

The Connecticut General Assembly

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Memorandum

To: Legislative Regulation Review Committee
From: Legislative Commissioners' Office
Committee Meeting Date: July 23, 2013

Regulation No:	2013-21
Agency:	Department of Energy and Environmental Protection
Subject Matter:	Hunting and Trapping
Statutory Authority: (copy attached)	26-16, 26-27b, 26-48, 26-48a, 26-49, 26-52, 26-55, 26-66, 26-70, 26-72 and 26-86a

	Yes or No
Mandatory	Y
Federal Requirement	N
Permissive	N

For the Committee's Information:

Substantive Concerns:

1. On page 2, in section 26-27b-1(b), it appears that the intent of the proposed regulation is to have the stamp issued January 1st of each year and to have the stamp expire on December 31st of the issuing year. However, because the regulation does not indicate when the stamp will be issued, such intent is not clearly stated.

2. On page 4, in section 26-48-7(a)(1), the proposed regulation contravenes section 26-48 of the general statutes which requires the tagging of birds with tags furnished by the commissioner for a reasonable fee.
3. On page 5, in section 26-49-2(g), the proposed regulation contravenes subsection (b) of section 26-49 of the general statutes which requires tags to be furnished by the commissioner.
4. On page 7, in section 26-52-1(h), the proposed regulation contravenes section 26-52 of the general statutes which requires such tags to be furnished by the commissioner.
5. On page 32, in section 26-66-14(d)(7), it is unclear to which restrictions in subsection (d) the provision in said subdivision intends to refer.

Technical Corrections:

1. Throughout the proposed regulation, the section number of the regulation should appear prior to the introductory language of the section, for proper form. For example, on page 1, "Section 26-16-3a of the Regulations of Connecticut State Agencies is amended to read as follows: Section 1. Sec. 26-16-3a. Limitation of Public Use of State Controlled Wildlife Management Areas" should be "Section 1. Section 26-16-3a of the Regulations of Connecticut State Agencies is amended to read as follows: Sec. 26-16-3a. Limitation of Public Use of State Controlled Wildlife Management Areas".
2. On page 2, in section 26-27b-1, "[(1)] (a)" and "[(2)] (b)" should be "(a)" and "(b)", respectively, to accurately reflect the existing regulation.
3. On page 3, in section 26-48a-3(e), an opening bracket should be inserted before "(e)" and a closed bracket should be inserted after the period, for proper form.
4. On page 3, in section 26-48a-3(f), "(f)" should be "[(f)] (e)", for proper form.
5. On page 13, in section 26-66-1(r)(8), the provision should be rewritten to state the dates during which the exception for coyote and fox hunting from a blind applies rather than have the provision written in the form of an exception to an exception, for clarity.
6. On page 15, in section 26-66-3, in the first line, "subsections" should be inserted before "(i)", for proper form.
7. On page 17, in section 26-66-3(g), the semicolon should be bracketed and, in the third line, "and skunk" should be "[and] or skunk", for clarity.
8. On page 18, in section 26-66-4, "United States fish and wildlife service" should be "United States [fish and wildlife service] Fish and Wildlife Service", for proper form, and

"section 26-66-1(c)." should be "section 26-66-1(c) of the Regulations of Connecticut State Agencies.", for clarity.

9. On page 18, in subsections (a) and (b) of section 26-66-4, the opening bracket should be inserted before "(a)", the closed bracket should be inserted after "float." and "(b)]" should be "[(b)] (a)", for clarity and consistency.

10. On page 24, in section 26-66-5(b), "of the Regulations of Connecticut State Agencies" should be inserted after "26-66-5(a)", for clarity, and "26-55-5(a)" should be "[26-55-5(a)] 26-66-5(a) of the Regulations of Connecticut State Agencies", for accuracy and clarity.

11. On pages 25 to 30, inclusive, throughout section 26-66-12, the subsection catchlines should appear in bold type to reflect the appearance of the existing regulation.

12. On page 26, in sections 26-66-12(a)(1) and (a)(2), "to, provide direct supervision and instruction of the junior hunter at all times" should be "to provide direct supervision and instruction of, the junior hunter at all times", for proper form.

13. On pages 26 and 27, in subdivisions (3) and (4) of section 26-66-12(a), "his applicable" should be "[his] the applicable", for accuracy.

14. On page 29, in section 26-66-12(e)(2)(B)(ii), "section 26-66-12(d) of the Regulations of Connecticut State Agencies" should be "[section 26-66-12(d) of the Regulations of Connecticut State Agencies] subsection (d) of this section", for clarity.

