



Senate

General Assembly

File No. 443

January Session, 2013

Substitute Senate Bill No. 1018

Senate, April 11, 2013

The Committee on Environment reported through SEN. MEYER of the 12th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING ENFORCEMENT OF ENVIRONMENTAL CONSERVATION LAWS.

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

1 Section 1. Section 26-1 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 Words and terms used in this chapter shall be construed as follows:

4 (1) "Animal" includes birds, quadrupeds, reptiles and amphibians.

5 (2) "Bait species" means all species of fish, frogs, crustaceans and
6 insects listed as bait in the regulations issued by the Commissioner of
7 Energy and Environmental Protection.

8 (3) "Black bass" means [small mouth] smallmouth bass (*Micropterus*
9 *dolomieu*) and [large mouth] largemouth bass (*Micropterus*
10 *salmoides*).

11 (4) Repealed.

12 (5) "Closed season" means that period of time during which
13 hunting, trapping or fishing is prohibited for any species of wildlife.

14 (6) "Commercial fisherman" means any person, firm or corporation
15 engaged in commercial fishing.

16 (7) "Commercial fishing" means taking or attempting to take any
17 finfish, crustacea, sea scallops, squid, horseshoe crabs or bait species
18 for commercial purposes or by the use of any commercial fishing gear.

19 (8) "Commercial fishing gear" means any equipment commonly
20 used to take finfish, crustacea, sea scallops, squid, horseshoe crabs or
21 bait species for commercial purposes including, but not limited to,
22 lobster pots, otter trawls, beam trawls, balloon trawls, midwater
23 trawls, sea scallop dredges, scoop nets, scap nets, seines, trap nets, fyke
24 nets, crab traps, gill nets, trammel nets, set lines, long lines, hook and
25 line if such fishing is conducted for commercial purposes, minnow
26 seines, minnow traps, eel pots, fish pots, pound nets, throw nets or
27 similar devices and any equipment listed as commercial fishing gear in
28 regulations adopted by the Commissioner of Energy and
29 Environmental Protection.

30 (9) "Commercial hatchery" means an institution or place where
31 legally acquired fish are held, hatched and reared for sale or where fish
32 so acquired or hatched are reared or held for sale in waters which are
33 under complete control of the owner.

34 (10) "Daily bag, catch or creel limit" means the quantity or number
35 of wildlife allowed to be taken during the period from 12:01 a.m. to
36 12:00 midnight as provided by this chapter or by regulations made by
37 the Commissioner of Energy and Environmental Protection.

38 (11) "Grouse" includes ruffed grouse, partridge and spruce grouse.

39 (12) "Hunting" means pursuing, shooting, killing and capturing any
40 bird, quadruped or reptile and attempting to pursue, shoot, kill and
41 capture any bird, quadruped or reptile, whether such act results in
42 taking or not, including any act of assistance to any other person in

43 taking or attempting to take any such animal.

44 (13) "Quadruped" means any four-legged animal which is *ferae*
45 *naturae* or wild by nature, although such animal may be enclosed and
46 considered a pet or semidomesticated, but shall exclude purely
47 domesticated animals.

48 (14) "Pickerel" means the chain pickerel (*Esox niger*), not the dwarf
49 species referred to variously as the banded pickerel (*Esox americanus*),
50 grass pike, grass pickerel, mud pike or brook pickerel.

51 (15) "Private waters" means a natural or artificial pond or lake to
52 which the owner, not a corporation, partnership or voluntary
53 association, has exclusive right of access, of which water supply all
54 sources are located substantially within the property of the owner, to
55 which fish do not have access from waters not under the control of
56 such owner or from water stocked at the expense of the state, except
57 that a natural or artificial pond five acres or less in extent may be
58 owned by an individual, a corporation, partnership or voluntary
59 association and, when meeting the other requirements of this
60 subsection, such pond may be registered as private waters.

