute House Bill No. 5145

(c) Any person who violates any provision of this section shall, for a first offense, be deemed to have committed an infraction and be fined not less than thirty-five dollars [nor] or more than fifty dollars, and, for each subsequent offense, [shall be fined not less than fifty dollars nor more than one hundred dollars or imprisoned not more than thirty days or be both fined and imprisoned] be guilty of a class D misdemeanor.

Sec. 62. Subsection (h) of section 14-67 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(h) Any person, firm, association or corporation which violates any provision of this section shall be [fined not more than one hundred dollars or imprisoned not more than thirty days or both] guilty of a class D misdemeanor.

Sec. 63. Subsection (a) of section 14-103 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(a) The commissioner, an inspector authorized by the commissioner, any officer of the Division of State Police within the Department of Emergency Services and Public Protection or any local police officer [,] may examine any motor vehicle [,] and its number, equipment and identification. Any person who wilfully interferes with or obstructs, or attempts to interfere with or obstruct, any such examination shall be [fined not more than fifty dollars or imprisoned not more than thirty days, or both] guilty of a class D misdemeanor.

Sec. 64. Subsection (h) of section 14-112 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(h) Any person who forges or, without authority, signs any

Substitute House Bill No. 5145

evidence of financial responsibility required by the commissioner in the administration of this section shall be [fined not less than one hundred dollars or imprisoned not more than thirty days or both] guilty of a class D misdemeanor.

Sec. 65. Section 14-314b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Any person who, without lawful authority, attempts to or in fact alters, defaces, injures, knocks down or removes any official traffic control device, signal light, railroad sign, portable warning light or barricade, or any other sign or light or any part thereof, shall be [fined not more than one hundred dollars or imprisoned not more than thirty days or both] guilty of a class D misdemeanor.

Sec. 66. Subdivision (7) of subsection (a) of section 19a-36 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(7) Any person who violates any provision of the Public Health Code shall be [fined not more than one hundred dollars or imprisoned not more than three months, or both] guilty of a class C misdemeanor.

Sec. 67. Subsection (d) of section 19a-180 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(d) Any person [guilty of] who commits any of the following acts shall be [fined not more than two hundred fifty dollars, or imprisoned not more than three months, or be both fined and imprisoned] guilty of a class C misdemeanor: (1) In any application to the commissioner or in any proceeding before or investigation made by the commissioner, knowingly making any false statement or representation, or, with knowledge of its falsity, filing or causing to be filed any false statement or representation in a required application or

Substitute House Bill No. 5145

statement; (2) issuing, circulating or publishing or causing to be issued, circulated or published any form of advertisement or circular for the purpose of soliciting business which contains any statement that is false or misleading, or otherwise likely to deceive a reader thereof, with knowledge that it contains such false, misleading or deceptive statement; (3) giving or offering to give anything of value to any person for the purpose of promoting or securing ambulance or rescue service business or obtaining favors relating thereto; (4) administering or causing to be administered, while serving in the capacity of an employee of any licensed ambulance or rescue service, any alcoholic liquor to any patient in such employee's care, except under the supervision and direction of a licensed physician; (5) in any respect wilfully violating or failing to comply with any provision of this chapter or wilfully violating, failing, omitting or neglecting to obey or comply with any regulation, order, decision or license, or any part or provisions thereof; (6) with one or more other persons, conspiring to violate any license or order issued by the commissioner or any provision of this chapter.

Sec. 68. Section 19a-228 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Any person having immediate charge of any such houseboat or other vessel, while so used as a dwelling place, who anchors or moors the same or keeps the same anchored or moored within the limits so designated after twenty-four hours have elapsed from the time that notice has been served as hereinafter provided and within a period of two months from the service of such notice, shall be [fined not more than fifty dollars or imprisoned not more than thirty days] guilty of a class D misdemeanor for each day during any part of which he keeps such houseboat or other vessel so anchored or moored within the limits so designated. Service of notice may be made by any officer or indifferent person by leaving with or reading to the person having

Substitute House Bill No. 5145

immediate charge of any such houseboat or other vessel a copy of this section, together with a description in writing of the limits which have been so designated.

Sec. 69. Section 19a-230 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Any person who violates any provision of this chapter or any legal order of a director of health or board of health, for which no other penalty is provided, shall be [fined not more than one hundred dollars or imprisoned not more than three months or both] guilty of a class C misdemeanor.

Sec. 70. Section 20-278 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

No person shall: (1) Buy, sell or fraudulently obtain or furnish any diploma, certificate, license, record or registration purporting to show that any person is qualified or authorized to practice electrology, or participate in any such act; (2) practice or attempt or offer to practice electrology under cover of any diploma, certificate, license, record or registration illegally or fraudulently obtained or signed, or issued unlawfully or under fraudulent representation or mistake of fact in a material regard; (3) practice or attempt or offer to practice electrology under a name other than such person's own name or under a false or assumed name; (4) aid or abet practice by a person not lawfully licensed to practice electrology within this state or by a person whose license to practice has been suspended or revoked; or (5) use in such person's advertising the word "electrologist" or any description of services involving permanent hair removal, without having obtained a license under the provisions of this chapter. No person shall, during the time such person's license is revoked or suspended, practice or attempt or offer or advertise to practice electrology or be employed by, work with or assist, in any way, any person licensed to practice

Substitute House Bill No. 5145

electrology. Any person who violates any provision of this section shall be [fined not more than one hundred dollars or imprisoned not more than thirty days, or both] guilty of a class D misdemeanor.

Sec. 71. Subsection (b) of section 20-609 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(b) Any person owning, managing or conducting any store, shop or place of business not being a pharmacy who exhibits within or upon the outside of such store, shop or place of business, or includes in any advertisement the words "drug store", "pharmacy", "apothecary", "drug", "drugs" [] or "medicine shop" [] or any combination of such terms or any other words, displays or symbols indicating that such store, shop or place of business is a pharmacy shall be [fined not more than two hundred dollars or imprisoned not more than thirty days or both] guilty of a class D misdemeanor. The provisions of this subsection shall not apply to any person that provides pharmacy-related services directly to pharmacies or practitioners and does not offer such services and drugs or medical services directly to the public.

Sec. 72. Section 21-13 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Any person who engages in the business of a junk dealer without complying with the provisions of this chapter relating to said business shall be [fined not more than fifty dollars or imprisoned not more than three months or both] guilty of a class C misdemeanor.

Sec. 73. Section 21a-11 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

The Commissioner of Consumer Protection may, subject to the provisions of chapter 67, employ such agents and assistants as are necessary to enforce the provisions of the general statutes wherein said

Substitute House Bill No. 5145

commissioner is empowered to carry out the duties and responsibilities assigned to him or his department. For the purpose of inquiring into any suspected violation of such provisions, the commissioner and his deputy and assistants shall have free access, at all reasonable hours, to all places and premises, homes and apartments of private families keeping no boarders excepted. On the tender of the market price, the commissioner or his deputy may take from any person, firm or corporation samples of any article which he suspects is sold, offered for sale, kept with intent to sell, made or manufactured contrary to any provision of this chapter or related chapters under the jurisdiction of said commissioner. He may analyze such samples or have them analyzed by a state chemist or by an experiment station or by the laboratories of the Department of Public Health, and a sworn or affirmed certificate by such analyst shall be prima facie evidence of the ingredients and constituents of the samples analyzed. If such analysis shows that any such sample does not conform to the requirements of law, and gives the commissioner or his deputy reasonable grounds for believing that any provision of this chapter or related chapters under his jurisdiction has been violated, he shall cause such violator to be prosecuted. Any person who refuses the access provided for herein to the commissioner, his deputy or assistants, or who refuses to sell the samples provided for herein, shall be [fined not more than twenty-five dollars or imprisoned not more than thirty days or both] guilty of a class D misdemeanor. Evidence of violation of any provision of this section shall be prima facie evidence of wilful violation.

Sec. 74. Section 21a-25 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(a) No person shall make, sell, offer or expose for sale or exchange or solicit or receive any order for the sale or delivery within the state, or for delivery without the state for shipment into the state, of: (1) Any vinegar, as cider vinegar, not wholly produced from the juice of

Substitute House Bill No. 5145

apples; (2) any vinegar or article sold or to be sold as vinegar, to which has been added any drug, or any hurtful or foreign substance, or any coloring matter, or any acid; or (3) any vinegar not having an acetic acidity equivalent therein of not less than four per cent by weight of absolute acetic acid and, in case of cider vinegar, not less than one and six-tenths per cent by weight of cider vinegar solids upon full evaporation over boiling water. [Any person who violates any provision of this section shall be fined not more than fifty dollars for a first offense, and for a subsequent offense shall be fined not more than one hundred dollars or imprisoned not more than thirty days or both.] The delivery of any of the above-mentioned articles upon an order solicited or received within the state shall be conclusive evidence that the order upon which such delivery was made was for such articles.

(b) Any person who violates any provision of this section shall (1) for a first offense, be fined not more than fifty dollars, and (2) for a subsequent offense, be guilty of a class D misdemeanor.

Sec. 75. Subsection (b) of section 21a-155 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(b) Any person who delivers, displays or sells any such pastry or bread product in violation of any provision of this section or of any regulation adopted under section 21a-156 with respect thereto shall be [fined not more than twenty-five dollars or imprisoned not more than thirty days, or both] guilty of a class D misdemeanor.

Sec. 76. Subsection (a) of section 22-277 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(a) As used in this section, "livestock animal" means any camelid or hooved animal raised for domestic or commercial use. The

Substitute House Bill No. 5145

Commissioner of Agriculture shall supervise commission sales stables where livestock animals are sold at public auctions. Any person, firm or corporation engaged in the business of selling livestock animals at such auctions or sales shall annually apply to said commissioner for a license upon a form to be prescribed by the commissioner. The fee for each such license shall be one hundred ninety dollars, payable to said commissioner. Each such license shall be issued for the period of one year from July first and may be revoked for cause. If, in the judgment of the commissioner, any provision of this section has been violated, the commissioner shall send notice by registered or certified mail to the licensee, who shall be given a hearing, and, if violation is proven, the license shall be revoked. If a license to deal in livestock, issued to any person, firm or corporation by another state, has been suspended or revoked by such state within five years next preceding the date of issuance or renewal of a license to such person, firm or corporation under the provisions of this section, such suspension or revocation shall constitute just cause for revocation under this section. All dairy animals to be sold at such auction shall be segregated from beef animals prior to such sales. The sale of dairy animals shall precede the sale of those assigned for slaughter. All bovines more than three hundred pounds in weight, except dairy and breeding animals, that are delivered to a sale shall be branded with the letter "S" in a conspicuous place or identified in a manner acceptable to the commissioner or the commissioner's designee by the operator of the sale or the operator's representative. All dairy and breeding animals from within the state arriving at a sale shall be from a herd that: (1) Is under state supervision for the control of brucellosis and tuberculosis and that has been tested for brucellosis and tuberculosis less than fourteen months before the sale, (2) has been tested for tuberculosis less than fourteen months before the sale and is regularly tested under the brucellosis ring test program of the Department of Agriculture, or (3) is certified to be brucellosis-free under the program established pursuant to section 22-299a. All dairy and breeding animals arriving at

Substitute House Bill No. 5145

a sale from outside the state shall comply with section 22-304 and be accompanied by a health certificate issued by the livestock official of the state of their origin and by a permit from the commissioner. All animals offered for dairy or breeding purposes over six months of age shall be identified by an official ear tag, a tattoo or [by] registration papers. All female dairy or breeding animals over six months of age shall have been calfhooed vaccinated against brucellosis. Animals consigned for slaughter shall be sold only to owners or agents of slaughtering establishments and moved directly to such slaughtering establishments for immediate slaughter. All stables and sales rings shall be kept clean and shall be suitably disinfected prior to each sale. The provisions of this section shall not apply to the sale of an individual herd at an auction conducted by the owner thereof. Any person, or any officer or agent of any corporation, who violates any provision of this section or who obstructs or attempts to obstruct the Commissioner of Agriculture or the commissioner's deputy or assistants in the performance of their duty, shall be [fined not more than two hundred dollars or imprisoned not more than thirty days, or both] guilty of a class D misdemeanor.

Sec. 77. Section 22-321 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Any person, or any officer or agent of any corporation, who violates any provision of this chapter for which no other penalty is provided or who obstructs or attempts to obstruct the Commissioner of Agriculture or his deputy or any of his assistants in the performance of his duty, or who violates any regulation established by said commissioner, shall be [fined not more than one hundred dollars or imprisoned not more than thirty days or both] guilty of a class D misdemeanor.

Sec. 78. Section 22-329 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Substitute House Bill No. 5145

The commissioner, the Chief Animal Control Officer, any animal control officer, any municipal animal control officer or any law enforcement officer may interfere to prevent any act of cruelty upon any dog or other animal, and any person who interferes with or obstructs or resists the commissioner or any such officer in the discharge of such duty shall be [fined not more than fifty dollars or imprisoned not more than thirty days] guilty of a class D misdemeanor.

Sec. 79. Section 22-332c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Any person who violates any provision of section 22-332, 22-332a or 22-332b shall be [fined not more than one hundred dollars or imprisoned not more than thirty days or both] guilty of a class D misdemeanor.

Sec. 80. Section 22-363 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

No person shall own or harbor a dog or dogs which is or are a nuisance by reason of vicious disposition or excessive barking or other disturbance, or, by such barking or other disturbance, is or are a source of annoyance to any sick person residing in the immediate vicinity. Violation of any provision of this section shall be an infraction for the first offense and [such person shall be fined not more than one hundred dollars or imprisoned not more than thirty days or both] a class D misdemeanor for each subsequent offense and the court or judge may make such order concerning the restraint or disposal of such dog or dogs as may be deemed necessary.

Sec. 81. Section 22-365 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Any person who obstructs or attempts to obstruct the

Substitute House Bill No. 5145

commissioner, the Chief Animal Control Officer, any animal control officer or any municipal animal control officer engaged in the discharge of any duty imposed by this chapter shall be [fined not more than one hundred dollars or imprisoned not more than three months or both] guilty of a class C misdemeanor.

