

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 12-176—sHB 5447
Environment Committee

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

SUMMARY: This act requires the agriculture commissioner to license and inspect aquaculture producers. It allows him to (1) prescribe the license term, fee, and application and (2) adopt implementing regulations in consultation with the consumer protection commissioner. It specifies license criteria for aquaculture producers. (By law, the commissioner must already license commercial harvesters, producers, and shippers of shellfish, including mussels, oysters, clams, and scallops (CGS § 26-192c)).

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

The act also makes technical changes.

EFFECTIVE DATE: July 1, 2012, except for the provisions regarding aquaculture producers, which are effective October 1, 2012.

AQUACULTURE PRODUCERS

The act defines “aquaculture producer” as anyone who engages in the controlled rearing, cultivation, and harvesting of aquatic animals in land- or marine-based culture systems, tanks, containers, impoundments, floating or submerged nets, or pens and ponds. “Aquatic animals” are fresh or saltwater finfish, crustaceans, and other aquatic life forms, including jellyfish, sea cucumbers, sea urchins, their roe, and mollusks, that are intended for human consumption.

Under the act, to receive a license, an aquaculture producer must:

1. be registered with the U.S. Food and Drug Administration as a food facility;
2. meet all processing and inspection standards for seafood processing facilities, including compliance with federal law; and
3. pass inspection by the Department of Consumer Protection.

NIAN TIC RIVER SCALLOPS

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

Prior law prohibited taking (1) any scallop that passes through a two-inch ring or (2) more than three bushels of scallops a day. But the commission could increase the daily limit after it had been in place for 30 days. The act instead

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prohibits taking any scallop that passes through a two-and-a-half-inch ring, thereby increasing the minimum size of scallops that a person may take. It maintains the three-bushel limit, but the commission may increase or decrease it after 30 days.

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

BACKGROUND

Related Act

PA 12-80 (§41) reduces the penalty for illegal shellfishing in the Niantic River from a criminal offense to a violation, for which one must go to court, punishable by fine of up to \$250.

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