



House of Representatives

General Assembly

File No. 230

January Session, 2015

Substitute House Bill No. 6733

House of Representatives, March 26, 2015

The Committee on Environment reported through REP. ALBIS of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING CERTAIN COMMERCIAL FISHERY LICENSURE REFORMS.

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 Section 26-1 of the general statutes is repealed and the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 January 1, 2016*):
- 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 smallmouth bass (*Micropterus dolomieu*)
9 and largemouth bass (*Micropterus salmoides*).
- 10 (4) Repealed.

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

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

15 (7) "Commercial fishing" means taking or attempting to take any
16 [finfish, crustacea, sea scallops, squid, horseshoe crabs or bait]
17 regulated species for commercial purposes or by the use of any
18 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] regulated species for commercial purposes including, but not
22 limited to, lobster pots, otter trawls, beam trawls, balloon trawls,
23 midwater trawls, sea scallop dredges, scoop nets, scap nets, seines,
24 trap nets, fyke nets, crab traps, gill nets, trammel nets, set lines, long
25 lines, hook and line if such fishing is conducted for commercial
26 purposes, minnow seines, minnow traps, eel pots, fish pots, pound
27 nets, throw nets or similar devices and any equipment listed as
28 commercial fishing gear in regulations adopted by the Commissioner
29 of Energy and 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) "Regulated species" means the following species or species
62 groups: Bait species, crabs, finfish, horseshoe crabs, lobsters, sea
63 scallops, squid or whelk.

64 [(16)] (17) "Seafood dealer" means (A) a person, firm or corporation,
65 other than the ultimate consumer, who purchases, ships, consigns,
66 transfers, transports, barter, accepts or packs [lobsters, sea scallops,
67 finfish, crabs, including horseshoe crabs, or squid] any regulated
68 species, except bait species directly from a commercial fisherman for
69 resale, or (B) a commercial fisherman who sells, ships, consigns,
70 transfers or barter his or her own catch of such species to anyone
71 other than a seafood dealer.

72 [(17)] (18) "Set line" means a line fastened between two points, to

73 which is attached a number of smaller lines with hooks attached, but a
74 single line not personally attended may constitute a set line.

75 [(18)] (19) "Sport fishing" means taking or attempting to take any
76 [fish, crustacea, sea scallops, squid, horseshoe crabs or bait] regulated
77 species whether from salt, brackish or fresh water by any method other
78 than by commercial methods specified by law and regulations of the
79 Commissioner of Energy and Environmental Protection for
80 commercial purposes.

81 [(19)] (20) "Taking" means shooting, pursuing, hunting, fishing,
82 killing, capturing, trapping, snaring, hooking and netting any species
83 of wildlife and attempting to shoot, pursue, hunt, fish, kill, capture,
84 trap, snare, hook, net or catch any species of wildlife or any act of
85 assistance to any other person in taking or attempting to take such
86 wildlife whether or not such act results in the capture of any such
87 wildlife.

88 [(20)] (21) "Trapping" means pursuing, killing and capturing by use
89 of any trap, snare, net or other device any bird or wild or domestic
90 quadruped, excluding rats, mice, moles and reptiles, whether such act
91 results in taking or not, including any act of assistance to any other
92 person in taking or attempting to take any such animal by any such
93 method.

94 [(21)] (22) "Trout and salmon" includes brook trout or speckled
95 trout, brown trout, rainbow trout, lake trout, Atlantic salmon, kokanee
96 or sockeye salmon, coho salmon, chinook salmon or any hybrid of any
97 two or more of these species.

98 [(22)] (23) "Wildlife" means all species of invertebrates, fish,
99 amphibians, reptiles, birds and mammals which are *ferae naturae* or
100 wild by nature.