15. On page 30, in section 26-66-12(f)(2), "of this subsection" should be inserted after "subdivision (3)", for clarity.

16. On page 31, in section 26-66-14(d)(3), "turtle eggs and nests" should be "turtle eggs. Nests", for clarity and "Department" should be "Department of Energy and Environmental Protection", for clarity and proper form.

17. On page 32, throughout section 26-66-14(d)(5), "must" should be "shall" in accordance with the committee's directive concerning mandates.

18. On page 32, in section 26-66-14(d)(6), in both instances, "Department" should be "department", for proper form.

19 On pages 32 and 33, throughout subsections (a) and (b) of section 26-86a-1, "Energy and" should be underlined, for proper form.

20. On page 34, in section 26-86a-2(a), "Commissioner" should be "commissioner", for proper form.

21. On page 35, in section 26-86a-2(e), "26-86a-8(c)" should be "26-86a-2(c) of the Regulations of Connecticut State Agencies", for proper form.

22. On page 35, in section 26-86a-2(i), in the fourth line, "only" should be deleted as it is unnecessary.

23. On page 36, in subsections (a) and (b) of section 26-86a-4, a comma should be inserted prior to "as defined in section 26-86a of the Connecticut General Statutes", for clarity and proper form.

24. On page 36, in section 26-86a-4(c), "may hunt with a 12, 16, 20 gauge shotgun using shells containing a single projectile, or a muzzleloader or centerfire rifle as defined in section 26-86a of the Connecticut General Statutes" should be "may hunt with a 12, 16 or 20 gauge shotgun using shells containing a single projectile, a centerfire rifle or a muzzleloader, as defined in section 26-86a of the Connecticut General Statutes", for clarity and proper form.

25. On page 36, in section 26-86a-4(d), "with battery connected" should be "with the battery connected", for clarity.

26. On page 37, in section 26-86a-6 "Sec. 26-82" should be "[Sec.] section 26-82", for proper form.

27. On pages 38 and 39, throughout section 26-86a-6(c), "to, provide direct supervision and instruction of the junior hunter at all times" should be "to provide direct supervision and instruction of, the junior hunter at all times", for proper form.

Recommendation:

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

Reviewed by: Bradford M. Towson / Angela Rehm

Date: July 11, 2013

Sec. 26-16. Public hunting and fishing lands and waters. The commissioner is authorized to acquire for the use of the state, by gift, lease, purchase or agreement, fishing, hunting, trapping or shooting rights or privileges on any land or water in this state, with necessary rights of ingress thereto and egress therefrom, or, with the approval of the Governor, to purchase land or water for the purposes of such rights or privileges. The commissioner may, by regulation, open or close any of such land or waters for the purpose of regulating hunting, shooting, trapping, fishing, dog training, field dog trials or other public use. The commissioner may, by regulation, govern and prescribe the maximum number of persons or boats that may use such land or waters and may require that a permit be obtained from the commissioner or his agent to enter upon such land or waters for the purposes described in this section, and said commissioner may further require that such permit be returned to him or his agent with an accurate report of all fish or wildlife taken under such permit. The commissioner may, by regulation, govern and prescribe the use of such lands and waters, the open and closed seasons, the method of taking, the legal length and the daily creel or bag limits for all species of fish and wildlife thereon. He may furnish or supply at a reasonable fee, on such lands or waters, boats or other facilities for use by fishermen or hunters. Portions of such lands and waters may be posted by the commissioner as a closed area and, when they are so posted, no person shall enter thereon for the purpose of hunting, shooting, trapping, fishing, dog training, field dog trials or other public use, and no person shall allow any dog in his charge to enter upon such land or water. No person over the age of sixteen years shall fish, hunt or trap on such land or water without a license; provided the owner in fee of any land or water who conveys to the state fishing, hunting, trapping or shooting rights by gift, lease or agreement, or the wife or husband of such owner, or his lineal descendants, may sport fish, hunt or trap on such land or water during the prescribed open seasons without a license. The owner of any such land or waters shall not be liable for any injury to any person who may be thereon for the purpose of hunting, fishing or trapping. Any person who violates any regulation adopted pursuant to 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.

Sec. 26-27b. Hunting or taking of waterfowl, stamp required. Connecticut Migratory Bird Conservation Stamp. (a) On or after July 1, 1993, no person sixteen years of age or older may hunt waterfowl or take waterfowl in the state without first procuring a Connecticut Migratory Bird Conservation Stamp and having such stamp in his possession. The stamp shall not be transferable and shall be issued annually.