61 (16) "Seafood dealer" means (A) a person, firm or corporation, other
62 than the ultimate consumer, who purchases, ships, consigns, transfers,
63 transports, barter, accepts or packs lobsters, sea scallops, finfish,
64 crabs, including horseshoe crabs, or squid directly from a commercial
65 fisherman for resale, or (B) a commercial fisherman who sells, ships,
66 consigns, transfers or barter his or her own catch of such species to
67 anyone other than a seafood dealer.

68 (17) "Set line" means a line fastened between two points, to which is
69 attached a number of smaller lines with hooks attached, but a single
70 line not personally attended may constitute a set line.

71 (18) "Sport fishing" means taking or attempting to take any fish,
72 crustacea, sea scallops, squid, horseshoe crabs or bait species whether
73 from salt, brackish or fresh water by any method other than by

74 commercial methods specified by law and regulations of the
75 Commissioner of Energy and Environmental Protection for
76 commercial purposes.

77 (19) "Taking" means shooting, pursuing, hunting, fishing, killing,
78 capturing, trapping, snaring, hooking and netting any species of
79 wildlife and attempting to shoot, pursue, hunt, fish, kill, capture, trap,
80 snare, hook, net or catch any species of wildlife or any act of assistance
81 to any other person in taking or attempting to take such wildlife
82 whether or not such act results in the capture of any such wildlife.

83 (20) "Trapping" means pursuing, killing and capturing by use of any
84 trap, snare, net or other device any bird or wild or domestic
85 quadruped, excluding rats, mice, moles and reptiles, whether such act
86 results in taking or not, including any act of assistance to any other
87 person in taking or attempting to take any such animal by any such
88 method.

89 (21) "Trout and salmon" includes brook trout or speckled trout,
90 brown trout, rainbow trout, lake trout, Atlantic salmon, kokanee or
91 sockeye salmon, coho salmon, chinook salmon or any hybrid of any
92 two or more of these species.

93 (22) "Wildlife" means all species of invertebrates, fish, amphibians,
94 reptiles, birds and mammals which are *ferae naturae* or wild by
95 nature.

96 Sec. 2. Subsection (c) of section 26-55 of the general statutes is
97 repealed and the following is substituted in lieu thereof (*Effective from*
98 *passage*):

99 (c) [Any] Except as provided in subsection (e) of this section, any
100 person who violates any provision of this section or any regulation
101 adopted by the commissioner pursuant to this section shall be assessed
102 a civil penalty not to exceed one thousand dollars, to be fixed by the
103 court, for each offense. Each violation shall be a separate and distinct
104 offense. In the case of a continuing violation, each day's continuance

105 thereof shall be deemed to be a separate and distinct offense. The
106 Commissioner of Energy and Environmental Protection may request
107 the Attorney General to institute an action in Superior Court to recover
108 such civil penalty and any amounts owed pursuant to a bill issued in
109 accordance with subsection (b) of this section and for an order
110 providing such equitable and injunctive relief as the court deems
111 appropriate.

112 Sec. 3. Section 26-55 of the general statutes is amended by adding
113 subsection (e) as follows (*Effective from passage*):

114 (NEW) (e) Any person who imports, introduces into this state,
115 possesses or liberates live fish or aquatic nuisance invertebrates, in
116 violation of the provisions of this section or any regulation adopted
117 pursuant to this section, shall be fined not more than ninety-five
118 dollars. The importation, possession or liberation of each live fish or
119 aquatic nuisance invertebrate shall be a separate and distinct offense.
120 In the event of a continuing violation, each day of continuance shall be
121 a separate and distinct offense.

122 Sec. 4. Subsection (e) of section 26-61 of the general statutes is
123 repealed and the following is substituted in lieu thereof (*Effective*
124 *October 1, 2013*):

125 (e) The provisions of this section shall not apply to any person who
126 violates any regulation adopted pursuant to section 26-16. [and any
127 regulation concerning sport fishing in the marine district adopted
128 pursuant to section 26-159a.] Any person who violates such
129 regulations shall have committed an infraction and may pay the fine
130 by mail or plead not guilty under the provisions of section 51-164n, as
131 amended by this act.