Sec. 82. Section 22-366 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Any person who crops or cuts or causes to be cropped or cut off the whole or any part of the ear of a dog, unless such person is a registered veterinary surgeon and unless such operation is performed when the dog is under an anesthetic, shall be fined not more than fifty dollars for the first offense and [for each subsequent offense shall be fined not more than fifty dollars or imprisoned not more than thirty days or be both fined and imprisoned] be guilty of a class D misdemeanor for each subsequent offense. The possession of a dog with an ear cropped or cut off and with the wound resulting therefrom unhealed, confined upon the premises of or in the charge or custody of any person, shall be prima facie evidence of a violation of the provisions of this section by the person in control of such premises or the person having charge or custody, unless such person has in his possession a certificate of cropping from a veterinarian registered in this state certifying that he performed the operation and giving the date of the operation, the name of the owner of the dog and a description of the dog.

Sec. 83. Section 26-45 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

No person shall possess for the purpose of sale, sell or offer for sale any bait species without first obtaining a bait dealer's license from the commissioner, provided the provisions [hereof] of this section shall not apply to persons issued a commercial hatchery license under section 26-149, as amended by this act. Application forms for such license shall

Substitute House Bill No. 5145

be furnished by the commissioner. Such license shall be nontransferable. The fee for each such license shall be sixty-three dollars annually. Each such license shall expire on the last day of December next after issuance. Each such licensed bait dealer may possess and sell only such bait species as shall be authorized under regulations issued by the commissioner, provided live carp and goldfish shall not be possessed for any purpose on premises used by licensed bait dealers. Each such licensee shall keep such records relating to the operation of such business as the commissioner determines on forms furnished by the commissioner and shall file such report with the commissioner within thirty days after the expiration of such license. No such report shall contain any material false statement. Failure to file such report shall be a violation of this section and the commissioner may refuse to reissue such license until the licensee complies with this requirement. Representatives of the commissioner may enter upon the premises of bait dealers at any time to inspect required records and the bait species possessed and to detect violations of this section and regulations issued hereunder by the commissioner, and such representatives may confiscate and dispose of any fish illegally possessed. Any person who violates any provision of this section or any such regulation issued by the commissioner shall be [fined not less than ten dollars nor more than one hundred dollars or be imprisoned not more than thirty days, or both] guilty of a class D misdemeanor.

Sec. 84. Subsection (c) of section 26-74 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(c) Any person who violates any provision of this section shall be [fined not more than two hundred dollars or be imprisoned not more than thirty days, or both] guilty of a class D misdemeanor.

Sec. 85. Section 26-127 of the general statutes is repealed and the

Substitute House Bill No. 5145

following is substituted in lieu thereof (*Effective October 1, 2012*):

Any person who transports out of this state any bait species taken from any of the waters of this state or who takes, assists in taking or attempts to take any bait species from any such waters for the purpose of transporting the same out of the state shall be [fined not less than fifty dollars nor more than two hundred dollars or imprisoned not more than thirty days or both] guilty of a class D misdemeanor; but no provision [hereof] of this section shall prevent the exportation of bait species propagated and grown in private waters registered with the board as such or in licensed commercial hatcheries.

Sec. 86. Section 26-149 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

No person shall operate a commercial hatchery to hold, hatch or rear finfish or crustaceans, including, but not limited to, lobsters and blue crabs, in this state unless such person has obtained a commercial hatchery license from the Commissioner of Agriculture in accordance with the provisions of section 22-11h. The commissioner may issue such license to qualified applicants upon the submission of an application, on forms provided by the commissioner, containing such information as prescribed by the commissioner. There shall be an annual fee of one hundred thirty dollars for each such license. Such license shall expire on the last day of December next after the issuance thereof. All legally acquired finfish and crustaceans hatched, reared or held in commercial hatcheries may be taken and sold at any time for the purpose of stocking other waters, for bait or for food, except that lobsters or blue crabs sold for any purpose other than for rearing in another commercial hatchery shall not have ova or spawn attached and must meet the minimum legal length requirements provided in subsection (a) of section 26-157a. Each owner or operator of any such hatchery shall keep such records as are required by the commissioner on forms provided by the commissioner which record shall be open to

Substitute House Bill No. 5145

inspection by said commissioner or the commissioner's authorized agents at any time and a copy of such records shall be furnished to the commissioner by January thirty-first of the year following the year covered by the report. Representatives of the commissioner may enter upon the premises of any such licensed hatchery at any time to inspect any facility, equipment, impoundment or any finfish or crustaceans to determine the presence of disease or parasites. In such case said commissioner, when so requested, may render such technical assistance as is necessary and possible and may charge a reasonable fee for such services. In the event that the presence of disease or parasites is confirmed in finfish or crustaceans hatched, held or reared in such licensed hatchery said commissioner is authorized to suspend or revoke any such commercial hatchery license and issue an order prohibiting the sale, exchange or removal from such premises of such finfish or crustaceans, and direct such disposition of such remaining finfish or crustaceans including the eggs of such finfish or crustaceans as the commissioner determines would be in the public interest. Any person issued a license to operate a commercial finfish hatchery may charge a fee for the privilege of fishing in the waters included under said license and may sell any species of finfish removed therefrom, provided no sport fishing license shall be required. Said commissioner may adopt regulations, in accordance with the provisions of chapter 54, governing and prescribing the methods of taking such finfish and the conditions under which such finfish may be sold, removed from the premises, possessed and transported. Said commissioner may adopt regulations, in accordance with the provisions of chapter 54, governing and prescribing the method of taking particular species of finfish and the conditions under which such finfish may be removed from the premises, possessed and transported, without a sport fishing license, from artificial facilities at fairs, sportsmen's shows and at such other place as said commissioner authorizes. Persons operating such facilities shall not be required to pay a fee to said commissioner and such persons may charge a fee for the privilege of fishing in such

Substitute House Bill No. 5145

water, provided any such facility and any finfish used in connection therewith may be inspected at any time by any representative of the department to determine the presence of disease or parasites. In the event the presence of disease or parasites is confirmed, any such representative may issue a written order directing that such facility be immediately closed to the public and directing such disposition of such remaining finfish as would be in the public interest. Any person who violates any provision of this section or any regulation adopted or order issued by the commissioner, or such representative, or any person who, without proper authorization, takes or attempts to take any finfish or crustacean from any waters described herein shall be [fined not more than two hundred dollars or be imprisoned for not more than thirty days or both] guilty of a class D misdemeanor.

Sec. 87. Subsection (f) of section 26-157a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(f) Any person who violates any provision of this section, section 2 of public act 85-434 or any regulation adopted in accordance with section 26-157c shall be [fined not less than twenty-five dollars nor more than two hundred dollars or be imprisoned not more than thirty days or both,] guilty of a class D misdemeanor for each offense, and each lobster taken or possessed, and each net, pot, trap, trawl, spear or similar device used in violation of any provision of this section, section 2 of public act 85-434 or any regulation adopted in accordance with section 26-157c shall constitute a separate offense, except that any person who violates any provision of section 2 of public act 85-434 or any regulation adopted in accordance with section 26-157c shall be fined twenty-five dollars for each lobster taken or possessed for the first violation, fifty dollars for each lobster taken or possessed for the second violation and [for each subsequent violation shall be fined] one hundred dollars for each lobster taken or possessed for each

Substitute House Bill No. 5145

subsequent offense. No part of any fine imposed pursuant to this subsection shall be remitted.

Sec. 88. Section 26-213 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

No person shall take or gather for commercial purposes oysters, clams, mussels or other molluscan shellfish from any natural shellfish bed in the state and no person shall be permitted upon any boat, licensed pursuant to the provisions of section 26-212, while the boat is being used for such taking or gathering until the person has been licensed in the manner provided in this section. The person shall apply in writing, to the Commissioner of Agriculture upon blanks to be furnished by the commissioner, stating his name, residence [] and post-office address and such other information as may be required by said commissioner, and said commissioner, upon payment of a fee of twenty dollars, shall issue to the person a license for such purpose. All licenses so issued shall be revocable at any time by the commissioner and shall expire on the twentieth day of July in each year. The commissioner shall account to the Treasurer for all [money] moneys received for licenses under the provisions of this section. Any person who violates any of the provisions of this section relating to licensing shall be [fined not more than one hundred dollars or imprisoned not more than thirty days, or both] guilty of a class D misdemeanor.

Sec. 89. Section 26-216 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Any person who violates any provision of section 26-215, or who uses any device or number not furnished by the Commissioner of Agriculture for a boat or vessel used in cultivating or dredging for shellfish, shall be fined not less than twenty-five dollars or more than fifty dollars for each day that such boat or vessel is so unlawfully used and, on conviction of a second offense, shall be [fined not less than fifty

Substitute House Bill No. 5145

dollars or more than two hundred dollars or imprisoned not more than thirty days, or both,] guilty of a class D misdemeanor for each day that such boat or vessel is so unlawfully used.

Sec. 90. Section 26-219 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Any person may apply to the Commissioner of Agriculture for a license to take conchs in excess of one-half bushel daily. Such license shall not apply to any area lawfully designated as oyster, clam or mussel beds under town or state jurisdiction. Such application shall state the name, residence and post-office address of the applicant and such other information as said commissioner requires. Such license shall be valid for one year from the date of its issuance, and a fee of one hundred dollars shall be charged therefor. Any person who takes any conchs in excess of one-half bushel daily without having obtained such a license shall be [fined not more than two hundred dollars or imprisoned not more than thirty days, or both] guilty of a class D misdemeanor.

Sec. 91. Subsection (a) of section 31-4 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(a) The commissioner may appoint, as special agents, competent persons, familiar with the language of non-English-speaking laborers, who shall inform such laborers, either personally or through printed matter in their language, as to their right of contract under the laws of the state, and shall prevent illegal advantage being taken of such laborers by reason of their lack of knowledge, credulity or lack of proficiency in the English language. The appointment of such agents shall not be permanent but simply to meet the exigencies of each case as presented to the commissioner, and they shall be paid the same compensation as is paid other agents. Any person who obtains or

Substitute House Bill No. 5145

receives money due immigrant laborers or laborers who lack proficiency in the English language and retains any part thereof for such person's own use without giving adequate consideration therefor shall be [fined not more than one hundred dollars or imprisoned not more than one year or both] guilty of a class A misdemeanor.

Sec. 92. Section 31-48b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(a) For purposes of this section, "employer" means the owner or owners in the case of an unincorporated business, the partners in the case of a partnership, the officers in the case of a corporation or in the case of the state, any town, city or borough, or district, local or regional board of education, or housing authority or district department of health, the chief executive officer thereof.

(b) No employer or agent or representative of an employer shall operate any electronic surveillance device or system, including but not limited to the recording of sound or voice or a closed circuit television system, or any combination thereof, for the purpose of recording or monitoring the activities of his employees in areas designed for the health or personal comfort of the employees or for safeguarding of their possessions, such as rest rooms, locker rooms or lounges.

(c) Any employer [] who violates any provision of subsection (b) of this section shall, for the first offense, be fined five hundred dollars, for the second offense, be fined one thousand dollars and, for the third and any subsequent offense, be fined one thousand dollars and imprisoned thirty days.

(d) No employer or his agent or representative and no employee or his agent or representative shall intentionally overhear or record a conversation or discussion pertaining to employment contract negotiations between the two parties, by means of any instrument,

Substitute House Bill No. 5145

device or equipment, unless such party has the consent of all parties to such conversation or discussion.

(e) Any employer or his agent or representative or any employee or his agent or representative who violates any provision of subsection (d) of this section shall be fined one thousand dollars or imprisoned one year, or both.

Sec. 93. Subsection (a) of section 43-9 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(a) (1) Any person who, by himself or by his servant or agent or as the servant or agent of another, offers or exposes for sale, sells or uses in the buying or selling of any commodity or thing or for hire or reward or retains in his possession a false weight or measure or weighing or measuring device or any weight or measure or weighing or measuring device which has not been sealed by the sealer of weights and measures within one year; or who disposes of any condemned weight, measure or weighing or measuring device contrary to the provisions of the statutes; or tampers with, marks, defaces, removes, forges or counterfeits any seal or tag attached to a weighing or measuring instrument or device by a sealer of weights and measures; or who knowingly sells, offers or exposes for sale less than the quantity he represents; or who buys and receives any commodity the weight or measure of which is determined by weights or measures of the purchaser and gives credit or pays for a quantity of such commodity less than that received by him; or who sells or offers or exposes for sale any commodity in a manner contrary to the provisions of the statutes; or who sells or offers for sale or has in his possession for the purpose of selling any device or instrument to be used to, or calculated to, falsify any weight or measure, shall, upon a first conviction, be fined not less than fifty dollars nor more than three hundred dollars or imprisoned not more than three months or be both

Substitute House Bill No. 5145

fined and imprisoned. Upon any subsequent conviction any such person shall be fined not less than one hundred dollars nor more than one thousand dollars or imprisoned not more than one year or be both fined and imprisoned.

(2) Any person who hinders or obstructs the Commissioner of Weights and Measures or any inspector or any municipal sealer in the performance of his official duties shall be fined not less than two dollars nor more than two hundred dollars or imprisoned not more than ninety days or be both fined and imprisoned.

(3) Any person who impersonates the Commissioner of Weights and Measures or any inspector or any municipal sealer, by use of his seal or a counterfeit of his seal, or otherwise, shall be [fined not less than one hundred dollars nor more than five hundred dollars or imprisoned not more than one year or be both fined and imprisoned] guilty of a class A misdemeanor.

Sec. 94. Subsection (c) of section 46a-64 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(c) Any person who violates any provision of this section shall be [fined not less than twenty-five dollars or more than one hundred dollars or imprisoned not more than thirty days, or both] guilty of a class D misdemeanor.

Sec. 95. Subsection (g) of section 46a-64c of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(g) Any person who violates any provision of this section shall be [fined not less than twenty-five dollars or more than one hundred dollars or imprisoned not more than thirty days, or both] guilty of a class D misdemeanor.

Substitute House Bill No. 5145

Sec. 96. Subsection (b) of section 46a-81d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(b) Any person who violates any provision of this section shall be [fined not less than twenty-five dollars or more than one hundred dollars or imprisoned not more than thirty days, or both] guilty of a class D misdemeanor.