101 Sec. 2. Section 26-142a of the general statutes is repealed and the
102 following is substituted in lieu thereof (*Effective January 1, 2016*):

103 [(a) For the purposes of this section, an environmental tourism

104 cruise vessel is one which is operated for a fee for the purpose of
105 education and observation and retention of marine and estuarine
106 resources collected under the conditions of the permit issued under
107 this section, except that holders of a permit issued under section 26-60
108 shall not be required to obtain a permit under this section. No person
109 shall operate, use or attempt to operate or use a vessel for commercial
110 fishing or landing activities authorized by this section unless the
111 commissioner has issued a vessel permit for such vessel to the owner
112 of the vessel. No person shall operate, use or attempt to operate or use
113 a vessel or commercial fishing gear for environmental tourism cruises
114 authorized by this section unless the commissioner has issued an
115 environmental tourism cruise permit for such vessel, including
116 conditions for the use of such fishing gear, to the owner of the vessel.
117 No person shall use or assist in using commercial fishing gear in any
118 water of the state or land in this state any species taken by commercial
119 fishing gear or for commercial purposes, regardless of where such
120 species was taken, unless such person has been licensed by the
121 Commissioner of Energy and Environmental Protection to use such
122 commercial fishing gear or land such species; except that any person
123 who holds a license to use gill nets, lobster pots, trawl nets, sea scallop
124 dredges, seines, traps, fish pots, fykes, hook and line, long lines or eel
125 pots may, when using such gear, be accompanied and assisted by
126 persons not so licensed. A resident of a state which does not issue
127 commercial licenses to take eels to residents of Connecticut shall not be
128 eligible to obtain a commercial license to take eels in the waters of this
129 state or to land eels in this state. No vessel shall be used to land any
130 finfish, lobsters, crabs, including blue crabs and horseshoe crabs, sea
131 scallops, squid or bait species for sale, barter, exchange, consignment
132 or transportation to any point of sale unless an operator of the vessel is
133 licensed for such purpose, except that any person who holds a
134 commercial fishing license issued by the commissioner to fish by the
135 method used to take such species, regardless of where such species
136 were taken, shall not be required to obtain a landing license. No person
137 shall take or attempt to take lobsters or horseshoe crabs for personal
138 use by hand or by scuba diving or skin diving unless such person has

139 been licensed by the commissioner to take lobsters or horseshoe crabs
140 by such methods. No person shall take or attempt to take finfish for
141 commercial purposes by the use of hook and line, including, but not
142 limited to, rod and reel, hand line, set line, long line, or similar device
143 unless such person has been licensed by the commissioner to use such
144 gear for commercial purposes, except that notwithstanding the
145 issuance of such a license, no person shall take finfish for commercial
146 purposes in the inland district by the use of hook and line. The use of a
147 purse seine or similar device is prohibited. No pound net shall be used
148 to take finfish unless such pound net is registered with the
149 commissioner. Lobsters and blue crabs taken in pound nets shall be
150 released unharmed. No person shall buy for resale finfish, lobsters,
151 crabs, including blue crabs and horseshoe crabs, sea scallops or squid
152 landed in Connecticut from any commercial fisherman unless such
153 buyer and commercial fisherman have been licensed by the
154 commissioner. A licensed commercial fisherman who acts as a seafood
155 dealer may, without holding a seafood dealer license, sell, ship,
156 consign, transfer or barter his or her own catch of finfish, lobsters,
157 crabs, including blue crabs and horseshoe crabs, sea scallops or squid
158 landed in this state. No person shall take blue crabs for commercial
159 purposes except by scoop net, hand line or manually operated and
160 personally attended devices approved by the commissioner and unless
161 such person has been licensed by the commissioner. No person shall
162 operate a charter boat, party boat or head boat for the purpose of
163 fishing unless such boat has been registered for such purpose with the
164 commissioner and such person holds a current passenger-for-hire
165 license issued by the United States Coast Guard. The owner, operator
166 or captain of any such boat may sell the boat's or crew's share of any
167 tuna species if such sale is not prohibited on the basis of species, size or
168 closed season. For the purposes of this chapter, a charter boat, party
169 boat or head boat is a vessel operated for a fee for the purpose of
170 transporting and providing a fishing platform for sport fishermen
171 taking marine species in Connecticut waters or landing marine species
172 at Connecticut ports regardless of where such species are taken. The
173 commissioner may by regulations adopted in accordance with the

