



General Assembly

January Session, 2013

**Raised Bill No. 1018**

LCO No. 3860



Referred to Committee on ENVIRONMENT

Introduced by:  
(ENV)

**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 Section 26-1 of the general statutes is repealed and the  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11 (4) Repealed.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 (23) "Snare" means a device, often consisting of a noose, used to kill  
97 or injure animals by entanglement, strangulation or decapitation.

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99 repealed and the following is substituted in lieu thereof (*Effective from*  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

101 (c) [Any] Except as provided in subsection (e) of this section, any  
102 person who violates any provision of this section or any regulation  
103 adopted by the commissioner pursuant to this section shall be assessed  
104 a civil penalty not to exceed one thousand dollars, to be fixed by the  
105 court, for each offense. Each violation shall be a separate and distinct  
106 offense. In the case of a continuing violation, each day's continuance  
107 thereof shall be deemed to be a separate and distinct offense. The  
108 Commissioner of Energy and Environmental Protection may request  
109 the Attorney General to institute an action in Superior Court to recover  
110 such civil penalty and any amounts owed pursuant to a bill issued in  
111 accordance with subsection (b) of this section and for an order  
112 providing such equitable and injunctive relief as the court deems  
113 appropriate.

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

116 (NEW) (e) Any person who imports, introduces into this state,  
117 possesses or liberates live fish or aquatic nuisance invertebrates, in  
118 violation of the provisions of this section or any regulation adopted  
119 pursuant to this section, shall be fined not more than one hundred  
120 dollars.

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122 repealed and the following is substituted in lieu thereof (*Effective*  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

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

130 Sec. 5. Subsection (a) of section 26-142a of the general statutes is  
131 repealed and the following is substituted in lieu thereof (*Effective*

132 *October 1, 2013*):

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

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

199 vessel operated for a fee for the purpose of transporting and providing  
200 a fishing platform for sport fishermen taking marine species in  
201 Connecticut waters or landing marine species at Connecticut ports  
202 regardless of where such species are taken. The commissioner may by  
203 regulations adopted in accordance with the provisions of chapter 54  
204 exempt certain minnow seines, cast nets, scoop nets, traps, eel pots,  
205 seines less than thirty feet in length or any similar device used to take  
206 bait species and other species for personal use under a sport fishing  
207 license in the inland district and [without a] under a marine waters  
208 fishing license in the marine district. No vessel used to take bait species  
209 may employ a fish pump. Persons licensed, registered or issued a  
210 permit to engage in activities authorized by this subsection shall carry  
211 on their persons or in the vessel being used to engage in such activity  
212 the permit, license or registration covering such activity.

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

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



232 Connecticut shall be limited to the taking of crabs, other than blue  
233 crabs, and a nonresident shall not be issued such license if the laws of  
234 the nonresident's state concerning the taking of lobster are less  
235 restrictive than regulations adopted pursuant to section 26-157c; (4) for  
236 a license to take lobsters, crabs other than blue crabs, squid, sea  
237 scallops and finfish, for personal use or for sale, by the use of more  
238 than ten lobster pots or similar devices, or by the use of any otter trawl,  
239 balloon trawl, beam trawl, sea scallop dredge or similar device, two  
240 hundred eighty-five dollars for residents of this state and one  
241 thousand five hundred dollars for nonresidents, provided any such  
242 license issued to residents of states which do not issue commercial  
243 licenses conferring the same authority to take lobsters to residents of  
244 Connecticut shall be limited to the taking of crabs other than blue  
245 crabs, squid, sea scallops and finfish by the use of any otter trawl,  
246 balloon trawl, beam trawl, sea scallop dredge or similar device, and a  
247 nonresident shall not be issued such license if the laws of the state of  
248 residency concerning the taking of lobster are less restrictive than  
249 regulations adopted under the authority of section 26-157c; (5) for a  
250 license to set or tend gill nets, seines, scap or scoop nets used to take  
251 American shad, two hundred dollars; (6) for the registration of each  
252 pound net or similar device used to take finfish, two hundred eighty-  
253 five dollars, provided persons setting, operating, tending or assisting  
254 in setting, operating or tending such pound nets shall not be required  
255 to be licensed; (7) for a license to set or tend gill nets, seines, traps, fish  
256 pots, cast nets, fykes, scaps, scoops, eel pots or similar devices to take  
257 finfish other than American shad or bait species for commercial  
258 purposes, or, in any waters seaward of the inland district demarcation  
259 line, to take finfish other than American shad or bait species for  
260 commercial purposes by hook and line, or to take horseshoe crabs by  
261 hand, one hundred ninety dollars for residents of this state and two  
262 hundred fifty dollars for nonresidents, and any such license obtained  
263 for the taking of any fish species for commercial purposes by hook and  
264 line, in excess of any creel limit adopted under the authority of section  
265 26-159a, as amended by this act, three hundred seventy-five dollars for