Sec. 97. Subsection (f) of section 46a-81e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(f) Any person who violates any provision of this section shall be [fined not less than twenty-five dollars or more than one hundred dollars or imprisoned not more than thirty days, or both] guilty of a class D misdemeanor.

Sec. 98. Section 50-10 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Any person who finds and takes possession of any article of the value of one dollar or more shall report the finding of such article to the police department of the municipality in which he finds such article within forty-eight hours from the time of such finding. The finder of such article shall, at the time of reporting, furnish to the police department the date, time and place of finding, his name and address and a description of the article found, and, within a period of one week from such finding, shall deliver such article to the police department. Any person who violates or fails to comply with the provisions of this section shall be [fined not more than one hundred dollars or imprisoned not more than thirty days or both] guilty of a class D misdemeanor.

Sec. 99. Subsection (b) of section 52-571bb of the general statutes is

Substitute House Bill No. 5145

repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(b) Any person who violates any provision of this section shall be [fined not less than twenty-five dollars or more than one hundred dollars or imprisoned not more than thirty days, or both] guilty of a class D misdemeanor.

Sec. 100. Section 53-37 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Any person who, by his advertisement, ridicules or holds up to contempt any person or class of persons, on account of the creed, religion, color, denomination, nationality or race of such person or class of persons, shall be [fined not more than fifty dollars or imprisoned not more than thirty days or both] guilty of a class D misdemeanor.

Sec. 101. Section 53-132 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Any person who, with intent to defraud, knowingly, for himself or for others, buys, sells, receives, disposes of, conceals, uses or attempts to sell or dispose of, or has in his possession for any of said purposes, any electrical motor, apparatus, appliance, device, mechanism, container, cabinet, receptacle, equipment or part on which the manufacturer's serial number or other distinguishing number, name or identification mark has been removed, defaced, concealed, altered or destroyed, shall be [fined not more than one hundred dollars or imprisoned not more than three months or both] guilty of a class C misdemeanor.

Sec. 102. Section 53-142a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Substitute House Bill No. 5145

Any person who makes and sells to anyone other than a new car dealer, licensed under section 14-52, a person actually engaged in the trade of locksmith, a law enforcement agency or a loan institution which finances the purchase of motor vehicles, any motor vehicle master car key, and any person other than one engaged in the manufacture of such keys as a bona fide business or other than one to whom the sale of such a key is authorized by this section who has such a key in his possession, shall, [be fined not more than one hundred dollars or imprisoned not more than thirty days or both] for a first offense, be guilty of a class D misdemeanor and, for a subsequent offense, [shall be fined not more than five hundred dollars or imprisoned not more than six months or both] be guilty of a class B misdemeanor.

Sec. 103. Section 53-203 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Any person who intentionally, negligently or carelessly discharges any firearm in such a manner as to be likely to cause bodily injury or death to persons or domestic animals, or the wanton destruction of property, shall be [fined not more than two hundred fifty dollars or imprisoned not more than three months or both] guilty of a class C misdemeanor.

Sec. 104. Subsection (d) of section 53-205 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(d) Any person who violates any provision of this section shall be [fined not less than ten dollars or more than one hundred dollars or imprisoned not more than thirty days or be both fined and imprisoned] guilty of a class D misdemeanor.

Sec. 105. Section 53-215 of the general statutes is repealed and the

Substitute House Bill No. 5145

following is substituted in lieu thereof (*Effective October 1, 2012*):

Any person who discards or abandons, or knowingly permits to be discarded or abandoned on property within his control, outdoors or within any unoccupied building or structure, any refrigerator, ice box or other container which has an airtight door or lid without having removed such door or lid shall be [fined not more than one hundred dollars or imprisoned not more than thirty days or both] guilty of a class D misdemeanor, and each day of such violation shall constitute a separate offense.

Sec. 106. Section 53-249 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Any crate or other container used for the purpose of transporting, shipping or holding for sale any live poultry shall be in a sanitary condition and shall be constructed so as to provide sufficient ventilation and warmth, and such poultry, while in such container, shall receive such reasonable care as may be required to prevent unnecessary suffering. Any person who violates any provision of this section shall be [fined not more than one hundred dollars or imprisoned not more than thirty days or both] guilty of a class D misdemeanor.

Sec. 107. Section 53-250 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Any person who uses any animal, reptile or bird for the purpose of soliciting any alms, collection, contribution, subscription, donation or payment of money, or uses any animal or bird as a prize or award in the operation of any game or device, or exhibits any wild animal in connection with any business for the purpose of attracting trade upon any street, highway or public park or at any fair, exhibition or place of amusement, recreation or entertainment, or owns, keeps or has in his

Substitute House Bill No. 5145

custody any animal, reptile or bird for any such purpose, shall be [fined not more than one hundred dollars or imprisoned not more than thirty days or both] guilty of a class D misdemeanor, but no provision of this section shall be construed so as to apply to the exhibition of any animal, reptile or bird by any educational institution or in a zoological garden or in connection with any theatrical exhibition or circus or to the use of any animal in a cow-chip raffle.

Sec. 108. Section 53-370 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

No person, firm or corporation, or any member or employee thereof, shall store, expose for sale or sell any liquid fuels, lubricating oils, greases or similar products in such manner as to deceive as to identity, nature or quality; or use any container for storage with the trademark or symbol of any manufacturer or distributor except that of the manufacturer or distributor of the product contained therein; or imitate the design, trademark or symbol of any manufacturer on any container, buildings or equipment with intent to deceive purchasers as to the nature, source or quality of the commodity sold; or mix, blend or compound any of such products of one manufacturer or distributor with that of another and sell the same as the product of either, provided any owner may sell such compound under his own trademark; or aid, assist or abet any person in the violation of the above provisions by depositing or delivering such products in any container other than that of the manufacturer or distributor of such product. Any person who violates any of the provisions of this section shall be [fined not more than two hundred dollars or imprisoned not more than thirty days or both] guilty of a class D misdemeanor.

Sec. 109. Section 13b-85 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Any person or the officers of any association, limited liability

Substitute House Bill No. 5145

company or corporation who violate any order or regulation adopted or established under the provisions of sections 13b-80 to 13b-83, inclusive, or who violate any provision of said sections, shall be [fined not more than one hundred dollars or imprisoned not more than sixty days or both] guilty of a class B misdemeanor.

Sec. 110. Section 15-52 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

No person whose right to operate any aircraft in this state has been suspended or revoked shall operate any aircraft during the period of such suspension or revocation. No person shall operate or cause to be operated any aircraft of which the right to operate has been suspended or revoked. Any person who violates any provision of this section shall be [fined not more than one hundred dollars or imprisoned not more than sixty days or both] guilty of a class C misdemeanor.

Sec. 111. Section 15-100 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Any person who violates any provision of this chapter or any of the regulations or orders issued pursuant thereto for which no penalty is specifically provided shall be [fined not more than one hundred dollars or be imprisoned not more than sixty days or both] guilty of a class C misdemeanor.

Sec. 112. Section 19a-347 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

In case of the violation of any injunction granted under the provisions of this chapter or of any restraining order or in case of the commission of any contempt of court under any proceedings under the provisions of section 19a-346, the court or, in vacation, a judge thereof may summarily try and punish the offender. Proceedings on account of such violation shall be commenced by filing with the clerk of the

Substitute House Bill No. 5145

court a complaint under oath, alleging facts constituting such violation, upon which the court or judge shall cause a warrant to issue, upon which the accused shall be arrested. The trial may be had upon affidavits, or either party may demand the production and oral examination of witnesses. Any person found guilty of contempt shall be [fined not more than five hundred dollars or imprisoned not more than two months or both] guilty of a class C misdemeanor.

Sec. 113. Section 26-78 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

No person shall buy, sell or exchange, or have in possession with intent to sell or exchange, any wild or game bird, wild quadruped, reptile or amphibian, alive or dead, or parts thereof, including plumage of any such bird, except as provided in this chapter, provided any game bird, wild quadruped, reptile or amphibian, alive or dead, or parts thereof, not including plumage of any such bird, legally taken and legally transported into this state from any other state or country which does not prohibit the sale or exportation of such bird, wild quadruped, reptile or amphibian, may be bought or sold in this state at any time of the year under such regulations as may be made by the commissioner. The commissioner may make regulations governing the importation, transportation, purchase, sale or exchange of wild or game bird plumage. Any wild or game bird, wild quadruped, reptile or amphibian, alive or dead, or parts thereof, including plumage of such birds, possessed contrary to any of the provisions of this section or any regulation made by the commissioner, shall be seized by any representative of the department; and the commissioner or his authorized agent shall make disposition of the same by sale or destruction or by gift to any educational institution, museum, zoological park or any other suitable place where in the opinion of the commissioner an educational purpose will be served. The provisions of this section shall not prohibit the possession, sale or exchange of heads,

Substitute House Bill No. 5145

hides or pelts of legally acquired deer and fur-bearing animals or the possession and mounting of legally acquired game birds, wild quadrupeds, reptiles and amphibians. Each wild or game bird, wild quadruped, reptile or amphibian, or part thereof, or each lot or package of wild or game bird plumage, possessed contrary to any provision of this section or any regulation issued by the commissioner, shall constitute a separate offense. Said commissioner may make regulations authorizing the importation, exportation, possession, sale and exchange of legally acquired, protected and unprotected species of live wild birds, live wild quadrupeds, reptiles and amphibians under such conditions as said commissioner shall determine. Said commissioner may order any such bird, quadruped, reptile or amphibian impounded for such period, at such place and in such manner as is determined by the commissioner, to allow examination to determine if such bird, quadruped, reptile or amphibian is diseased or infected with parasites, and the commissioner is authorized to order the destruction of such bird, quadruped, reptile or amphibian when in his opinion such action would be advisable in the public interest. Any person who violates any provision of this section or any regulation or order issued by the commissioner [hereunder shall be fined not more than two hundred dollars or be imprisoned not more than sixty days or both] under this section shall be guilty of a class C misdemeanor. The provisions of this section shall not apply to snapping turtles.

Sec. 114. Section 26-88 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

No person shall take or attempt to take any gray squirrel, rabbit or other fur-bearing animal protected by law by the use of gunpowder, dynamite or other explosive compound, or by fire, smoke, brimstone, sulphur, gas or chemical, or by digging from any hole or den, provided nothing herein shall be construed to prevent the shooting of any gray squirrel or rabbit or fur-bearing animal. Any person who violates any

Substitute House Bill No. 5145

provision of this section shall be guilty of a class C misdemeanor.

Sec. 115. Subsection (f) of section 47a-52 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(f) Any person who violates or assists in violating, or fails to comply with, any provision of this section or any legal order of a department of health made under any such provision shall be [fined not more than two hundred dollars or imprisoned not more than sixty days or both] guilty of a class C misdemeanor.

Sec. 116. Subsection (b) of section 51-88 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(b) Any person who violates any provision of this section shall be [fined not more than two hundred and fifty dollars or imprisoned not more than two months or both] guilty of a class C misdemeanor. The provisions of this subsection shall not apply to any employee in this state of a stock or nonstock corporation, partnership, limited liability company or other business entity who, within the scope of his employment, renders legal advice to his employer or its corporate affiliate and who is admitted to practice law before the highest court of original jurisdiction in any state, the District of Columbia, the Commonwealth of Puerto Rico or a territory of the United States or in a district court of the United States and is a member in good standing of such bar. For the purposes of this subsection, "employee" means any person engaged in service to an employer in the business of his employer, but does not include an independent contractor.

Sec. 117. Subdivision (5) of subsection (k) of section 7-169 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Substitute House Bill No. 5145

(5) Any person who promotes or operates any bingo game without a permit therefor, or who violates any provision of this section or section 7-169a or administrative regulations issued pursuant thereto, or who makes any false statement in any application for a permit or in any report required by this section or section 7-169a or by the commissioner shall be [fined not more than five hundred dollars or imprisoned not more than sixty days, or both] guilty of a class D misdemeanor.

Sec. 118. Section 9-361 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

The following persons shall be guilty of primary or enrollment violations: (1) Any person unlawfully voting or participating or attempting to vote or participate in any primary in which he is not eligible to vote or participate; (2) in towns divided into voting districts, any elector who registers or votes at any primary in a voting district other than the district in which such elector is legally entitled to vote at the time of such primary; (3) any elector who signs the name of another to a written application to register, without the knowledge and consent of the person whose name is signed thereto, or who falsely represents the contents of any written or printed form of application for enrollment with intent to secure the application of an elector for enrollment upon a list other than that of his true political preference; (4) any registrar or deputy registrar of voters who fails to hold sessions as provided in sections 9-51 and 9-53 or who fails to register an elector upon the oral or written application for enrollment of such elector, except as provided by law, or who fails to erase an elector's name as provided in section 9-59 or who registers any elector upon an enrollment list other than that declared by such elector in his application as his political preference, or who removes or erases the name of any elector from any enrollment list except as provided by law; (5) any person who fails to properly serve any notice or citation

Substitute House Bill No. 5145

required by sections 9-60 and 9-61 when directed so to do by any registrar or deputy registrar, or who makes any false return as to any such notice or citation; and (6) any moderator of a primary of the enrolled electors of a specified party, such primary being legally called for the nomination of candidates for any public elective office, who fails to comply with the requirements of chapter 153. The penalty for any such violation shall be a [fine of not more than one hundred dollars or imprisonment of not more than sixty days, or both] class D misdemeanor, except that any person found to have violated subdivision (1) or (2) of this section shall be guilty of a class D felony and shall be disfranchised.

Sec. 119. Section 12-6 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

The state's attorney of any judicial district may make application to the Secretary of the Office of Policy and Management showing that he has reason to believe that one or more of the officials, agents or employees of a municipality or any subdivision thereof situated within such judicial district has falsified any books of account or record, or has appropriated any moneys to his own use or to the use of others who are not entitled to the same, or has drawn any order on the treasurer or custodian of the funds of such municipality, or any subdivision thereof, with intent to defraud such municipality, or such subdivision, and thereupon the secretary shall cause an audit to be made of the records of such municipality. Upon completion of any such audit, the secretary shall transmit to such state's attorney a certified copy of his report showing the results thereof. The cost of such audit shall be borne equally by such municipality and the state. The custodian of any books of account or record who hinders or refuses to deliver the same upon demand of the secretary, or of any agent or employee of said secretary thereunto duly authorized, shall be [fined not more than two hundred dollars or imprisoned not more

Substitute House Bill No. 5145

than sixty days or both] guilty of a class D misdemeanor.