132 Sec. 5. Subsection (a) of section 26-142a of the general statutes is
133 repealed and the following is substituted in lieu thereof (*Effective*
134 *October 1, 2013*):

135 (a) For the purposes of this section, an environmental tourism cruise

136 vessel is one which is operated for a fee for the purpose of education
137 and observation and retention of marine and estuarine resources
138 collected under the conditions of the permit issued under this section,
139 except that holders of a permit issued under section 26-60 shall not be
140 required to obtain a permit under this section. No person shall operate,
141 use or attempt to operate or use a vessel for commercial fishing or
142 landing activities authorized by this section unless the commissioner
143 has issued a vessel permit for such vessel to the owner of the vessel.
144 No person shall operate, use or attempt to operate or use a vessel or
145 commercial fishing gear for environmental tourism cruises authorized
146 by this section unless the commissioner has issued an environmental
147 tourism cruise permit for such vessel, including conditions for the use
148 of such fishing gear, to the owner of the vessel. No person shall use or
149 assist in using commercial fishing gear in any water of the state or land
150 in this state any species taken by commercial fishing gear or for
151 commercial purposes, regardless of where such species was taken,
152 unless such person has been licensed by the Commissioner of Energy
153 and Environmental Protection to use such commercial fishing gear or
154 land such species; except that any person who holds a license to use
155 gill nets, lobster pots, trawl nets, sea scallop dredges, seines, traps, fish
156 pots, fykes, hook and line, long lines or eel pots may, when using such
157 gear, be accompanied and assisted by persons not so licensed. A
158 resident of a state which does not issue commercial licenses to take eels
159 to residents of Connecticut shall not be eligible to obtain a commercial
160 license to take eels in the waters of this state or to land eels in this state.
161 No vessel shall be used to land any finfish, lobsters, crabs, including
162 blue crabs and horseshoe crabs, sea scallops, squid or bait species for
163 sale, barter, exchange, consignment or transportation to any point of
164 sale unless an operator of the vessel is licensed for such purpose,
165 except that any person who holds a commercial fishing license issued
166 by the commissioner to fish by the method used to take such species,
167 regardless of where such species were taken, shall not be required to
168 obtain a landing license. No person shall take or attempt to take
169 lobsters or horseshoe crabs for personal use by hand or by scuba
170 diving or skin diving unless such person has been licensed by the

171 commissioner to take lobsters or horseshoe crabs by such methods. No
172 person shall take or attempt to take finfish for commercial purposes by
173 the use of hook and line, including, but not limited to, rod and reel,
174 hand line, set line, long line, or similar device unless such person has
175 been licensed by the commissioner to use such gear for commercial
176 purposes, except that notwithstanding the issuance of such a license,
177 no person shall take finfish for commercial purposes in the inland
178 district by the use of hook and line. The use of a purse seine or similar
179 device is prohibited. No pound net shall be used to take finfish unless
180 such pound net is registered with the commissioner. Lobsters and blue
181 crabs taken in pound nets shall be released unharmed. No person shall
182 buy for resale finfish, lobsters, crabs, including blue crabs and
183 horseshoe crabs, sea scallops or squid landed in Connecticut from any
184 commercial fisherman unless such buyer and commercial fisherman
185 have been licensed by the commissioner. A licensed commercial
186 fisherman who acts as a seafood dealer may, without holding a
187 seafood dealer license, sell, ship, consign, transfer or barter his or her
188 own catch of finfish, lobsters, crabs, including blue crabs and
189 horseshoe crabs, sea scallops or squid landed in this state. No person
190 shall take blue crabs for commercial purposes except by scoop net,
191 hand line or manually operated and personally attended devices
192 approved by the commissioner and unless such person has been
193 licensed by the commissioner. No person shall operate a charter boat,
194 party boat or head boat for the purpose of fishing unless such boat has
195 been registered for such purpose with the commissioner and such
196 person holds a current passenger-for-hire license issued by the United
197 States Coast Guard. The owner, operator or captain of any such boat
198 may sell the boat's or crew's share of any tuna species if such sale is not
199 prohibited on the basis of species, size or closed season. For the
200 purposes of this chapter, a charter boat, party boat or head boat is a
201 vessel operated for a fee for the purpose of transporting and providing
202 a fishing platform for sport fishermen taking marine species in
203 Connecticut waters or landing marine species at Connecticut ports
204 regardless of where such species are taken. The commissioner may by
205 regulations adopted in accordance with the provisions of chapter 54

