

The Connecticut General Assembly

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Memorandum

To: Legislative Regulation Review Committee
From: Legislative Commissioners' Office
Committee Meeting Date: February 28, 2012

Regulation No:	2011-32a
Agency:	Department of Energy and Environmental Protection
Subject Matter:	Importation, Possession or Liberation of Wild Birds, Mammals, Reptiles, Amphibians and Invertebrates
Statutory Authority: (copy attached)	26-55

	Yes or No
Mandatory	Y
Federal Requirement	N
Permissive	N

For the Committee's Information:

This is a resubmittal of regulations that were rejected without prejudice at the committee's meeting on January 24, 2012. The resubmittal addresses the substantive concerns and technical corrections noted in the January 24, 2012 report, except as noted below.

Substantive Concerns:

Technical Corrections:

1. On page 1 of section 26-55-6(a), "As used in section 26-55-6 of the Regulations of Connecticut State Agencies" should be "As used in this section" for proper form.
2. On page 1, in subsection (a)(2), "not withstanding" should be "notwithstanding" for proper form.
3. On pages 3 and 4, in subsection (a)(4)(B), throughout clauses (i) to (xlii), inclusive, for each occurrence of a semicolon, a comma rather than the semicolon should be used for proper form and consistency.
4. On page 4, in subsection (a)(6), "Commissioner of the Department of Energy and Environmental Protection" should be "Commissioner of Energy and Environmental Protection" for proper form.
5. On page 6, in subsection (a)(21), a comma should be inserted after "found" and "that" should be inserted before "is not otherwise" for proper form.
6. On page 7, in subsection (c)(1)(F), "such primate shall be uniquely identified with" should be "uniquely identify such primate with" for proper form and consistency with the introductory language.
7. On page 7, in subsection (c)(3), in the second line, a comma should be inserted after "facility" for proper form.
8. On page 8, in subsection (d)(1)(C), in the second line, "Procedures Act" should be "Procedure Act" for accuracy.

Recommendation:

<input checked="" type="checkbox"/>	Approval in whole
<input checked="" type="checkbox"/>	with technical corrections with deletions with substitute pages
	Disapproval in whole or in part
	Rejection without prejudice

Reviewed by: Shannon McCarthy / Angela Rehm

Date: February 15, 2012

Sec. 26-55. Permit for importing, introducing into state, possessing or liberating live fish, wild birds, wild mammals, reptiles, amphibians and invertebrates.

Regulations. Exemptions. Seizure, relocation and disposal. Penalties. (a) Except as provided in subsection (c) of this section, no person shall import or introduce into the state, or possess or liberate therein, any live fish, wild bird, wild mammal, reptile, amphibian or invertebrate unless such person has obtained a permit therefor from the commissioner. Such permit may be issued at the discretion of the commissioner under such regulations as the commissioner may prescribe. The commissioner shall by regulation prescribe the numbers of live fish, wild birds, wild mammals, reptiles, amphibians or invertebrates of certain species which may be imported, possessed, introduced into the state or liberated therein. The commissioner may by regulation exempt certain species or groups of live fish from the permit requirements. The commissioner shall by regulation determine which species of wild birds, wild mammals, reptiles, amphibians or invertebrates must meet permit requirements. The commissioner may totally prohibit the importation, possession, introduction into the state or liberation therein of certain species which the commissioner has determined may be a potential threat to humans, agricultural crops or established species of plants, fish, birds, mammals, reptiles, amphibians or invertebrates. The commissioner shall by regulation exempt from permit requirements organizations or institutions such as municipal parks, zoos, laboratories and research facilities maintained by scientific or educational institutions, museums, public nonprofit aquaria or nature centers where live fish, wild birds, wild mammals, reptiles, amphibians or invertebrates are held in strict confinement.

(b) Any such fish, bird, mammal, reptile, amphibian or invertebrate illegally imported into the state or illegally possessed therein may be seized by any representative of the Department of Energy and Environmental Protection and may be relocated or disposed of as determined by the commissioner. The Department of Energy and Environmental Protection shall issue a bill to the owner or person in illegal possession of such animal for all costs of seizure, care, maintenance, relocation or disposal for such animal.

(c) Any person who violates any provision of this section or any regulation adopted by the commissioner pursuant to this section shall be assessed a civil penalty not to exceed one thousand dollars, to be fixed by the court, for each offense. Each violation shall be a separate and distinct offense. In the case of a continuing violation, each day's continuance thereof shall be deemed to be a separate and distinct offense. The Commissioner of Energy and Environmental Protection may request the Attorney General to institute an action in Superior Court to recover such civil penalty and any amounts owed pursuant to a bill issued in accordance with subsection (b) of this section and for an order providing such

equitable and injunctive relief as the court deems appropriate.

(d) Any person who wilfully violates any provision of this section or any regulation adopted by the commissioner pursuant to this section shall be guilty of a class C misdemeanor.