266 residents of this state and six hundred twenty-five dollars for  
267 nonresidents, provided for the taking for bait of horseshoe crabs only,  
268 this license may be issued without regard to the limitations in section  
269 26-142b to any holder of a Department of Agriculture conch license  
270 who held such license between January 1, 1995, and July 1, 2000,  
271 inclusive; (8) for a license to set or tend seines, traps, scaps, scoops,  
272 weirs or similar devices to take bait species in the inland district for  
273 commercial purposes, one hundred dollars; (9) for a license to set or  
274 tend seines, traps, scaps, scoops or similar devices to take bait species  
275 in the marine district for commercial purposes, one hundred dollars;  
276 (10) for a license to buy finfish, lobsters, crabs, including blue crabs  
277 and horseshoe crabs, sea scallops, squid or bait species for resale from  
278 any commercial fisherman licensed to take or land such species for  
279 commercial purposes, regardless of where taken, two hundred fifty  
280 dollars; (11) for the registration of any party boat, head boat or charter  
281 boat used for fishing, three hundred fifteen dollars; (12) for a license to  
282 land finfish, lobsters, crabs, including blue crabs and horseshoe crabs,  
283 sea scallops, squid or bait species, five hundred dollars; (13) for a  
284 commercial fishing vessel permit, one hundred dollars; (14) for a  
285 license to take menhaden from marine waters for personal use, but not  
286 for sale, by the use of a single gill net not more than sixty feet in length,  
287 one hundred dollars; and (15) for an environmental tourism cruise  
288 vessel permit, one hundred dollars, provided the landing of any  
289 species regulated under Department of Energy and Environmental  
290 Protection regulations is prohibited.

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

293       To establish and manage populations of marine and anadromous  
294 finfish and marine arthropods and to facilitate the establishment of  
295 unified coast-wide regulations in accordance with the provisions of  
296 fishery management plans developed pursuant to the Fishery  
297 Conservation and Management Act of 1976 (Public Law 94-265, as  
298 amended) or other regional fishery management authorities, the

299 Commissioner of Energy and Environmental Protection may adopt  
300 regulations in accordance with the provisions of chapter 54 governing  
301 possession of such species, sport fishing and commercial fishing by  
302 persons fishing for such species in the waters of this state or landing  
303 such species in this state, regardless of where such species were taken.  
304 Such regulations may: (1) Establish the open and closed seasons; (2)  
305 establish hours, days or periods during the open season when fishing  
306 shall not be permitted in designated waters or areas for all or limited  
307 species by all or limited methods; (3) establish legal lengths; (4)  
308 prescribe the legal methods of sport fishing for all or limited species;  
309 (5) establish for sport fishing the daily creel limit, the season creel limit  
310 and the possession limit; (6) restrict sport fishing from boats and other  
311 floating devices and sport fishing from designated areas; (7) determine  
312 the species which may be taken by commercial fishing methods,  
313 provided striped bass, Atlantic salmon, other anadromous salmon,  
314 brown trout, rainbow trout and brook trout may only be taken by  
315 angling and, if taken in the waters of this state, shall not be sold,  
316 bartered, exchanged or offered for sale, barter or exchange; (8)  
317 prescribe the legal methods of commercial fishing; (9) determine the  
318 specifications, materials and dimensions of nets, seines, fykes, traps,  
319 pounds, trawls, trolling gear, long lines, set lines and other commercial  
320 fishing gear used in the waters of this state; (10) regulate the use and  
321 marking of commercial fishing gear, including boats used to conduct  
322 activities authorized pursuant to section 26-142a, as amended by this  
323 act; (11) determine the number and size of finfish and marine  
324 arthropods which may be taken by commercial fishermen; (12)  
325 determine the total number and pounds of finfish and marine  
326 arthropods, by species, which may be taken by commercial fishing  
327 methods or for commercial purposes during a calendar year or lesser  
328 period; (13) prohibit the landing of protected species; (14) for a fishing  
329 derby or tournament, require that such activity be registered and that  
330 an accurate report of all fish tagged, marked and taken, time spent on  
331 an area and any other data required by the commissioner for  
332 management purposes be returned within a specified period of time.

333 Any person who violates any regulation concerning sport fishing  
334 adopted in accordance with the provisions of chapter 54 and this  
335 section shall have committed an infraction and may pay the fine by  
336 mail or plead not guilty under the provisions of section 51-164n, except  
337 that any person who violates any regulation adopted in accordance  
338 with the provisions of chapter 54 and this section pertaining to the  
339 taking of striped bass shall be fined one hundred dollars for each fish  
340 taken or possessed for the first violation, be fined two hundred dollars  
341 for each fish taken or possessed for the second violation and be fined  
342 five hundred dollars for each fish taken or possessed or imprisoned  
343 not more than thirty days, or both for each subsequent violation. No  
344 part of any fine imposed for the taking or possession of any striped  
345 bass in violation of any such regulation shall be remitted.

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

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

358 Sec. 9. Section 26-143a of the general statutes is repealed. (*Effective*  
359 *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>October 1, 2014</i>	Repealer section

**Statement of Purpose:**

To clarify certain environmental conservation provisions, establish a definition of the term "snare" and remove the exemption for violators of certain marine fisheries regulations from the requirements for suspension of fishing, trapping and hunting licenses.

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