206 exempt certain minnow seines, cast nets, scoop nets, traps, eel pots,
207 seines less than thirty feet in length or any similar device used to take
208 bait species and other species for personal use under a sport fishing
209 license in the inland district and [without a] under a marine waters
210 fishing license in the marine district. No vessel used to take bait species
211 may employ a fish pump. Persons licensed, registered or issued a
212 permit to engage in activities authorized by this subsection shall carry
213 on their persons or in the vessel being used to engage in such activity
214 the permit, license or registration covering such activity.

215 Sec. 6. Subsection (c) of section 26-142a of the general statutes is
216 repealed and the following is substituted in lieu thereof (*Effective*
217 *October 1, 2013*):

218 (c) The fee for the following fishing licenses and registrations and
219 for a commercial fishing vessel permit shall be: (1) For a license to take
220 blue crabs for commercial purposes, one hundred fifty dollars; (2) for a
221 license to take lobsters for personal use, but not for sale, (A) by the use
222 of not more than ten lobster pots, traps or similar devices provided
223 finfish may be taken incidentally during such use if taken in
224 accordance with recreational fishery creel limits, length limits and
225 seasons adopted under section 26-159a, as amended by this act, and if
226 taken for personal use and not for sale, or (B) by skin diving, scuba
227 diving or by hand, one hundred twenty dollars; (3) for a license to take
228 lobsters, fish or crabs, other than blue crabs for personal use or for sale,
229 by the use of more than ten lobster pots or similar devices, one
230 hundred ninety dollars for residents of this state and two hundred
231 eighty-five dollars for nonresidents, provided any such license issued
232 to a resident of a state that does not issue commercial licenses
233 conferring the same authority to take lobsters to residents of
234 Connecticut shall be limited to the taking of crabs, other than blue
235 crabs, and a nonresident shall not be issued such license if the laws of
236 the nonresident's state concerning the taking of lobster are less
237 restrictive than regulations adopted pursuant to section 26-157c; (4) for
238 a license to take lobsters, crabs other than blue crabs, squid, sea
239 scallops and finfish, for personal use or for sale, by the use of more

240 than ten lobster pots or similar devices, or by the use of any otter trawl,
241 balloon trawl, beam trawl, sea scallop dredge or similar device, two
242 hundred eighty-five dollars for residents of this state and one
243 thousand five hundred dollars for nonresidents, provided any such
244 license issued to residents of states which do not issue commercial
245 licenses conferring the same authority to take lobsters to residents of
246 Connecticut shall be limited to the taking of crabs other than blue
247 crabs, squid, sea scallops and finfish by the use of any otter trawl,
248 balloon trawl, beam trawl, sea scallop dredge or similar device, and a
249 nonresident shall not be issued such license if the laws of the state of
250 residency concerning the taking of lobster are less restrictive than
251 regulations adopted under the authority of section 26-157c; (5) for a
252 license to set or tend gill nets, seines, scap or scoop nets used to take
253 American shad, two hundred dollars; (6) for the registration of each
254 pound net or similar device used to take finfish, two hundred eighty-
255 five dollars, provided persons setting, operating, tending or assisting
256 in setting, operating or tending such pound nets shall not be required
257 to be licensed; (7) for a license to set or tend gill nets, seines, traps, fish
258 pots, cast nets, fykes, scaps, scoops, eel pots or similar devices to take
259 finfish other than American shad or bait species for commercial
260 purposes, or, in any waters seaward of the inland district demarcation
261 line, to take finfish other than American shad or bait species for
262 commercial purposes by hook and line, or to take horseshoe crabs by
263 hand, one hundred ninety dollars for residents of this state and two
264 hundred fifty dollars for nonresidents, and any such license obtained
265 for the taking of any fish species for commercial purposes by hook and
266 line, in excess of any creel limit adopted under the authority of section
267 26-159a, as amended by this act, three hundred seventy-five dollars for
268 residents of this state and six hundred twenty-five dollars for
269 nonresidents, provided for the taking for bait of horseshoe crabs only,
270 this license may be issued without regard to the limitations in section
271 26-142b to any holder of a Department of Agriculture conch license
272 who held such license between January 1, 1995, and July 1, 2000,
273 inclusive; (8) for a license to set or tend seines, traps, scaps, scoops,
274 weirs or similar devices to take bait species in the inland district for