Sec. 120. Section 14-146 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

No person shall throw any object at a motor vehicle or at a person in such motor vehicle or on any highway, which may cause injury to such vehicle or the tires thereon or to any person therein. Any person who violates any provision of this section shall, [be fined] for the first offense, be fined not more than five hundred dollars and, for each subsequent offense, [may be imprisoned for not more than sixty days] be guilty of a class D misdemeanor.

Sec. 121. Subsection (c) of section 15-15 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(c) Any person or any officer or agent of any firm or corporation who violates any provision of this section shall be fined not less than five hundred dollars [nor] or more than [one] two thousand dollars, or be imprisoned not more than [sixty] thirty days, or be both fined and imprisoned.

Sec. 122. Section 19a-109 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

When any building or part thereof is occupied as a home or place of residence or as an office or place of business, either mercantile or otherwise, a temperature of less than sixty-five degrees Fahrenheit in such building or part thereof shall, for the purpose of this section, be deemed injurious to the health of the occupants thereof, except that the Commissioner of Public Health may adopt regulations establishing a temperature higher than sixty-five degrees when the health, comfort or safety of the occupants of any such building or part thereof so requires. In any such building or part thereof where, because of physical

Substitute House Bill No. 5145

characteristics or the nature of the business being conducted, a temperature of sixty-five degrees Fahrenheit cannot reasonably be maintained in certain areas, the Labor Commissioner may grant a variance for such areas. The owner of any building or the agent of such owner having charge of such property, or any lessor or his agent, manager, superintendent or janitor of any building, or part thereof, the lease or rental agreement whereof by its terms, express or implied, requires the furnishing of heat, cooking gas, electricity, hot water or water to any occupant of such building or part thereof, who, wilfully and intentionally, fails to furnish such heat to the degrees herein provided, cooking gas, electricity, hot water or water and thereby interferes with the cooking gas, electricity, hot water or water and thereby interferes with the comfortable or quiet enjoyment of the premises, at any time when the same are necessary to the proper or customary use of such building or part thereof, shall be [fined not more than one hundred dollars or imprisoned not more than sixty days or both] guilty of a class D misdemeanor. No public service company or electric supplier, as defined in section 16-1, shall, at the request of any such owner, agent, lessor, manager, superintendent or janitor, cause heat, cooking gas, electricity, hot water or water services to be terminated with respect to any such leased or rented property unless the owner or lessor furnishes a statement signed by the lessee agreeing to such termination or a notarized statement signed by the lessor to the effect that the premises are vacant.

Sec. 123. Subsection (b) of section 19a-553 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(b) Any person who violates any provision of this section shall be [fined not more than two hundred dollars or imprisoned not more than sixty days for each violation] guilty of a class D misdemeanor.

Sec. 124. Section 20-265 of the general statutes is repealed and the

Substitute House Bill No. 5145

following is substituted in lieu thereof (*Effective October 1, 2012*):

Any person who violates any provision of sections 20-252 to 20-263, inclusive, for the violation of which no other penalty is provided, shall, for a first offense, be fined not more than one hundred dollars and, [upon a second conviction, shall be fined not more than one hundred dollars or imprisoned not more than sixty days or both] for any subsequent offense, be guilty of a class D misdemeanor.

Sec. 125. Section 21-33 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

No itinerant vendor or managing itinerant vendor shall advertise, represent or hold forth any sale as an insurance, bankrupt, insolvent, assignee's, trustee's, executor's, administrator's, receiver's, wholesale or manufacturer's sale, or as a sale of any goods damaged by smoke, fire, water or otherwise, or in any similar form, unless, before so doing, he states under oath to the Commissioner of Consumer Protection, either in the original application for a state license or in a supplementary application subsequently filed, and copied on the license, all the facts relating to the reasons and character of such special sale so advertised or represented, including the opening and terminating date of the proposed sale, a complete inventory of the goods, wares and merchandise actually on hand in the place where such sale is to be conducted at the opening thereof, a statement of the names of the persons from whom the goods, wares and merchandise were obtained, the date of delivery to the person applying for the license, the place from which such goods, wares and merchandise were last taken and all details necessary to locate exactly and identify fully the goods, wares and merchandise to be sold. [Any] If any itinerant vendor or managing itinerant vendor makes a false statement in an application, either original or supplementary, for a license [and any failure on the part of any licensee] or fails to comply with all the requirements of this section, [shall subject] such itinerant vendor or managing itinerant

Substitute House Bill No. 5145

vendor [to a fine of not more than fifty dollars or imprisonment of not more than sixty days or both] shall be guilty of a class D misdemeanor.

Sec. 126. Section 21-35 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Any itinerant vendor or managing itinerant vendor who sells or exposes for sale, at public or private sale, any goods, wares or merchandise without state and local licenses therefor, issued as provided in sections 21-28 and 21-29, shall be [fined not more than fifty dollars or imprisoned not more than sixty days or both] guilty of a class D misdemeanor.

Sec. 127. Section 22-319a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

No person shall use, sell, possess or give away hog cholera serum or vaccine in this state, and no hogs shall be imported into this state if hog cholera serum or vaccine has been administered to them. Any person who violates any provision of this section shall be fined not less than five thousand dollars [nor] or more than ten thousand dollars or imprisoned not more than [one year] six months or both.

Sec. 128. Subsections (d) and (e) of section 22-342 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(d) Any person maintaining a kennel after such license has been revoked or suspended as herein provided shall be [fined not more than one thousand dollars or imprisoned not more than one year or both] guilty of a class B misdemeanor.

(e) Any owner or keeper of a kennel who breeds more than two litters of dogs annually and (1) fails to apply for a kennel license as required in subsection (a) of this section, or (2) fails to allow an

Substitute House Bill No. 5145

inspection of such facility as required in subsection (b) of this section shall be [fined not more than one thousand dollars or imprisoned not more than one year or both] guilty of a class B misdemeanor.

Sec. 129. Section 22-344e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

No person shall procure any dog or cat for the purpose of resale unless such person holds a pet shop license under section 22-344. Any person who violates the provisions of this section shall be [fined not more than one thousand dollars or imprisoned not more than one year, or both] guilty of a class B misdemeanor.

Sec. 130. Section 22-358 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(a) Any owner or the agent of any owner of any domestic animal or poultry, or the Chief Animal Control Officer, [or] any animal control officer, [or] any municipal animal control officer, any regional animal control officer or any police officer or state policeman, may kill any dog which he observes pursuing or worrying any such domestic animal or poultry.

(b) Any person who is bitten, or who shows visible evidence of attack by a dog, cat or other animal when such person is not upon the premises of the owner or keeper of such dog, cat or other animal may kill such dog, cat or other animal during such attack. Such person shall make complaint concerning the circumstances of the attack to the Chief Animal Control Officer, any animal control officer or the municipal animal control officer or regional animal control officer of the town wherein such dog, cat or other animal is owned or kept. Any such officer to whom such complaint is made shall immediately make an investigation of such complaint.

Substitute House Bill No. 5145

(c) If such officer finds that the complainant has been bitten or attacked by such dog, cat or other animal when the complainant was not upon the premises of the owner or keeper of such dog, cat or other animal the officer shall quarantine such dog, cat or other animal in a public pound or order the owner or keeper to quarantine it in a veterinary hospital, kennel or other building or enclosure approved by the commissioner for such purpose. When any dog, cat or other animal has bitten a person on the premises of the owner or keeper of such dog, cat or other animal, the Chief Animal Control Officer, any animal control officer, any municipal animal control officer or any regional animal control officer may quarantine such dog, cat or other animal on the premises of the owner or keeper of such dog, cat or other animal. The commissioner, the Chief Animal Control Officer, any animal control officer, any municipal animal control officer or any regional animal control officer may make any order concerning the restraint or disposal of any biting dog, cat or other animal as the commissioner or such officer deems necessary. Notice of any such order shall be given to the person bitten by such dog, cat or other animal within twenty-four hours. The owner of such animal shall pay all fees as set forth in section 22-333. On the fourteenth day of such quarantine the dog, cat or other animal shall be examined by the commissioner or someone designated by the commissioner to determine whether such quarantine shall be continued or removed. Whenever any quarantine is ordered under the provisions of this section, notice thereof shall be given to the commissioner and to the person bitten or attacked by such dog, cat or other animal within twenty-four hours. Any owner or keeper of such dog, cat or other animal who fails to comply with such order shall be [fined not more than two hundred fifty dollars or imprisoned not more than thirty days or both] guilty of a class D misdemeanor. If an owner or keeper fails to comply with a quarantine or restraining order made pursuant to this subsection, the Chief Animal Control Officer, any animal control officer, any municipal animal control officer or any regional animal control officer may seize the dog, cat or other animal

Substitute House Bill No. 5145

to [insure] ensure such compliance and the owner or keeper shall be responsible for any expenses resulting from such seizure. Any person aggrieved by an order of any municipal animal control officer, the Chief Animal Control Officer, any animal control officer or any regional animal control officer may request a hearing before the commissioner within fourteen days of the issuance of such order. After such hearing, the commissioner may affirm, modify or revoke such order as the commissioner deems proper. Any dog owned by a police agency of the state or any of its political subdivisions is exempt from the provisions of this subsection when such dog is under the direct supervision, care and control of an assigned police officer, is currently vaccinated and is subject to routine veterinary care. Any guide dog owned or in the custody and control of a blind person or a person with a mobility impairment is exempt from the provisions of this subsection when such guide dog is under the direct supervision, care and control of such person, is currently vaccinated and is subject to routine veterinary care.

(d) Any dog, while actually worrying or pursuing deer, may be killed by the Chief Animal Control Officer or an animal control officer or by a conservation officer or special conservation officer appointed by the Commissioner of Energy and Environmental Protection, or by any police officer or state policeman. The owner or keeper of any dog found worrying or pursuing a deer shall be [fined not less than twenty-five dollars or more than two hundred dollars or be imprisoned not more than sixty days, or both] guilty of a class D misdemeanor.

(e) Any person who kills any dog, cat or other animal in accordance with the provisions of this section shall not be held criminally or civilly liable therefor.

(f) The owner of any dog, cat or other animal which has bitten or attacked a person and has been quarantined pursuant to subsection (c)

Substitute House Bill No. 5145

of this section may authorize the humane euthanization of such dog, cat or other animal by a licensed veterinarian at any time before the end of the fourteenth day of such quarantine. Any such dog, cat or other animal so euthanized before the end of the fourteenth day of quarantine shall be examined for rabies by the Connecticut Department of Public Health virology laboratory or any other laboratory authorized by the Department of Public Health to perform rabies examinations. The veterinarian performing the euthanasia shall be responsible for ensuring that the head of the euthanized animal is delivered by him or his designated agent within forty-eight hours to an appropriate laboratory designated by said department for rabies examination.

(g) Repealed by P.A. 05-175, S. 24.

(h) A person who sustains damage by a dog to such person's poultry, ratite, domestic rabbit, companion animal or livestock as defined in section 22-278 shall make complaint concerning circumstances of the attack by such dog on any such animal or livestock to the Chief Animal Control Officer, any animal control officer or the municipal animal control officer or regional animal control officer of the town in which such dog is owned or kept. An officer to whom such complaint is made shall immediately investigate such complaint. If such officer finds that the complainant's animal has been bitten or attacked by a dog when the attacked animal was not on the premises of the owner or keeper of the attacking dog and provided the complainant's animal was under the control of the complainant or on the complainant's property, such officer, the commissioner, the Chief Animal Control Officer or any animal control officer may make any order concerning the restraint or disposal of such attacking dog as the commissioner or such officer deems necessary. An owner or keeper of such dog who fails to comply with such order shall be [fined not more than two hundred fifty dollars or imprisoned not more than

Substitute House Bill No. 5145

thirty days, or both] guilty of a class D misdemeanor. If the owner or keeper of such dog fails to comply with an order made pursuant to this subsection, the Chief Animal Control Officer or any animal control officer, municipal animal control officer or regional animal control officer may seize the dog to ensure such compliance, and the owner or keeper of such dog shall be responsible for any expenses resulting from such seizure. A person aggrieved by an order of the Chief Animal Control Officer or any animal control officer, municipal animal control officer or regional animal control officer made pursuant to this subsection may request a hearing before the commissioner not later than fourteen days after the issuance of such order. After such hearing, the commissioner may affirm, modify or revoke such order as the commissioner deems proper. A dog owned by a police agency of the state or any of its political subdivisions is exempt from the provisions of this section when such dog is under the direct supervision, care and control of an assigned police officer, has been vaccinated annually and is subject to routine veterinary care.

Sec. 131. Subsection (c) of section 26-47 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(c) Any person who violates any provision of this section, or any condition under which a permit or license is issued, shall be [fined not less than twenty-five dollars or more than two hundred dollars or be imprisoned not more than sixty days or be both fined and imprisoned] guilty of a class D misdemeanor; and any permit or license issued to such person, and all other such permits or licenses issued to any other person for such property, shall be revoked by the commissioner and the right to obtain such permit or license shall remain suspended for such period of time as the commissioner determines.