(b) The Commissioner of Energy and Environmental Protection shall provide for the design, production and procurement of the mandatory Connecticut Migratory Bird

Conservation Stamp and shall, by regulations adopted in accordance with the provisions of chapter 54, provide for the issuance of the stamp. Stamps shall be sold at a price determined by the commissioner, provided the price of a mandatory stamp shall not exceed thirteen dollars. The commissioner shall establish an additional voluntary migratory bird conservation donation of not less than two dollars that shall be deposited in the migratory bird conservation account established under section 26-27c. Any agent issuing such stamps may retain a fee established by the Commissioner of Energy and Environmental Protection pursuant to section 26-3c for each stamp sold and shall remit the balance to the Department of Energy and Environmental Protection.

Sec. 26-48. Private shooting preserves; permits; regulations. The commissioner may issue permits authorizing the establishment and operation of regulated private shooting preserves when in his judgment such preserves will not conflict with any reasonable prior public interest. The fee for such permit shall be sixty-three dollars per season. A hunting license shall not be required to hunt on such private shooting preserves. The commissioner shall govern and prescribe by regulations the size of the preserves, the methods of hunting, the species and sex of birds that may be taken, the open and closed seasons, the tagging of birds with tags furnished by the commissioner at a reasonable fee and the releasing, possession and use of legally propagated game birds thereon; and may require such reports as the commissioner deems necessary concerning the operation of such preserves. Any permit issued under the provisions of this section may be revoked for a violation of any provision of this chapter or for a violation of any regulation made by the commissioner relating to private shooting preserves.

Sec. 26-48a. Management of salmon, pheasant, turkey and migratory game birds. Issuance of permits, tags or stamps. (a) The commissioner may establish, by regulations adopted in accordance with the provisions of chapter 54, standards for the management of salmon, migratory game birds in accordance with section 26-92, pheasant and turkey which shall include provision for the issuance of permits, tags or stamps. The commissioner may charge a fee for a permit, tag or stamp as follows: Not more than nineteen dollars for turkey; not more than thirteen dollars for migratory game birds; not more than twenty-eight dollars for pheasant and not more than twenty-eight dollars for salmon. No person shall be issued a permit, tag or stamp for migratory birds, pheasant or turkey without first obtaining a license to hunt and no person shall be issued a permit, tag or stamp for salmon without first obtaining a license to fish. Notwithstanding any provision of any regulation to the contrary, the commissioner may charge a fee of nineteen dollars for the issuance of a permit to hunt wild turkey on state-owned or private land

during the fall season.

(b) Such permits, tags or stamps shall be issued to qualified applicants by any town clerk. Application for such permits, tags or stamps shall be on such form and require of the applicant such information as the commissioner may prescribe. The commissioner may adopt regulations in accordance with the provisions of chapter 54 authorizing a town clerk to retain part of any fee paid for a permit, tag or stamp issued by such town clerk pursuant to this section, provided the amount retained shall not be less than fifty cents.

Sec. 26-49. Training of hunting dogs. Permits for liberation of artificially propagated birds. (a) Any person holding a valid hunting license issued as provided for under section 26-27 is authorized to train hunting dogs in the field during any closed season, except during any period when the woods and fields are closed by proclamation issued by the commissioner because of forest fire hazard, under regulations issued by the commissioner.

(b) Said commissioner may authorize the establishment and operation of regulated hunting dog-training areas and may issue to any person holding a private shooting preserve permit, as provided for under section 26-48, or to any established game breeder holding a game breeder's license, as provided for under section 26-40, or to any person holding a commercial kennel license, as provided for under section 22-342, a permit, which shall expire on June thirtieth next after issuance and for which a fee of eighteen dollars shall be charged, authorizing the liberation of artificially propagated game birds and pigeons, legally possessed and suitably tagged with tags furnished by the commissioner, for which a reasonable fee may be charged, and the subsequent shooting of such game birds and pigeons by persons authorized by any such permittee, in connection with the training of hunting dogs only, at any time, including Sunday; provided permission to shoot on Sunday on the area specified in the permit shall have the approval of the proper authorities of the town or towns in which such dog-training area is located and shall apply only to the period from sunrise to sunset.

(c) A hunting license shall be required of all persons authorized by any such permittee to train any dog on any such regulated dog-training area, whether or not birds are to be shot.

(d) The commissioner may, by regulation, govern and prescribe the size and the location of any such dog-training area, the number of birds that may be released in ratio to the number of participants or the number of dogs being trained, the method of liberation and retrapping of pen-raised birds, the species, sex and condition of such birds that may be

liberated and shot, the method of tagging such birds, the posting of such area and the method of reporting all such activities.

(e) Any such permit may be revoked at any time by the commissioner for a violation of any provision of this section or any regulation issued by the commissioner under the provisions of this section, for a period of not more than one year.