275 commercial purposes, one hundred dollars; (9) for a license to set or
276 tend seines, traps, scaps, scoops or similar devices to take bait species
277 in the marine district for commercial purposes, one hundred dollars;
278 (10) for a license to buy finfish, lobsters, crabs, including blue crabs
279 and horseshoe crabs, sea scallops, squid or bait species for resale from
280 any commercial fisherman licensed to take or land such species for
281 commercial purposes, regardless of where taken, two hundred fifty
282 dollars; (11) for the registration of any party boat, head boat or charter
283 boat used for fishing, three hundred fifteen dollars; (12) for a license to
284 land finfish, lobsters, crabs, including blue crabs and horseshoe crabs,
285 sea scallops, squid or bait species, five hundred dollars; (13) for a
286 commercial fishing vessel permit, one hundred dollars; (14) for a
287 license to take menhaden from marine waters for personal use, but not
288 for sale, by the use of a single gill net not more than sixty feet in length,
289 one hundred dollars; and (15) for an environmental tourism cruise
290 vessel permit, one hundred dollars, provided the landing of any
291 species regulated under Department of Energy and Environmental
292 Protection regulations is prohibited.

293 Sec. 7. Section 26-159a of the general statutes is repealed and the
294 following is substituted in lieu thereof (*Effective October 1, 2014*):

295 To establish and manage populations of marine and anadromous
296 finfish and marine arthropods and to facilitate the establishment of
297 unified coast-wide regulations in accordance with the provisions of
298 fishery management plans developed pursuant to the Fishery
299 Conservation and Management Act of 1976 (Public Law 94-265, as
300 amended) or other regional fishery management authorities, the
301 Commissioner of Energy and Environmental Protection may adopt
302 regulations in accordance with the provisions of chapter 54 governing
303 possession of such species, sport fishing and commercial fishing by
304 persons fishing for such species in the waters of this state or landing
305 such species in this state, regardless of where such species were taken.
306 Such regulations may: (1) Establish the open and closed seasons; (2)
307 establish hours, days or periods during the open season when fishing
308 shall not be permitted in designated waters or areas for all or limited

309 species by all or limited methods; (3) establish legal lengths; (4)
310 prescribe the legal methods of sport fishing for all or limited species;
311 (5) establish for sport fishing the daily creel limit, the season creel limit
312 and the possession limit; (6) restrict sport fishing from boats and other
313 floating devices and sport fishing from designated areas; (7) determine
314 the species which may be taken by commercial fishing methods,
315 provided striped bass, Atlantic salmon, other anadromous salmon,
316 brown trout, rainbow trout and brook trout may only be taken by
317 angling and, if taken in the waters of this state, shall not be sold,
318 bartered, exchanged or offered for sale, barter or exchange; (8)
319 prescribe the legal methods of commercial fishing; (9) determine the
320 specifications, materials and dimensions of nets, seines, fykes, traps,
321 pounds, trawls, trolling gear, long lines, set lines and other commercial
322 fishing gear used in the waters of this state; (10) regulate the use and
323 marking of commercial fishing gear, including boats used to conduct
324 activities authorized pursuant to section 26-142a, as amended by this
325 act; (11) determine the number and size of finfish and marine
326 arthropods which may be taken by commercial fishermen; (12)
327 determine the total number and pounds of finfish and marine
328 arthropods, by species, which may be taken by commercial fishing
329 methods or for commercial purposes during a calendar year or lesser
330 period; (13) prohibit the landing of protected species; (14) for a fishing
331 derby or tournament, require that such activity be registered and that
332 an accurate report of all fish tagged, marked and taken, time spent on
333 an area and any other data required by the commissioner for
334 management purposes be returned within a specified period of time.
335 Any person who violates any regulation concerning sport fishing
336 adopted in accordance with the provisions of chapter 54 and this
337 section shall have committed an infraction and may pay the fine by
338 mail or plead not guilty under the provisions of section 51-164n, as
339 amended by this act, except that any person who violates any
340 regulation adopted in accordance with the provisions of chapter 54
341 and this section pertaining to the taking of striped bass shall be fined
342 one hundred dollars for each fish taken or possessed for the first
343 violation, be fined two hundred dollars for each fish taken or