Sec. 132. Section 26-57 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Substitute House Bill No. 5145

No person shall transport within the state or transport out of the state any fish, bird, mammal, reptile, amphibian or invertebrate for which a closed season is provided without a permit from the commissioner, except as provided in this section. The commissioner may issue a permit to any person to transport within the state or to transport out of the state any fish, bird, mammal, reptile, amphibian or invertebrate protected under the provisions of this chapter under such regulations as the commissioner may prescribe. No fish, bird, mammal, reptile, amphibian or invertebrate shall be transported out of the state unless each unit, package or container is conspicuously tagged or labeled, and such tag or label contains in legible writing the full name and address of the person legally authorized to transport out of the state such fish, bird, mammal, reptile, amphibian or invertebrate. Any such fish, bird, mammal, reptile, amphibian or invertebrate received by any person or by any common carrier within the state, addressed for shipment to any point without the state and not having such tag or label conspicuously attached shall be prima facie evidence of a violation of the provisions of this section. A permit shall not be required to transport within the state or to transport out of the state any fish, bird, mammal, reptile, amphibian or invertebrate which has been legally taken, bred, propagated or possessed by a person to whom a license, registration or permit has been issued under the provisions of this chapter authorizing the taking, breeding, propagating or possessing of fish, birds, mammals, reptiles, amphibians or invertebrates, and no permit shall be required to transport within the state or to transport out of the state any fish, bird, mammal, reptile, amphibian or invertebrate that has been legally taken or acquired by a person exempt from license requirements under the provisions of this chapter. Any person who violates any provision of this section shall be [fined not less than ten dollars or more than two hundred dollars or imprisoned not more than sixty days, or be both fined and imprisoned] guilty of a class D misdemeanor.

Substitute House Bill No. 5145

Sec. 133. Subsection (d) of section 26-61 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(d) [Any] (1) Except as provided in subdivision (2) of this subsection, any person who procures any permit, license or registration to which he is not entitled or engages in fishing, hunting or trapping during the period when his permit, license or registration is voided or suspended shall be fined not less than one hundred [nor] dollars or more than two hundred dollars and all fishing, hunting or trapping permits, licenses or registrations issued to such person shall be suspended for an indefinite period.

(2) Any person who procures any permit, license or registration to which he is not entitled or engages in fishing, hunting or trapping during the period when such permit, license or registration and the privilege to obtain such a permit, license or registration are suspended for an indefinite period shall be [fined not less than two hundred dollars or be imprisoned not more than sixty days or both] guilty of a class D misdemeanor, and, for a further violation in case of such indefinite suspension, shall be [fined not less than two hundred dollars nor more than five hundred dollars or be imprisoned for not more than one year or be both fined and imprisoned] guilty of a class A misdemeanor.

Sec. 134. Section 26-71 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Any person who violates any provision of sections 26-65 to 26-70, inclusive, or any regulation issued by the commissioner pursuant thereto shall be [fined not more than two hundred dollars or be imprisoned not more than sixty days or both] guilty of a class D misdemeanor.

Substitute House Bill No. 5145

Sec. 135. Section 26-72 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

The commissioner may, after notice and public hearing conducted in the manner prescribed by section 26-67, issue regulations governing and prescribing the taking of all species of fur-bearing animals by use of traps within the state. Such regulations may (1) establish the open and closed seasons, (2) establish the legal hours, (3) prescribe the legal methods that may be used, including size, type and kind of traps and the type and kind of bait and lures, (4) designate the places where traps may be placed and set and the conditions under which the placing and setting of traps will be legal, (5) establish the daily bag limit and the season bag limit, and (6) assess a reasonable fee, or develop a comparable equitable plan, for season trapping rights on state-owned property. Assignment of such rights for specific areas may be determined by drawing or by the order in which requests therefor are recorded as received in the office of the commissioner when there is a set fee for such areas, or the method of high bid may be used. No person shall set, place or attend any trap upon the land of another without having in such person's possession the written permission of the owner or lessee of such land, or such owner's or lessee's agent, and no person shall set, place or attend any trap not having the name of the person using such trap legibly stamped thereon or attached thereto, provided the owner or legal occupant of such land or such person as such owner or legal occupant designates may set, place or attend any legal steel trap in any place within a radius of one hundred feet of any permanent building located on such land. No person who sets, places or attends any trap shall permit more than twenty-four hours to elapse between visits to such trap, except that if such twenty-four-hour period expires before sunset, the person who set such trap shall have until sunset to visit the trap. No person shall place, set or attend any snare, net or similar device capable of taking or injuring any animal. The pelt of any fur-bearing animal legally taken may be possessed,

Substitute House Bill No. 5145

sold or transported at any time. Upon demand of any officer having authority to serve criminal process or any representative of the Department of Energy and Environmental Protection, any person in possession of any such pelt shall furnish to such officer or such representative satisfactory evidence that such pelt was legally taken or acquired. No provision of this section shall be construed as prohibiting any landowner or lessee of land used for agricultural purposes or any citizen of the United States, or any person having on file in the court having jurisdiction thereof a written declaration of such person's intention to become a citizen of the United States, who is regularly employed by such landowner or lessee, from pursuing, trapping and killing at any time any fur-bearing animal, except deer, which is injuring any property, or the owner of any farm or enclosure used for breeding or raising any legally acquired fur-bearing animal who has a game breeder's license issued by the commissioner or a fur breeder's license issued by the Department of Agriculture, from taking or killing any such animal legally in his or her possession at any time or having in possession any pelt thereof. No person shall molest, injure or disturb any muskrat house or den at any time. Any fur-bearing animal legally taken alive may be possessed by the person taking the animal, provided the person shall notify the commissioner in a writing signed by the person stating the species and sex of such animal, the date and the name of the town where such animal was taken and the specific address where such animal will be kept. Any representative of the department may at any time inspect such animal and the enclosure or other facilities used to hold such animal and make inquiry concerning the diet and other care such animal should have and if, in the opinion of the commissioner or such representative, such animal is not being provided adequate or proper facilities or care, such animal may be seized by such representative of the department and be disposed of as determined by the commissioner. Fur-bearing animals taken alive, as provided in this section, shall not be sold or exchanged, provided the person who legally possesses such animal may apply to the

Substitute House Bill No. 5145

commissioner for a game breeder's license or to the Department of Agriculture for a fur breeder's license and when so licensed such person may breed such animal and the progeny thereof, and such issue when three generations removed from the wild may be sold or exchanged alive or dead. Any trap illegally set and any snare, net or similar device found placed or set in violation of the provisions of this section shall be seized by any representative of the department and, if not claimed within twenty-four hours, the commissioner may order such trap, snare, net or other device destroyed, sold or retained for use by the commissioner. Any person who violates any provision of this section or any regulation issued by the commissioner shall be [fined not more than two hundred dollars or be imprisoned not more than sixty days, or both] guilty of a class D misdemeanor. Whenever any person is convicted, or forfeits any bond, or has such person's case nolledd upon the payment of any sum of money, or receives a suspended sentence or judgment for a violation of any of the provisions of this section or any regulation issued hereunder by the commissioner, all traps used, set or placed in violation of any such provisions or any such regulation may, by order of the trial court, be forfeited to the state and may be retained for use by the department or may be sold or destroyed at the discretion of the commissioner. The proceeds from any such sale shall be paid to the State Treasurer and the State Treasurer shall credit such proceeds to the General Fund.

Sec. 136. Section 26-81 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Any person who violates any provision of this part for which no other penalty is provided shall be [fined not less than ten dollars or more than two hundred dollars or imprisoned not more than sixty days or be both fined and imprisoned] guilty of a class D misdemeanor.

Sec. 137. Subsection (b) of section 26-90 of the general statutes is

Substitute House Bill No. 5145

repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(b) Any person who violates any provision of this part, or any regulation issued by the commissioner pursuant thereto, for which no other penalty is provided shall be [fined not less than twenty-five dollars nor more than two hundred dollars or imprisoned not more than sixty days or be both fined and imprisoned] guilty of a class D misdemeanor, and the possession of each quadruped or part thereof taken in violation of any such provision shall be a separate offense. Any firearm, shell, cartridge and any other weapon and any other device used, or intended to be used, and found by the trial court to have been in the possession of any person charged with a violation of this section or any provision of section 26-82 or [section] 26-86a, when such person is convicted, or upon the forfeiture of any bond taken upon any such complaint, shall be ordered by the trial court to be forfeited to the state and all such articles shall, by order of said court, be turned over to the commissioner and may be retained for use by the department or assigned by the commissioner to any other state agency, may be sold by the Commissioner of Administrative Services at the request of the commissioner or may be destroyed at the discretion of the commissioner. All [money] moneys collected as a result of any such sale shall be transmitted to the State Treasurer and by him be deposited to the General Fund.

Sec. 138. Section 26-101 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

The commissioner may establish wildlife refuges, closed areas or safety zones on public lands or waters or, providing he first obtains the necessary written consent, on private lands and waters. The commissioner may close any such area, or portion of any such area, to hunting, trapping, fishing, other public use, or trespassing, when he determines such closure to be necessary for the management of any

Substitute House Bill No. 5145

wildlife or plant species or for public safety. The commissioner shall cause notice of such closure, including the length of any such closure, to be posted near the boundary lines or near any area, or portion of any area, closed pursuant to this section. Any person who uses any area in violation of any such notice of closure shall be [fined not more than two hundred dollars or be imprisoned not more than sixty days or both] guilty of a class D misdemeanor.

Sec. 139. Section 26-159a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

To establish and manage populations of marine and anadromous finfish and marine arthropods and to facilitate the establishment of unified coast-wide regulations in accordance with the provisions of fishery management plans developed pursuant to the Fishery Conservation and Management Act of 1976 (Public Law 94-265, as amended) or other regional fishery management authorities, the Commissioner of Energy and Environmental Protection may adopt regulations in accordance with the provisions of chapter 54 governing possession of such species, sport fishing and commercial fishing by persons fishing for such species in the waters of this state or landing such species in this state, regardless of where such species were taken. Such regulations may: (1) Establish the open and closed seasons; (2) establish hours, days or periods during the open season when fishing shall not be permitted in designated waters or areas for all or limited species by all or limited methods; (3) establish legal lengths; (4) prescribe the legal methods of sport fishing for all or limited species; (5) establish for sport fishing the daily creel limit, the season creel limit and the possession limit; (6) restrict sport fishing from boats and other floating devices and sport fishing from designated areas; (7) determine the species which may be taken by commercial fishing methods, provided striped bass, Atlantic salmon, other anadromous salmon, brown trout, rainbow trout and brook trout may only be taken by

Substitute House Bill No. 5145

angling and, if taken in the waters of this state, shall not be sold, bartered, exchanged or offered for sale, barter or exchange; (8) prescribe the legal methods of commercial fishing; (9) determine the specifications, materials and dimensions of nets, seines, fykes, traps, pounds, trawls, trolling gear, long lines, set lines and other commercial fishing gear used in the waters of this state; (10) regulate the use of commercial fishing gear, including boats; (11) determine the number and size of finfish and marine arthropods which may be taken by commercial fishermen; (12) determine the total number and pounds of finfish and marine arthropods, by species, which may be taken by commercial fishing methods or for commercial purposes during a calendar year or lesser period; (13) prohibit the landing of protected species; (14) for a fishing derby or tournament, require that such activity be registered and that an accurate report of all fish tagged, marked and taken, time spent on an area and any other data required by the commissioner for management purposes be returned within a specified period of time. Any person who violates any regulation concerning sport fishing adopted in accordance with the provisions of chapter 54 and this section shall have committed an infraction and may pay the fine by mail or plead not guilty under the provisions of section 51-164n, except that any person who violates any regulation adopted in accordance with the provisions of chapter 54 and this section pertaining to the taking of striped bass shall be fined one hundred dollars for each fish taken or possessed for the first violation, be fined two hundred dollars for each fish taken or possessed for the second violation and [for each subsequent violation shall] be fined five hundred dollars for each fish taken or possessed or imprisoned not more than [sixty] thirty days, or both for each subsequent violation. No part of any fine imposed for the taking or possession of any striped bass in violation of any such regulation shall be remitted.

Sec. 140. Section 26-228 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Substitute House Bill No. 5145

Any person who, between sunset and sunrise, takes or collects any shells or shellfish from the shores or waters in this state shall be fined not less than one hundred dollars or more than five hundred dollars [nor less than one hundred dollars] or imprisoned not more than [sixty] thirty days or [be both fined and imprisoned] both.

Sec. 141. Section 26-229 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Any person who wilfully injures, removes or displaces any range monument, signal, beacon, boundstone, post or buoy, or any part, appurtenance or enclosure thereof, erected, constructed or set by the Commissioner of Agriculture, or by his order, on the land or water of this state, for the purpose of designating, locating, surveying or mapping any shellfish grounds, shall be [fined not more than one hundred fifty dollars or imprisoned not more than ninety days or both] guilty of a class D misdemeanor.

Sec. 142. Section 29-243 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Any person who violates any provision of this chapter or of the code or other regulations relating to this chapter, or who obstructs the commissioner or his agents engaged in their duties under this chapter, for a first offense, shall be fined not more than one hundred dollars and, for each subsequent offense, shall be [fined not more than five hundred dollars or imprisoned not more than four months or both] guilty of a class C misdemeanor.

Sec. 143. Subsection (a) of section 43-9 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(a) (1) Any person who, by himself or by his servant or agent or as the servant or agent of another, offers or exposes for sale, sells or uses

Substitute House Bill No. 5145

in the buying or selling of any commodity or thing or for hire or reward or retains in his possession a false weight or measure or weighing or measuring device or any weight or measure or weighing or measuring device which has not been sealed by the sealer of weights and measures within one year; or who disposes of any condemned weight, measure or weighing or measuring device contrary to the provisions of the statutes; or tampers with, marks, defaces, removes, forges or counterfeits any seal or tag attached to a weighing or measuring instrument or device by a sealer of weights and measures; or who knowingly sells, offers or exposes for sale less than the quantity he represents; or who buys and receives any commodity the weight or measure of which is determined by weights or measures of the purchaser and gives credit or pays for a quantity of such commodity less than that received by him; or who sells or offers or exposes for sale any commodity in a manner contrary to the provisions of the statutes; or who sells or offers for sale or has in his possession for the purpose of selling any device or instrument to be used to, or calculated to, falsify any weight or measure, shall, upon a first conviction, be fined not less than fifty dollars nor more than three hundred dollars or imprisoned not more than three months or be both fined and imprisoned. Upon any subsequent conviction any such person shall be fined not less than one hundred dollars nor more than one thousand dollars or imprisoned not more than one year or be both fined and imprisoned.

(2) Any person who hinders or obstructs the Commissioner of Weights and Measures or any inspector or any municipal sealer in the performance of his official duties shall be [fined not less than two dollars nor more than two hundred dollars or imprisoned not more than ninety days or be both fined and imprisoned] guilty of a class D misdemeanor.