(f) Any person who violates any provision of this section or any regulation issued by the commissioner hereunder shall be fined not less than twenty-five nor more than one hundred dollars.

Sec. 26-52. Permits for shooting birds liberated at field dog trials. Fees. The commissioner may issue to any responsible person or authorized field trial group a permit to hold field dog trials, on land approved by the commissioner as suitable for the purpose, at any time, including Sunday, during daylight hours, at which liberated game birds, waterfowl and pigeons legally possessed may be shot. All such game birds shall, immediately after being shot, be tagged with tags furnished by the commissioner, for which a reasonable fee may be charged. Such game birds so tagged may be possessed, transported, bought and sold at any time. Tags shall not be removed from such game birds until such time as such birds are finally prepared for consumption. The commissioner may, by regulation, govern and prescribe the minimum number of such birds that shall be released, the method of liberating and the method of taking such birds, the species and sex of such birds that may be shot, locations where such field dog trials may be held, periods of the year when such field dog trials may be held, the maximum number of such field dog trials that shall be sponsored or conducted by an individual or group during the period from July first to June thirtieth and the method of reporting all such activities. Notwithstanding the provision of any regulation to the contrary, the fee for a permit to hold a field dog trial on state-owned land shall be thirty-five dollars and the fee for a permit to hold a field dog trial on private land shall be eighteen dollars.

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. For the purpose of this subsection and any regulation adopted pursuant to this subsection, ferrets (*Mustela putorius*), hedgehogs of the family Erinaceidae, genera *Atelerix*, sugar gliders (*Petaurus breviceps*) and degu (*Octodon degus*) shall not be deemed to be wild mammals.

(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.

Sec. 26-66. Scope of regulations. The commissioner may adopt regulations in accordance with the provisions of chapter 54 governing the taking of wildlife, provided any regulations concerning the taking of migratory game birds shall be consistent with section 26-91. The regulations may: (1) Establish the open and closed seasons, which may be modified by decreasing or increasing the number of days for any specific species, (2) establish hours, days or periods during the open season when hunting shall not be permitted for specific species, (3) establish legal hours, (4) prescribe the legal methods, including type, kind, gauge and caliber of weapons and ammunition, including long bow, (5) prescribe the sex of wildlife that may be taken on a state-wide or local area basis, (6) establish the daily bag limit and the season bag limit, (7) establish the maximum number of persons that may hunt on designated areas during any twenty-four-hour period, (8) require that a permit be obtained from the landowner or his agent, or the commissioner or his agent, to enter upon designated premises or areas for the purpose of hunting, and further require that such permit be returned within a specified time to the issuing authority with an accurate report of all wildlife taken under such permit, the time spent on the premises or area and any other data required by the commissioner for management purposes, (9) establish areas that shall be restricted for designated periods for hunting only with long bow or other specified weapons, (10) establish areas that shall be restricted for designated periods for hunting exclusively by the physically handicapped, (11) establish requirements and procedures for tagging and reporting birds or animals taken by hunting or trapping; and, in the interest of public safety and for the purpose of preventing unreasonable conduct and abuses by hunters, and to provide reasonable control of the actions and behavior of such persons, said commissioner may issue regulations and orders to (12) prohibit the carrying of loaded firearms and hunting within specified distances of buildings, (13) prohibit the discharge of firearms and other hunting devices within specified distances of buildings and, when within specified distances, the discharge of such firearms and devices toward persons, buildings and livestock, (14) prohibit hunting while on any road adjacent to any state park, state forest, premises used for the breeding, rearing or holding in captivity of wildlife or premises used for zoological purposes, (15) establish minimum distances between fixed positions, floating and drift blinds for waterfowl hunting, (16) prohibit crossing over lawns and lands under cultivation, (17) prohibit damage to property, livestock and agricultural crops, (18) prohibit, during specified periods on designated areas, the training, exercising and running of dogs under control or uncontrolled, (19) prohibit the operation and parking of vehicles on designated portions of public and private roads, parking areas, lanes, passageways, rights-of-way, fields and lots, (20) prohibit the discarding of bottles, glass, cans, paper, junk, litter and trash, (21) control the launching, anchoring, mooring, storage and abandonment of boats, trailers and related equipment on properties under the control of the commissioner, (22) specify (A) the persons who shall wear fluorescent orange clothing, (B) the time periods during which such clothing shall be worn and (C) the types and amounts of such clothing which shall be worn, on and after

January 1, 1989, when hunting.