344 possessed for the second violation and be fined five hundred dollars
345 for each fish taken or possessed or imprisoned not more than thirty
346 days, or both for each subsequent violation. No part of any fine
347 imposed for the taking or possession of any striped bass in violation of
348 any such regulation shall be remitted.

349 Sec. 8. Section 26-186 of the general statutes is repealed and the
350 following is substituted in lieu thereof (*Effective October 1, 2014*):

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

361 Sec. 9. Subsection (b) of section 51-164n of the general statutes is
362 repealed and the following is substituted in lieu thereof (*Effective from*
363 *passage*):

364 (b) Notwithstanding any provision of the general statutes, any
365 person who is alleged to have committed (1) a violation under the
366 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-
367 283, 7-325, 7-393, 8-12, 8-25, 8-27, 9-63, 9-322, 9-350, 10-193, 10-197, 10-
368 198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292 or 12-326g,
369 subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section
370 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-
371 113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-
372 143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-
373 90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or
374 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414,
375 subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e)
376 of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49,

377 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b
378 or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-
379 80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152,
380 14-153 or 14-163b, a first violation as specified in subsection (f) of
381 section 14-164i, section 14-219 as specified in subsection (e) of said
382 section, subdivision (1) of section 14-223a, section 14-240, 14-249, 14-
383 250 or 14-253a, subsection (a) of section 14-261a, section 14-262, 14-264,
384 14-267a, 14-269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) or (h)
385 of section 14-283, section 14-291, 14-293b, 14-296aa, 14-319, 14-320, 14-
386 321, 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3) of
387 section 14-386a, section 15-25 or 15-33, subdivision (1) of section 15-97,
388 subsection (a) of section 15-115, section 16-44, 16-256, 16-256e, 16a-15 or
389 16a-22, subsection (a) or (b) of section 16a-22h, section 17a-24, 17a-145,
390 17a-149, 17a-152, 17a-465, 17a-642, 17b-124, 17b-131, 17b-137 or 17b-
391 734, subsection (b) of section 17b-736, section 19a-30, 19a-33, 19a-39 or
392 19a-87, subsection (b) of section 19a-87a, section 19a-91, 19a-105, 19a-
393 107, 19a-113, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-
394 297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-
395 425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-249, 20-257, 20-265, 20-
396 324e, 20-341l, 20-366, 20-597, 20-608, 20-610, 21-1, 21-30, 21-38, 21-39,
397 21-43, 21-47, 21-48, 21-63 or 21-76a, subdivision (1) of section 21a-19,
398 section 21a-21, subdivision (1) of subsection (b) of section 21a-25,
399 section 21a-26 or 21a-30, subsection (a) of section 21a-37, section 21a-
400 46, 21a-61, 21a-63 or 21a-77, subsection (b) of section 21a-79, section
401 21a-85 or 21a-154, subdivision (1) of subsection (a) of section 21a-159,
402 subsection (a) of section 21a-279a, section 22-12b, 22-13, 22-14, 22-15,
403 22-16, 22-29, 22-34, 22-35, 22-36, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-
404 39d, 22-39e, 22-49, 22-54, 22-61, 22-89, 22-90, 22-98, 22-99, 22-100, 22-
405 111o, 22-167, 22-279, 22-280a, 22-318a, 22-320h, 22-324a, 22-326 or 22-
406 342, subsection (b), (e) or (f) of section 22-344, section 22-359, 22-366,
407 22-391, 22-413, 22-414, 22-415, 22a-66a or 22a-246, subsection (a) of
408 section 22a-250, subsection (e) of section 22a-256h, section 22a-363, 22a-
409 381d, 22a-449, 22a-461, 23-37, 23-38, 23-46 or 23-61b, subsection (a) or
410 subdivision (1) of subsection (c) of section 23-65, section 25-37 or 25-40,
411 subsection (a) of section 25-43, section 25-135, 26-16, 26-18, 26-19, 26-21,