(3) Any person who impersonates the Commissioner of Weights

Substitute House Bill No. 5145

and Measures or any inspector or any municipal sealer, by use of his seal or a counterfeit of his seal, or otherwise, shall be fined not less than one hundred dollars nor more than five hundred dollars or imprisoned not more than one year or be both fined and imprisoned.

Sec. 144. Section 15-77 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(a) No person shall operate or attempt to operate any aircraft on the ground or in the air while under the influence of intoxicating liquor or of any drug.

(b) No person shall operate or attempt to operate any aircraft on the ground or in the air carrying passengers who are under the influence of intoxicating liquor or of any drug.

(c) Any person who violates any provision of this section shall, for a first offense, be [fined not more than one hundred dollars or imprisoned not more than sixty days or both, for a first offense,] guilty of a class C misdemeanor and, [shall be fined not more than five hundred dollars or imprisoned not more than one year or both, upon any subsequent conviction of a violation of this section] for any subsequent offense, be guilty of a class A misdemeanor.

Sec. 145. Section 15-97 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Any person who violates any provision of sections 15-88 to 15-96, inclusive, or any regulation, order, zoning ordinance or ruling promulgated or made pursuant thereto, shall (1) for a first offense, be fined not more than [twenty-five dollars or imprisoned not more than sixty days or both, and each] two hundred fifty dollars, and (2) for any subsequent offense, be guilty of a class D misdemeanor. Each day a violation continues to exist shall constitute a separate offense. In addition, either the municipality within which the property is located

Substitute House Bill No. 5145

or the commissioner may institute, in any court of competent jurisdiction, an action to prevent, restrain, correct or abate any violation thereof, or of airport zoning regulations adopted thereunder, or of any order or ruling made in connection with their administration or enforcement, and the court shall adjudge to the plaintiff such relief, by way of injunction, which may be mandatory, or otherwise, as may be proper under all the facts and circumstances of the case, in order fully to effectuate the purpose of said sections and of the regulations adopted and orders and rulings made pursuant thereto.

Sec. 146. Section 21a-19 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Any person violating any provision of sections 21a-14 to 21a-17, inclusive, shall [,] (1) for [the] a first offense, be fined not more than [one hundred dollars or imprisoned not more than sixty days or both. For each subsequent offense, he shall be fined not more than two hundred dollars or imprisoned not more than four months, or both] two hundred fifty dollars, and (2) for any subsequent offense, be guilty of a class C misdemeanor.

Sec. 147. Subsection (a) of section 21a-159 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(a) Any person who violates any provision of this chapter, or any regulation made thereunder, or fails to comply with an order of the Commissioner of Consumer Protection, shall [be fined not more than fifty dollars for the first offense, shall be fined not more than one hundred dollars or imprisoned not more than ten days for the second offense and shall be fined not more than two hundred dollars and imprisoned not more than thirty days for each subsequent offense] (1) for a first offense, be fined not more than two hundred fifty dollars, and (2) for any subsequent offense, be guilty of a class D misdemeanor.

Substitute House Bill No. 5145

Sec. 148. Section 22-362 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Any person owning or having the custody of any dog which habitually goes out on any highway and growls, bites, or snaps at, or otherwise annoys, any person or domestic animal lawfully using such highway or chases or interferes with any motor vehicle so using such highway, shall be [fined not less than twenty-five or more than fifty dollars or imprisoned not more than thirty days for the first offense or both and for each subsequent offense shall be fined not less than fifty dollars or more than one hundred dollars or imprisoned not more than sixty days or both] guilty of a class D misdemeanor.

Sec. 149. Subsection (c) of section 23-65 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(c) Any person, firm or corporation which deposits or throws any advertisement within the limits of any public way or grounds, or upon private premises or property, unless the same is left at the door of the residence or place of business of the occupant of such premises or property, or deposits or throws any refuse paper, camp or picnic refuse, junk or other material within the limits of any public way or grounds, except at a place designated for that purpose by the authority having supervision and control of such public way or grounds, or upon private premises or property without permission of the owner thereof, or affixes to or maintains upon any tree, rock or other natural object within the limits of a public way or grounds any paper or advertisement other than notices posted in accordance with the provisions of the statutes, or affixes to or maintains, upon the property of another without his consent, any word, letter, character or device intended to advertise the sale of any article, shall [be fined not more than fifty dollars or imprisoned not more than six months or both for each offense] (1) for a first offense, be fined not more than two

Substitute House Bill No. 5145

hundred fifty dollars, and (2) for any subsequent offense, be guilty of a class C misdemeanor.

Sec. 150. Section 26-76 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

The possession limit for game birds, wild quadrupeds, reptiles and amphibians, during the open or closed season, shall not exceed the season limits provided by statute or by regulations made by the commissioner. Possession on the annual opening day of the open season shall be limited to the daily bag limit for any species of game bird, wild quadruped, reptile or amphibian. Possession in storage of such species on each succeeding day shall not exceed the accumulated daily bag limit for one person for any species. Possession of such species, except in storage, shall not exceed the daily bag limit for any species. The provisions of this section shall not affect possession limits established for migratory game birds by the United States Fish and Wildlife Service, licensed game and fur breeders or persons authorized to possess game birds, wild quadrupeds, reptiles or amphibians by the commissioner. Each game bird, wild quadruped, reptile or amphibian or part thereof, possessed contrary to the provisions of this section or any regulation issued by the commissioner, shall constitute a separate offense. Any person who violates any provision of this section or any regulation made by the commissioner relating to possession limits shall [be fined not more than two hundred dollars or be imprisoned not more than sixty days or both] (1) for a first offense, be fined not more than two hundred fifty dollars, and (2) for any subsequent offense, be guilty of a class D misdemeanor.

Sec. 151. Subsection (a) of section 26-80a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(a) [Upon the conviction of any] Any person who takes moose or

Substitute House Bill No. 5145

bear in violation of this part [,] shall (1) for a first offense, be fined not more than five hundred dollars or imprisoned not more than thirty days, or both, and the Commissioner of Energy and Environmental Protection shall suspend such person's hunting license for a period of not less than one year, [and such person shall, for a first offense, be fined not less than five hundred dollars or be imprisoned not more than ninety days, or both. For a second violation,] (2) for a second offense, be fined not more than seven hundred fifty dollars or imprisoned not more than three months, or both, and the commissioner shall suspend such person's hunting license for a period of not less than two years, and [such person shall be fined not less than seven hundred fifty dollars or be imprisoned not more than one hundred twenty days, or both. For] (3) for a third or subsequent offense, be fined not more than one thousand dollars or imprisoned not more than six months, or both, and the commissioner shall permanently revoke such person's hunting license. [, and such person shall be fined not less than one thousand dollars or be imprisoned not more than one hundred eighty days, or both.]

Sec. 152. Section 26-186 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Any person who violates any provision of this part for which no other penalty is provided shall [be fined not more than two hundred fifty dollars or imprisoned not more than thirty days or both] (1) for a first offense, be fined not more than two hundred fifty dollars, and (2) for any subsequent offense, be guilty of a class D misdemeanor, and each fish or crustacean taken or possessed in violation of any provision of said sections shall constitute a separate offense, except that any person who violates any provision of section 26-143a, 26-154 or 26-155 shall be guilty of a class D misdemeanor, and each fish or crustacean taken or possessed in violation of any provision of said sections shall constitute a separate offense.

Substitute House Bill No. 5145

Sec. 153. Section 26-226 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Any person who wilfully injures any oyster enclosure legally designated, marked out and enclosed or removes any buoys or stakes used to mark out any oyster ground, or who takes any shells from such enclosure, shall [be fined not more than fifty dollars or imprisoned not more than thirty days; on a second conviction, the person shall be fined not less than fifty dollars or more than one hundred dollars and imprisoned not less than thirty days or more than ninety days, and, on each subsequent conviction, the person shall be fined one hundred fifty dollars and imprisoned not more than six months] (1) for a first offense, be fined not more than two hundred fifty dollars, and (2) for any subsequent offense, be guilty of a class C misdemeanor.

Sec. 154. Section 26-231 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Any person who, without the written permission of the owner or lessee of any properly designated oyster ground, tows or assists in towing under water any dredge, trawl or contrivance for taking fish or shellfish, in a manner to cause it to come into contact with any such ground or any shellfish thereon, shall be fined not more than [fifty dollars or imprisoned not more than thirty days or both] two hundred fifty dollars and shall forfeit his right to fish in the marine district of Connecticut for one year. [, and for a second offense shall be fined not more than one hundred dollars or imprisoned not more than sixty days or both.]

Sec. 155. Section 29-198 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Any person who violates any of the provisions of sections 29-191 to 29-197, inclusive, or the regulations of the department herein provided

Substitute House Bill No. 5145

for shall [,] (1) for the first offense, be fined not [less than twenty-five dollars nor more than one hundred dollars and,] more than two hundred fifty dollars, and (2) for each subsequent offense, [shall be fined not less than one hundred dollars nor more than five hundred dollars or imprisoned for not less than thirty days nor more than one hundred and eighty days or be both fined and imprisoned] be guilty of a class B misdemeanor.

Sec. 156. Section 35-20 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

No person, other than the owner of such name, mark or device, shall fill with soda water, mineral water or aerated water, near beer, cider, ginger ale, milk, cream or other beverage, or with any medicine, medicinal preparation, perfumery, oil, compound or mixture, any bottle, can, jar, box or siphon, or shall use any towel, coat, apron or toilet cabinet, which is so marked or distinguished with or by any name, mark or device, a description of which has been filed as provided in section 35-19, by supplying, furnishing or renting the same to others for hire or compensation, or shall deface, erase, obliterate, cover up or otherwise remove or conceal any such name, mark or device thereon, or shall sell, buy, give, take or otherwise dispose of or traffic in the same, without the written consent of the person whose mark or device shall be or has been in or upon the bottle, can, jar, box or siphon so filled, trafficked in, used or handled, or whose name, mark or device shall be or shall have been upon the towel, coat, apron or toilet cabinet so unlawfully used. Any person, acting for himself or as the agent of any person, firm or corporation, who violates any provision of this section shall [,] (1) for the first offense, be fined not more than [five dollars or imprisoned not more than thirty days or both, for each such bottle, jar, siphon or towel, and not more than ten dollars for each such can, box, coat, apron or toilet cabinet so filled, sold, used, supplied, disposed of, brought or trafficked in and,] two

Substitute House Bill No. 5145

hundred fifty dollars, and (2) for each subsequent offense, [shall be fined not more than ten dollars or imprisoned not more than one year or both, for each such bottle, can, jar, box, siphon, towel, coat, apron or toilet cabinet so filled, sold, used, supplied, disposed of, bought or trafficked in] be guilty of a class C misdemeanor.

Sec. 157. Subsection (a) of section 43-9 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(a) (1) Any person (A) who, by himself or by his servant or agent or as the servant or agent of another, offers or exposes for sale, sells or uses in the buying or selling of any commodity or thing or for hire or reward or retains in his possession a false weight or measure or weighing or measuring device or any weight or measure or weighing or measuring device which has not been sealed by the sealer of weights and measures within one year; or (B) who disposes of any condemned weight, measure or weighing or measuring device contrary to the provisions of the statutes; or (C) who tampers with, marks, defaces, removes, forges or counterfeits any seal or tag attached to a weighing or measuring instrument or device by a sealer of weights and measures; or (D) who knowingly sells, offers or exposes for sale less than the quantity he represents; or (E) who buys and receives any commodity the weight or measure of which is determined by weights or measures of the purchaser and gives credit or pays for a quantity of such commodity less than that received by him; or (F) who sells or offers or exposes for sale any commodity in a manner contrary to the provisions of the statutes; or (G) who sells or offers for sale or has in his possession for the purpose of selling any device or instrument to be used to, or calculated to, falsify any weight or measure, shall, [upon a first conviction, be fined not less than fifty dollars nor more than three hundred dollars or imprisoned not more than three months or be both fined and imprisoned. Upon any subsequent conviction any such

Substitute House Bill No. 5145

person shall be fined not less than one hundred dollars nor more than one thousand dollars or imprisoned not more than one year or be both fined and imprisoned] for a first offense, be guilty of a class C misdemeanor and, for any subsequent offense, be guilty of a class B misdemeanor.

(2) Any person who hinders or obstructs the Commissioner of Weights and Measures or any inspector or any municipal sealer in the performance of his official duties shall be fined not less than two dollars nor more than two hundred dollars or imprisoned not more than ninety days or be both fined and imprisoned.

(3) Any person who impersonates the Commissioner of Weights and Measures or any inspector or any municipal sealer, by use of his seal or a counterfeit of his seal, or otherwise, shall be fined not less than one hundred dollars nor more than five hundred dollars or imprisoned not more than one year or be both fined and imprisoned.

Sec. 158. Section 43-34 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Any person who, by himself [] or his employee or agent, or as the employee or agent of another, violates any of the provisions of sections 43-31 to 43-33, inclusive, shall [, upon a first conviction, be fined not less than twenty dollars nor more than two hundred dollars or imprisoned not more than three months or be both fined and imprisoned. Upon any subsequent conviction any such person shall be fined not less than fifty dollars nor more than five hundred dollars or imprisoned not more than one year or be both fined and imprisoned] (1) for a first offense, be guilty of a class C misdemeanor, and (2) for any subsequent offense, be guilty of a class B misdemeanor.

Sec. 159. Subsection (a) of section 2-46 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective*

Substitute House Bill No. 5145

October 1, 2012):

(a) The president of the Senate, the speaker of the House of Representatives, or a chairman of the whole, or of any committee of either house, of the General Assembly, or either of the chairmen of the Legislative Program Review and Investigations Committee shall have the power to compel the attendance and testimony of witnesses by subpoena and *capias* issued by any of them, require the production of any necessary books, papers or other documents and administer oaths to witnesses in any case under their examination including any program review or investigation, as defined in section 2-53d. Any person, summoned as a witness by the authority of either house of the General Assembly or said Legislative Program Review and Investigations Committee to give testimony or to produce books, papers or other documents upon any matter under inquiry before either house, or any committee of either house, of the General Assembly, or a joint committee of both houses, who wilfully makes default or, having appeared, refuses to be sworn or to answer any question pertinent to the question under inquiry, shall be [fined not more than one thousand dollars nor less than one hundred dollars and imprisoned for not less than one month nor more than twelve months] guilty of a class A misdemeanor.