Sec. 26-70. Regulation of hunting of wild birds, wild mammals, reptiles, amphibians and invertebrates. Permit for administration of chemical or biological substance to free-ranging wildlife. Requirements. (a) No person shall hunt, take, attempt to hunt or take, or assist in hunting or taking, or assist in an attempt to hunt or take, from the wild, any wild bird, wild mammal, reptile, amphibian or invertebrate except as authorized under the provisions of this chapter and the regulations issued by the commissioner. Each wild bird, wild mammal, reptile, amphibian or invertebrate killed, wounded, taken or possessed contrary to any provision hereof shall constitute a separate offense.

(b) No person may administer any chemical or biological substance, including, but not limited to, drugs, pesticides, vaccines or immunocontraceptives or make any physical alteration or affix any device to any free-ranging wildlife without first obtaining a permit from the commissioner. The applicant for such permit shall (1) first obtain any necessary federal permits, and (2) provide to the commissioner a written proposal describing the chemical or biological substance application, physical alteration or device attachment protocol, the credentials of each person who will administer the procedure, the purpose or intent of the procedure and an assessment of any resulting physiological, behavioral and environmental impacts. No state permit is required for wildlife management programs of the department performed in accordance with professional wildlife management principles.

Sec. 26-72. Regulation of trapping of fur-bearing animals. 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, 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 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 guilty of a class D misdemeanor. Whenever any person is convicted, or forfeits any bond, or has such person's case nolleed 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. 26-86a. Game management. Deer hunting; permitted weapons, locations, bag limits. Consent forms; permits, selection process. (a) The commissioner shall establish by regulation adopted in accordance with the provisions of chapter 54 standards for deer management, and methods, regulated areas, bag limits, seasons and permit eligibility for hunting deer with bow and arrow, muzzleloader and shotgun, except that no such hunting shall be permitted on Sunday. No person shall hunt, pursue, wound or kill deer with a firearm without first obtaining a deer permit from the commissioner in addition to the license required by section 26-27. Application for such permit shall be made on forms furnished by the commissioner and containing such information as he may require. Such permit shall be of a design prescribed by the commissioner, shall contain such information and conditions as the commissioner may require, and may be revoked for violation of any provision of this chapter or regulations adopted pursuant thereto. As used in this section, "muzzleloader" means a rifle or shotgun of at least forty-five caliber, incapable of firing a self-contained cartridge, which uses powder, a projectile, including, but not limited to, a standard round ball, mini-balls, maxi-balls and Sabot bullets, and wadding loaded separately at the muzzle end, and "rifle" means a long gun the projectile of which is six millimeters or larger in diameter. The fee for a firearms permit shall be nineteen dollars for residents of the state and sixty-eight dollars for nonresidents, except that any nonresident who is an active full-time member of the armed forces, as defined in section 27-103, may purchase a firearms permit for the same fee as is charged a resident of the state. The commissioner shall issue, without fee, a private land deer permit to the owner of ten or more acres of private land and the husband or wife, parent, grandparent, sibling and any lineal descendant of such owner, provided no such owner, husband or wife, parent, grandparent, sibling or lineal descendant shall be issued more than one such permit per season. Such permit shall allow the use of a rifle, shotgun, muzzleloader or bow and arrow on such land from November first to December thirty-first, inclusive. Deer may be so hunted at such times and in such areas of such state-owned land as are designated by the

Commissioner of Energy and Environmental Protection and on privately owned land with the signed consent of the landowner, on forms furnished by the department, and such signed consent shall be carried by any person when so hunting on private land. The owner of ten acres or more of private land may allow the use of a rifle to hunt deer on such land during the shotgun season. The commissioner shall determine, by regulation, the number of consent forms issued for any regulated area established by said commissioner. The commissioner shall provide for a fair and equitable random method for the selection of successful applicants who may obtain shotgun and muzzleloader permits for hunting deer on state lands. Any person whose name appears on more than one application for a shotgun permit or more than one application for a muzzleloader permit shall be disqualified from the selection process for such permit. No person shall hunt, pursue, wound or kill deer with a bow and arrow without first obtaining a bow and arrow permit pursuant to section 26-86c. "Bow and arrow", as used in this section and in section 26-86c, means a bow with a draw weight of not less than forty pounds. The arrowhead shall have two or more blades and may not be less than seven-eighths of an inch at the widest point. No person shall carry firearms of any kind while hunting with a bow and arrow under this section and section 26-86c.

(b) Any person who takes a deer without a permit shall be fined not less than two hundred dollars or more than five hundred dollars or imprisoned not less than thirty days or more than six months or shall be both fined and imprisoned, for the first offense, and for each subsequent offense shall be fined not less than two hundred dollars or more than one thousand dollars or imprisoned not more than one year or shall be both fined and imprisoned.