412 26-31, 26-40, 26-40a, 26-42, 26-49, 26-54, 26-55, as amended by this act,
413 26-56, 26-58 or 26-59, subdivision (1) of subsection (d) of section 26-61,
414 section 26-64, subdivision (1) of section 26-76, section 26-79, 26-87, 26-
415 89, 26-91, 26-94, 26-97, 26-98, 26-104, 26-105, 26-107, 26-117, 26-128, 26-
416 131, 26-132, 26-138 or 26-141, subdivision (1) of section 26-186, as
417 amended by this act, section 26-207, 26-215, 26-217 or 26-224a,
418 subdivision (1) of section 26-226, section 26-227, 26-230, 26-232, 26-244,
419 26-257a, 26-260, 26-276, 26-284, 26-285, 26-286, 26-288, 26-294, 28-13, 29-
420 6a, 29-25, 29-109, 29-143o, 29-143z or 29-156a, subsection (b), (d), (e) or
421 (g) of section 29-161q, section 29-161y or 29-161z, subdivision (1) of
422 section 29-198, section 29-210, 29-243 or 29-277, subsection (c) of section
423 29-291c, section 29-316, 29-318, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-
424 11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-32, 31-
425 36, 31-38, 31-38a, 31-40, 31-44, 31-47, 31-48, 31-51, 31-51k, 31-52, 31-52a
426 or 31-54, subsection (a) or (c) of section 31-69, section 31-70, 31-74, 31-
427 75, 31-76, 31-76a, 31-89b or 31-134, subsection (i) of section 31-273,
428 section 31-288, subdivision (1) of section 35-20, section 36a-787, 42-230,
429 45a-283, 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of section
430 46a-54, section 46a-59, 46b-22, 46b-24, 46b-34, 47-34a, 47-47, 49-8a, 49-
431 16, 53-133, 53-199, 53-212a, 53-249a, 53-252, 53-264, 53-280, 53-302a, 53-
432 303e, 53-311a, 53-321, 53-322, 53-323, 53-331, 53-344 or 53-450, or (2) a
433 violation under the provisions of chapter 268, or (3) a violation of any
434 regulation adopted in accordance with the provisions of section 12-484,
435 12-487 or 13b-410, or (4) a violation of any ordinance, regulation or
436 bylaw of any town, city or borough, except violations of building codes
437 and the health code, for which the penalty exceeds ninety dollars but
438 does not exceed two hundred fifty dollars, unless such town, city or
439 borough has established a payment and hearing procedure for such
440 violation pursuant to section 7-152c, shall follow the procedures set
441 forth in this section.

442 Sec. 10. Section 26-143a of the general statutes is repealed. (*Effective*
443 *October 1, 2014*)

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	26-1
Sec. 2	<i>from passage</i>	26-55(c)
Sec. 3	<i>from passage</i>	26-55
Sec. 4	<i>October 1, 2013</i>	26-61(e)
Sec. 5	<i>October 1, 2013</i>	26-142a(a)
Sec. 6	<i>October 1, 2013</i>	26-142a(c)
Sec. 7	<i>October 1, 2014</i>	26-159a
Sec. 8	<i>October 1, 2014</i>	26-186
Sec. 9	<i>from passage</i>	51-164n(b)
Sec. 10	<i>October 1, 2014</i>	Repealer section

ENV *Joint Favorable Subst.*

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

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill lowers the fine, from up to \$1000 to up to \$95 for importing, possessing, or liberating fish or aquatic invasive species. This is not anticipated to result in a fiscal impact, as there has only been \$135 collected from two separate offenses since FY 10.