Sec. 160. Subdivision (1) of subsection (g) of section 10a-224 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(g) (1) No member of the board or officer, agent or employee of the authority shall, directly or indirectly, have any financial interest in any participating institution for higher education or in any corporation, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest, or any other legal or commercial entity contracting with the authority. Any individual who violates the provisions of this subsection shall be [punished by a fine

Substitute House Bill No. 5145

of] fined not less than fifty dollars [nor] or more than one thousand dollars [, or by imprisonment for] or imprisoned not more than [one month] thirty days, or both.

Sec. 161. Subsection (d) of section 14-35a of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(d) Any motor carrier who violates the provisions of subsection (b) or (c) of this section shall, for a first offense, be fined not less than five hundred dollars or more than one thousand dollars [,] or imprisoned not more than [ninety days] three months, or both, and, for any subsequent offense, be fined not less than one thousand dollars or more than two thousand dollars [,] or imprisoned not more than one year, or both.

Sec. 162. Section 14-67v of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Any person, or any officer or agent of any firm or corporation, who establishes, operates or maintains a motor vehicle recycler's yard or motor vehicle recycler's business in any location within a restricted district created under the provisions of this subpart (H), or establishes, operates or maintains such yard or business without procuring such certificate of approval from the local authority or establishes, operates or maintains an intermediate processor in violation of any provision of this subpart (H), or transports or hauls any motor vehicle or used parts of a motor vehicle in violation of any provision of this subpart (H) or violates any provision of this subpart (H), shall be [fined not more than one hundred dollars or imprisoned not more than ninety days or both] guilty of a class C misdemeanor. Each day of such establishment, operation or maintenance in violation [hereof] of this section shall constitute a separate offense. The Commissioner of Motor Vehicles may, after notice and hearing, impose a civil penalty of not more than

Substitute House Bill No. 5145

two thousand dollars on any person, firm or corporation that establishes, operates or maintains such yard or business, uses the title "motor vehicle recycler" or advertises or holds itself out as a motor vehicle recycler without a license. In addition to the penalties herein prescribed, the Commissioner of Motor Vehicles or the local authority, upon a violation of any of the provisions of this subpart (H), may bring an application to the superior court for the judicial district where such yard or business is located to enjoin a further operation or maintenance of such yard or business and to abate the same as a public nuisance. Said court may, upon finding such yard or business has been established, operated or maintained in violation of the provisions of this subpart (H), issue such injunction as it deems equitable and make such order for the discontinuance or abatement of such yard or business as a nuisance as it finds to be necessary, including authorization to the Commissioner of Motor Vehicles to enter such yard or business to eliminate, at the expense of the defendant, the conditions which constitute the violation of any provision of this subpart (H).

Sec. 163. Subsection (d) of section 14-163e of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(d) Any person, motor carrier or licensed dealer or repairer who violates the provisions of subsection (a) or (b) of this section shall be subject to the penalties prescribed in subsection (e) of section 14-163c. In addition to any civil penalties prescribed in subsection (e) of section 14-163c, any person, motor carrier or licensed dealer or repairer who violates the provisions of subsection (c) of this section shall, for a first offense, be fined not more than one thousand dollars or imprisoned not more than [ninety days] three months, or both, and, for any subsequent offense, be fined not [less] more than two thousand dollars or imprisoned not more than one year, or both.

Substitute House Bill No. 5145

Sec. 164. Subsection (b) of section 14-215 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(b) (1) Except as provided in subsection (c) of this section, any person who violates any provision of subsection (a) of this section shall, for a first offense, be fined not less than one hundred fifty dollars or more than two hundred dollars or imprisoned not more than [ninety days] three months, or be both fined and imprisoned, and, for any subsequent offense, [shall] be fined not less than two hundred dollars or more than six hundred dollars or imprisoned not more than one year, or be both fined and imprisoned.

(2) Except as provided in subsection (c) of this section, in addition to the penalty prescribed under subdivision (1) of this subsection, any person who violates any provision of subsection (a) of this section who (A) has, prior to the commission of the present violation, committed a violation of subsection (a) of this section or section 14-36 shall be fined not more than five hundred dollars or sentenced to perform not more than one hundred hours of community service, or (B) has, prior to the commission of the present violation, committed two or more violations of subsection (a) of this section or section 14-36, or any combination thereof, shall be sentenced to a term of imprisonment of one year, ninety days of which may not be suspended or reduced in any manner.

Sec. 165. Subsection (b) of section 14-215a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(b) Any person who violates the provisions of subsection (a) of this section shall, for a first offense, be fined not less than one hundred fifty dollars or more than two hundred dollars or imprisoned not more than [ninety days] three months, or both, and, for any subsequent offense,

Substitute House Bill No. 5145

be fined not less than two hundred dollars or more than six hundred dollars or imprisoned not more than one year, or both.

Sec. 166. Subsection (e) of section 14-299a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(e) Any person who violates any provision of subsection (b), (c) or (d) of this section shall be fined not more than five thousand dollars or imprisoned not more than [ninety days] three months, or both.

Sec. 167. Subsection (e) of section 15-7 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(e) Any person who violates or assists in violating any of the provisions of subsection (b) of this section or any direction or order of the commissioner made pursuant thereto shall be [fined not more than one thousand dollars or imprisoned not more than ninety days, or both] guilty of a class C misdemeanor.

Sec. 168. Subsection (b) of section 15-115 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(b) Any owner or operator who knowingly makes a false statement or representation of a material fact in a report to or written instrument filed with the commissioner shall be [fined not less than one hundred dollars nor more than one thousand dollars or imprisoned for not more than ninety days or both] guilty of a class C misdemeanor.

Sec. 169. Subsection (c) of section 15-156 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Substitute House Bill No. 5145

(c) Except as provided in subsection (d) of this section, any person who violates any provision of subsection (b) of this section shall, for a first offense, be fined not less than one hundred fifty dollars or more than two hundred dollars or imprisoned not more than [ninety days] three months, or be both fined and imprisoned, [for the first offense,] and, for any subsequent offense, [shall] be fined not less than two hundred dollars or more than six hundred dollars or imprisoned not more than one year, or be both fined and imprisoned.

Sec. 170. Subsection (e) of section 19a-92a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(e) Any person who violates any provision of this section shall be [fined not more than one hundred dollars or imprisoned not more than ninety days, or both] guilty of a class C misdemeanor.

Sec. 171. Section 20-407 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Any person who violates any provision of this chapter shall for each offense be [fined not more than five hundred dollars or be imprisoned for not more than ninety days or both] guilty of a class C misdemeanor.

Sec. 172. Subsection (a) of section 21-35h of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(a) Any person who [shall advertise, hold, conduct or carry] advertises, holds, conducts or carries on any sale of goods, wares or merchandise under the description of "closing-out sale" contrary to the provisions of this chapter [,] or violates any of the provisions of this chapter shall be [fined not more than five hundred dollars or imprisoned not more than ninety days or both] guilty of a class C

Substitute House Bill No. 5145

misdemeanor.

Sec. 173. Subsection (d) of section 22-272a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(d) Any person who violates the provisions of this section shall be [fined not more than five hundred dollars or imprisoned not more than ninety days or both] guilty of a class C misdemeanor. The commissioner, or any meat inspector acting under his direction, may seize any animal slaughtered in violation of the provisions of this section and the commissioner may, at his discretion, sell or otherwise dispose of the same. The proceeds from any such sale shall be paid to the State Treasurer to be credited to the General Fund.

Sec. 174. Section 22a-45c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

When any work has been conducted in accordance with section 22a-45b that is subject to the approval of the Commissioner of Energy and Environmental Protection, said commissioner shall keep the same in repair and free from obstruction or otherwise treat such areas so as to make such work effective. Said commissioner may appoint one or more agents to supervise the work done under the provisions of this section and section 22a-45b, who may exercise the authority granted to said commissioner. The expenses of said commissioner and said agents in carrying out the provisions of this section and section 22a-45b shall be paid from funds provided by appropriations by the state for such purpose. The Comptroller may advance to said commissioner such amounts, within the appropriations therefor, as are necessary to meet the current expenses for work authorized under the provisions of this section and section 22a-45b. Any person obstructing the work of examining, surveying or ditching or otherwise treating such mosquito-breeding areas, or obstructing any ditch, canal or drain, or the natural

Substitute House Bill No. 5145

outlet of any marsh-forming and mosquito-breeding areas, shall be [fined not more than one hundred dollars or imprisoned not more than ninety days or both] guilty of a class C misdemeanor.

Sec. 175. Section 26-6b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Any person who, upon request or signal of any conservation officer or special conservation officer performing his duty pursuant to section 26-6, fails to stop or remain stopped until such officer reaches his immediate vicinity and makes known to him the reason for the request or signal, or any person who fails to stand by for inspection of any container in his possession on request from such officer under such circumstances or who disposes of any fish, crustacean or container of any kind, or its contents, after being requested or signaled to stop by such officer but before such officer has inspected the same shall be [fined not less than fifty or more than five hundred dollars or imprisoned not more than ninety days or both] guilty of a class C misdemeanor.

Sec. 176. Section 26-192f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Any person, firm or corporation (1) harvesting or taking shellfish from an area closed and posted by the Department of Agriculture against the removal of shellfish, except as provided in section 26-192h, or an area closed by commercial shellfish transplant license issuance or by order of the local director of health with the approval of the department, (2) misusing any shipping tag or license in violation of section 26-192c, (3) mislabeling shellfish shipments or deliveries with any false information, (4) failing to identify shellfish shipments or deliveries in accordance with the National Shellfish Sanitation Program Model Ordinance, as amended from time to time, (5) harvesting shellfish from undesignated grounds, or (6) harvesting

Substitute House Bill No. 5145

shellfish from designated grounds not listed on a license issued by the Department of Agriculture to such person, firm or corporation shall be fined (A) one thousand dollars, or (B) three times the market value of any shellfish taken, based on the quantity and type involved in the violation if such amount is greater than one thousand dollars, or imprisoned not more than [twelve months] one year. The Commissioner of Agriculture may revoke any license issued by said commissioner for up to sixty days for the second violation of this section within six months and up to ninety days for a third violation of this section within nine months. Any person who defaces or removes a sign posted by the Department of Agriculture in accordance with the provisions of section 26-192e shall be fined not more than five hundred dollars or imprisoned not more than six months. The provisions of this section are in addition to and in no way derogate any other enforcement provisions or penalties contained in any other section of the general statutes.

Sec. 177. Subsection (d) of section 26-235 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(d) Any person who takes clams from an area closed and posted against the taking of clams by the Department of Agriculture or from an area closed by license issuance or by order of a local health department shall be fined not less than seventy-five dollars or more than one thousand dollars or three times the market value of any clams taken, based on the quantity and type involved in the violation, if such amount is greater than one thousand dollars, or imprisoned not more than [twelve months] one year.

Sec. 178. Subsection (d) of section 29-357 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Substitute House Bill No. 5145

(d) Any person, firm or corporation violating the provisions of this section shall be [fined not more than one hundred dollars or imprisoned not more than ninety days or be both fined and imprisoned] guilty of a class C misdemeanor, except that (1) any person, firm or corporation violating the provisions of subsection (a) of this section by offering for sale, exposing for sale or selling at retail or possessing with intent to sell any fireworks with a value exceeding ten thousand dollars shall be guilty of a class A misdemeanor, and (2) any person, firm or corporation violating any provision of subsection (b) of this section or any regulation adopted thereunder shall be guilty of a class A misdemeanor, except if death or injury results from any such violation, such person, firm or corporation shall be [fined not more than ten thousand dollars or imprisoned not more than ten years, or both] guilty of a class C felony.

Sec. 179. Subsection (d) of section 29-357 of the general statutes, as amended by section 17 of public act 09-177 and section 6 of public act 10-54, is repealed and the following is substituted in lieu thereof (*Effective January 1, 2013*):

(d) Any person, firm or corporation violating the provisions of this section shall be [fined not more than one hundred dollars or imprisoned not more than ninety days or be both fined and imprisoned] guilty of a class C misdemeanor, except that (1) any person, firm or corporation violating the provisions of subsection (a) of this section by offering for sale, exposing for sale or selling at retail or possessing with intent to sell any fireworks with a value exceeding ten thousand dollars shall be guilty of a class A misdemeanor, and (2) any person, firm or corporation violating any provision of subsection (b) of this section or any regulation adopted thereunder shall be guilty of a class A misdemeanor, except if death or injury results from any such violation, such person, firm or corporation shall be [fined not more than ten thousand dollars or imprisoned not more than ten years, or

Substitute House Bill No. 5145

both] guilty of a class C felony.

Sec. 180. Section 29-366 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Any person, firm or corporation violating the provisions of sections 29-358 to 29-365, inclusive, shall be [fined not more than one hundred dollars or imprisoned not more than ninety days or be both fined and imprisoned] guilty of a class C misdemeanor.

Sec. 181. Section 29-366 of the general statutes, as amended by section 24 of public act 09-177 and section 6 of public act 10-54, is repealed and the following is substituted in lieu thereof (*Effective January 1, 2013*):

Any person, firm or corporation violating the provisions of sections 29-359 to 29-365, inclusive, shall be [fined not more than one hundred dollars or imprisoned not more than ninety days or be both fined and imprisoned] guilty of a class C misdemeanor.

Sec. 182. Section 38a-734 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

No person, acting in the capacity of a certified insurance consultant and as such serving any person, firm, association, organization or corporation, not engaged in the insurance business, for compensation paid or to be paid by the person served, shall directly or indirectly receive any part of any commission or compensation paid by any insurer or producer in connection with the sale or writing of any insurance which is within the subject matter of any such service. The provisions of this section shall not apply to an insurance producer who is an advisory representative of a registered investment adviser registered pursuant to the Investment Advisers Act of 1940, 15 USC 80b-1, et seq., provided the insurance producer makes full disclosure in a written memorandum, signed by the party to be charged, which

Substitute House Bill No. 5145

specifies the amount of such fee or compensation for services performed pursuant to the Investment Advisers Act of 1940 and which also discloses that a commission may be paid to the insurance producer from the sale of any insurance. Any person violating the provisions of this section shall be fined not less than two hundred fifty dollars or more than two thousand five hundred dollars or [be] imprisoned not less than thirty days or more than [ninety days] three months, or both.