The bill also requires people to have a marine waters fishing license to use certain equipment for taking marine bait species. This is also not anticipated to result in a fiscal impact, as people are expected to hold this license already. In FY 12, the Department of Energy and Environmental Protection (DEEP) collected approximately \$265,000 in revenue from the issuance of approximately 24,609 resident and non-resident marine waters fishing licenses, at a cost of \$10 and \$15 each, respectively.

The Out Years

State Impact: None

Municipal Impact: None

Sources: Judicial Department Offenses and Revenue Database

OLR Bill Analysis**sSB 1018****AN ACT CONCERNING ENFORCEMENT OF ENVIRONMENTAL CONSERVATION LAWS.****SUMMARY:**

This bill makes various changes in the environmental conservation laws. It:

1. lowers the fine, from up to \$1,000 to up to \$95, for importing, possessing, or liberating fish or aquatic invasive species;
2. authorizes the Department of Energy and Environmental Protection (DEEP) to suspend a marine waters fishing license following violations of marine sport fishing regulations;
3. requires people to have a marine waters fishing license to use certain seines, nets, and traps for taking marine bait species;
4. authorizes the DEEP commissioner to specify marking requirements for commercial fishing vessels and gear in regulation; and
5. makes minor and technical changes.

EFFECTIVE DATE: Various, see below.

§§ 2-3, 9 – PENALTY FOR AQUATIC INVASIVE SPECIES

The law prohibits importing, introducing, possessing, or liberating any live fish, wild bird or mammal, reptile, amphibian, or invertebrate into Connecticut. Violators are subject to a penalty of up to \$1,000, to be set by the court, for each offense.

The bill lowers the fine to up to \$95 for violators who import,

introduce, possess, or liberate any live fish or aquatic nuisance invertebrates (e.g., Asian carp or zebra mussels). Importing, possessing, or liberating each fish or invertebrate is a separate offense, and each day of a continuing violation is a separate offense. The bill allows such violators to pay the fine by mail to the Central Infractions Bureau without making a court appearance.

EFFECTIVE DATE: Upon passage

§§ 4-5 – MARINE WATERS FISHING LICENSE

License Suspension

The bill allows DEEP to suspend a marine waters fishing license following violations of marine sport fishing regulations.

The law authorizes DEEP to suspend hunting, fishing, and trapping licenses following violations of fish and game laws and regulations. But, currently, violations of the regulations that set marine fishery creel and length limits and seasons are exempt from this suspension authority. The bill eliminates this exemption.

License Required to Use Seines, Nets, and Traps

The bill requires a person to have a marine waters fishing license to use certain seines, nets, and traps to take bait species and other species for personal use in the marine district. By law, a person with a sport fishing license can use the seines, nets, and traps to take such species in the inland district.

EFFECTIVE DATE: October 1, 2013

§ 6 – TAKING FINFISH WITH LOBSTER POT LICENSE

The bill requires finfish taken incidentally under a personal use lobster pot license to meet the sport fishing length limits and seasons adopted in regulations in accordance with state law. Existing law requires the finfish to meet the regulation's sport fishing creel limits.

EFFECTIVE DATE: October 1, 2013

§§ 7-8, 10 – MARKING COMMERCIAL FISHING BOATS AND GEAR

The bill repeals the law that sets requirements for marking commercial fishing boats and gear. It instead authorizes the DEEP commissioner to specify marking requirements in regulations.

In doing so, it reduces, from a class D misdemeanor to an infraction, the penalty for violating the marking requirements. By law, a violation of the regulations is an infraction. A violation of the current marking requirements statute is a class D misdemeanor, punishable by a fine of up to \$250, imprisonment of up to 30 days, or both.

EFFECTIVE DATE: October 1, 2014

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 28 Nay 0 (03/25/2013)