Sec. 183. Subsection (a) of section 42-115u of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(a) Any person who violates any provision of this chapter shall be [fined not more than five hundred dollars or imprisoned not more than ninety days or both] guilty of a class C misdemeanor.

Sec. 184. Subsection (a) of section 42-141 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(a) Any person who violates any provision of this chapter shall be [fined not more than five hundred dollars or imprisoned not more than ninety days or both] guilty of a class C misdemeanor. Any sale made in respect to which a commission, rebate or discount is offered in violation of the provisions of this chapter shall be voidable at the option of the buyer.

Sec. 185. Section 43-16q of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(a) Any person who requests a licensed public weigher to weigh any property, produce, commodity or article falsely or incorrectly, or who requests a false or incorrect weight certificate, or any person who issues a weight certificate simulating the weight certificate prescribed

Substitute House Bill No. 5145

in this chapter and who is not a licensed public weigher, shall, [upon conviction] for the first offense, be fined not less than twenty-five dollars [nor] or more than one hundred dollars [; and upon a second or subsequent conviction shall be fined not less than one hundred dollars nor more than five hundred dollars, or be imprisoned not less than thirty days nor more than ninety days, or be both fined and imprisoned] and, for any subsequent offense, be guilty of a class C misdemeanor.

(b) Any licensed public weigher who falsifies a weight certificate, or who delegates his authority to any person not licensed as a licensed public weigher, or who preseals a weight certificate with his official seal before performing the act of weighing, shall be [fined not less than fifty dollars nor more than five hundred dollars, or be imprisoned not less than thirty days nor more than ninety days or both] guilty of a class C misdemeanor.

(c) Any person who violates any provision of this chapter or any rule or regulation promulgated pursuant thereto for which no specific penalty has been provided shall be fined not less than twenty-five dollars [nor] or more than one hundred dollars.

(d) The Commissioner of Consumer Protection, after conducting a hearing in accordance with the provisions of chapter 54, may impose a civil penalty of not more than one hundred dollars for the first offense and [of] not more than five hundred dollars for any subsequent offense on any person who violates any provision of this chapter or any regulation adopted pursuant to this chapter. Each violation with respect to each such unit, certificate, device or scale shall be considered a separate offense.

Sec. 186. Section 53-329 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Substitute House Bill No. 5145

No person, firm or corporation shall possess, use, distribute, exchange, sell or offer for sale in this state any goods, wares or merchandise manufactured, produced or mined wholly or in part by convicts or prisoners of this or any other state, except convicts or prisoners on parole or probation; provided nothing in this section shall be construed to forbid the sale of such goods to the state or any political subdivision thereof, or to any public institution owned and managed or controlled by the state or by any political subdivision thereof, when such goods are to be used or possessed solely by the state, such political subdivision thereof or such institution, or to any person, firm or corporation which may purchase such goods for its use or consumption but not for resale, when such purchase has been approved by the Commissioner of Administrative Services or to forbid sales under the provisions of section 18-46a. Nothing in this section shall be construed to forbid the sale of products or by-products of farming operations conducted for the dual purpose of keeping convicts or prisoners employed and of producing food for use in state institutions, such by-products to include but not to be limited to bulls or bull calves or parts of carcasses thereof resulting from operations conducted to produce milk and cockerel chicks resulting from the incubation of eggs in egg-production activities. The proceeds from all sales resulting from such activities shall be paid to the Treasurer and credited to the industrial fund for the institutions of the Department of Correction created pursuant to section 18-88. Any person who violates any provision of this section shall be [fined not more than one thousand dollars or imprisoned not more than ninety days or be both fined and imprisoned] guilty of a class C misdemeanor.

Sec. 187. Section 7-46 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

The registrars shall complete the records of their respective towns by adding thereto a record of all the births, marriages, deaths and fetal

Substitute House Bill No. 5145

deaths that have occurred in such towns since the date of incorporation of such towns, of which no certificate has been returned to their office, provided the facts upon which such record is made have been obtained from the record of a public official, a church society or under section 7-42, 7-48 or 7-62b, and such record shall indicate the source from which such facts were obtained. [Any registrar who knowingly makes any false entry of the record of any birth, marriage, death or fetal death shall be fined not more than fifty dollars or imprisoned not more than three months or both.]

Sec. 188. Section 22-306 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(a) The commissioner shall be responsible for the enforcement of the provisions of sections 22-298, 22-299a, 22-301 and 22-303 to 22-307, inclusive, and shall make such regulations as are necessary thereunder for the eradication of brucellosis, including the handling of the vaccine and method of vaccination, the effective identification of the vaccinated animals, the drawing of blood samples, the testing thereof and the identification of tested animals. Effective identification shall mean that all calves vaccinated with *Brucella* vaccine shall be permanently identified by the application of a tattoo in the right ear in a manner approved by the United States Livestock Sanitary Association and the Commissioner of Agriculture, except that tattoos applied under the regulations of any recognized breed association shall be considered sufficient identification. The commissioner may enter into cooperative agreements with the United States Department of Agriculture in furtherance of the purposes of said sections.

(b) Each veterinarian shall report each month, on forms furnished for that purpose by the commissioner, a record of blood samples drawn and of animals vaccinated by him. Any veterinarian not complying with the regulations made by the commissioner for the control and eradication of brucellosis shall not be assigned any further

Substitute House Bill No. 5145

state work.

(c) No person shall change wilfully or knowingly the identification of any animal by tampering with the ear tag, tattoo or brand or otherwise, for the purpose of concealing or falsifying any animal's history as recorded in the files of the state Department of Agriculture.

[(d) Any person who violates any provision of said sections shall be fined not more than one hundred dollars or imprisoned not more than thirty days or both.]

Sec. 189. Subsection (c) of section 7-294d of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(c) (1) The council may refuse to renew any certificate if the holder fails to meet the requirements for renewal of his or her certification.

(2) The council may cancel or revoke any certificate if: (A) The certificate was issued by administrative error, (B) the certificate was obtained through misrepresentation or fraud, (C) the holder falsified any document in order to obtain or renew any certificate, (D) the holder has been convicted of a felony, (E) the holder has been found not guilty of a felony by reason of mental disease or defect pursuant to section 53a-13, (F) the holder has been convicted of a violation of subsection (c) of section 21a-279₂ [or section 29-9,] (G) the holder has been refused issuance of a certificate or similar authorization or has had his or her certificate or other authorization cancelled or revoked by another jurisdiction on grounds which would authorize cancellation or revocation under the provisions of this subdivision, (H) the holder has been found by a law enforcement unit, pursuant to procedures established by such unit, to have used a firearm in an improper manner which resulted in the death or serious physical injury of another person, or (I) the holder has been found by a law

Substitute House Bill No. 5145

enforcement unit, pursuant to procedures established by such unit, to have committed any act that would constitute tampering with or fabricating physical evidence in violation of section 53a-155, perjury in violation of section 53a-156 or false statement in the second degree in violation of section 53a-157b. Whenever the council believes there is a reasonable basis for cancellation or revocation of the certification of a police officer, police training school or law enforcement instructor, it shall give notice and an adequate opportunity for a hearing prior to such cancellation or revocation. The council may cancel or revoke any certificate if, after a de novo review, it finds by clear and convincing evidence (i) a basis set forth in subparagraphs (A) to (G), inclusive, of this subdivision, or (ii) that the holder of the certificate committed an act set forth in subparagraph (H) or (I) of this subdivision. Any police officer or law enforcement instructor whose certification is cancelled or revoked pursuant to this section may reapply for certification no sooner than two years after the date on which the cancellation or revocation order becomes final. Any police training school whose certification is cancelled or revoked pursuant to this section may reapply for certification at any time after the date on which such order becomes final.

Sec. 190. Subsection (b) of section 13b-268 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(b) On or after October 1, 1989, no public railroad crossing at grade shall be constructed unless authorized by special act of the General Assembly. The Commissioner of Transportation, upon the request of the joint standing committee on transportation or upon his own initiative, shall investigate and make recommendations concerning the creation of such a crossing. Such investigation shall include a public hearing on the creation of such a crossing. The commissioner shall provide reasonable notice to the town, city or borough where such

Substitute House Bill No. 5145

crossing is to be located, any railroad utilizing the rail line and the party requesting the crossing and to the public through publication of notice in a newspaper having general circulation in the municipality where such crossing is to be located. Any proposed legislation for the creation of such a crossing shall be accompanied by a detailed report containing, but not limited to the following information: The date of the public hearing, any requirements for the protection of persons using the crossing, including but not limited to the protections established in sections 13b-342 to [13b-346] 13b-345a, inclusive, and a recommendation concerning the party to bear the costs of construction, installation and maintenance of such crossing.

Sec. 191. Subsection (i) of section 31-53 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(i) As used in this section [,] and section 31-54, [and section 31-89a,] "employee welfare fund" means any trust fund established by one or more employers and one or more labor organizations or one or more other third parties not affiliated with the employers to provide from moneys in the fund, whether through the purchase of insurance or annuity contracts or otherwise, benefits under an employee welfare plan; provided such term shall not include any such fund where the trustee, or all of the trustees, are subject to supervision by the Banking Commissioner of this state or any other state or the Comptroller of the Currency of the United States or the Board of Governors of the Federal Reserve System, and "benefits under an employee welfare plan" means one or more benefits or services under any plan established or maintained for persons performing the work of any mechanics, laborers or workers or their families or dependents, or for both, including, but not limited to, medical, surgical or hospital care benefits; benefits in the event of sickness, accident, disability or death; benefits in the event of unemployment, or retirement benefits.

Substitute House Bill No. 5145

Sec. 192. Subsection (a) of section 29-1s of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(a) (1) Wherever the term "Department of Public Safety" is used in the following general statutes, the term "Department of Emergency Services and Public Protection" shall be substituted in lieu thereof; and (2) wherever the term "Commissioner of Public Safety" is used in the following general statutes, the term "Commissioner of Emergency Services and Public Protection" shall be substituted in lieu thereof: 1-24, 1-84b, 1-217, 2-90b, 3-2b, 4-68m, 4a-2a, 4a-18, 4a-67d, 4b-1, 4b-130, 5-142, 5-146, 5-149, 5-150, 5-169, 5-173, 5-192f, 5-192t, 5-246, 6-32g, 7-169, as amended by this act, 7-285, 7-294f to 7-294h, inclusive, 7-294l, 7-294n, 7-294y, 7-425, 9-7a, 10-233h, 12-562, 12-564a, 12-586f, 12-586g, 13a-123, 13b-69, 13b-376, 14-10, 14-64, 14-67j, 14-67m, 14-67w, 14-103, as amended by this act, 14-108a, 14-138, 14-152, 14-163c, 14-211a, 14-212a, 14-212f, 14-219c, 14-227a, 14-227c, 14-267a, 14-270c to 14-270f, inclusive, 14-283, as amended by this act, 14-291, 14-298, 14-315, 15-98, 15-140r, 15-140u, 16-256g, 16a-103, 17a-105a, 17a-106a, 17a-500, 17b-90, 17b-137, 17b-192, 17b-225, 17b-279, 17b-490, 18-87k, 19a-112a, 19a-112f, 19a-179b, 19a-409, 19a-904, 20-12c, 20-327b, 21a-36, 21a-283, 22a-2, 23-8b, 23-18, 26-5, 26-67b, 27-19a, 27-107, 28-25b, 28-27, 28-27a, 28-30a, 29-1c, 29-1e to 29-1h, inclusive, 29-1q, 29-1zz, 29-2, 29-2a, 29-2b, 29-3a, 29-3b, 29-4a, 29-6a, 29-7, 29-7b, 29-7c, 29-7h, 29-7m, 29-7n, 29-8, [29-9,] 29-10, 29-10a, 29-10c, 29-11, 29-12, 29-17a, 29-17b, 29-17c, 29-18 to 29-23a, inclusive, 29-25, as amended by this act, 29-26, 29-28, 29-28a, 29-30 to 29-32, inclusive, 29-32b, 29-33, 29-36f to 29-36i, inclusive, 29-36k, 29-36m, 29-36n, 29-37a, 29-37f, 29-38b, 29-38e, 29-38f, 29-108b, 29-143i, 29-143j, 29-145 to 29-151, inclusive, 29-152f to 29-152j, inclusive, 29-152m, 29-152o, 29-152u, 29-153, 29-155d, 29-156a, 29-161g to 29-161i, inclusive, 29-161k to 29-161m, inclusive, 29-161o to 29-161t, inclusive, 29-161v to 29-161z, inclusive, 29-163, 29-164g, 29-166, 29-176 to 29-179, inclusive, 29-179f to 29-179h, 31-275, 38a-18, 38a-356, 45a-63, 46a-4b,

Substitute House Bill No. 5145

46a-170, 46b-15a, 46b-38d, 46b-38f, 51-5c, 51-10c, 51-51o, 51-277a, 52-11, 53-39a, 53-134, 53-199, as amended by this act, 53-202, 53-202b, 53-202c, 53-202g, 53-202l, 53-202n, 53-202o, 53-278c, 53-341b, 53a-3, 53a-30, 53a-54b, 53a-130, 53a-130a, 54-1f, 54-1l, 54-36e, 54-36i, 54-36n, 54-47aa, 54-63c, 54-76l, 54-86k, 54-102g to 54-102j, inclusive, 54-102m, 54-102pp, 54-142j, 54-222a, 54-240, 54-240m, 54-250 to 54-258, inclusive, 54-259a, 54-260b, and 54-300.

Sec. 193. Sections 7-313b, 13b-346, 22-125, 22-319, 25-38, 29-9, 31-28, 31-33, 31-89a, 53-332 and 53-333a of the general statutes are repealed.
(Effective October 1, 2012)