174 provisions of chapter 54 exempt certain minnow seines, cast nets,
175 scoop nets, traps, eel pots, seines less than thirty feet in length or any
176 similar device used to take bait species and other species for personal
177 use under a sport fishing license in the inland district and under a
178 marine waters fishing license in the marine district. No vessel used to
179 take bait species may employ a fish pump. Persons licensed, registered
180 or issued a permit to engage in activities authorized by this subsection
181 shall carry on their persons or in the vessel being used to engage in
182 such activity the permit, license or registration covering such activity.]

183 (a) For the purposes of this section and sections 26-142b and 26-
184 157b, as amended by this act:

185 (1) "Application deadline" means March thirty-first of each year;

186 (2) "Commercial bait fishing" means commercial fishing by use of
187 seines, traps, scaps, scoops, weirs or similar devices to take and land
188 bait species;

189 (3) "Commercial blue crab fishing" means commercial fishing by use
190 of scoop nets, hand lines or manually operated and personally
191 attended devices approved by the commissioner to take and land blue
192 crabs only;

193 (4) "Commercial fishing vessel" means a commercial landing vessel,
194 or a vessel used to engage in commercial lobster pot fishing, otter trawl
195 fishing, general commercial fishing or pound net fishing. "Commercial
196 fishing vessel" does not include any skiff used to aid the primary
197 pound net fishing vessel;

198 (5) "Commercial landing vessel" means a vessel used to land
199 regulated species taken in commercial fishing conducted exclusively
200 outside waters of this state;

201 (6) "Commercial lobster pot fishing" means commercial fishing by
202 use of lobster pots only to take and land regulated species other than
203 blue crabs;

204 (7) "Commercial shad fishing" means commercial fishing by use of
205 gill nets, seines, scap or scoop nets to take and land American shad
206 only;

207 (8) "Environmental tourism vessel" means a vessel used to carry
208 passengers for hire and operated for the purpose of providing a
209 platform for education and observation and collection of marine or
210 estuarine species using commercial fishing gear under conditions
211 specified in the permit issued under this section;

212 (9) "General commercial fishing" means commercial fishing by use
213 of gill nets, seines, traps, fish pots, cast nets, fykes, scaps, scoops, eel
214 pots, hook and line or similar devices to take and land squid, finfish
215 other than American shad or bait species, or commercial fishing for
216 horseshoe crabs by hand;

217 (10) "Limited access license" means any endorsement, license,
218 permit, or registration required under this section, the number of
219 which may be limited by the commissioner or by a provision of the
220 general statutes;

221 (11) "Otter trawl fishing" means commercial fishing by use of otter
222 trawls, beam trawls, balloon trawls, mid-water trawls, sea scallop
223 dredges or any similar device to take and land regulated species other
224 than blue crabs;

225 (12) "Party or charter fishing vessel" means a vessel used to carry
226 passengers for hire and operated for the purpose of providing a
227 recreational fishing platform to take and land marine regulated
228 species;

229 (13) "Personal use gill net fishing" means the use of a gill net of not
230 more than sixty feet in length to take menhaden for only personal use;

231 (14) "Personal use lobster fishing" means: (A) The use of not more
232 than ten lobster pots to take lobsters and finfish for only personal use
233 whenever such finfish are taken incidental to lobster fishing and in
234 accordance with recreational fishery creel limits, length limits and

235 seasons adopted pursuant to section 26-159a, or (B) the taking of
236 lobsters for personal use only by hand or by skin or scuba diving;

237 (15) "Pound net fishing" means commercial fishing by use of pound
238 nets or similar devices to take regulated species other than lobsters or
239 blue crabs;

240 (16) "Principal commercial fishing license" means a license
241 authorizing both commercial lobster pot fishing and otter trawl
242 fishing;

243 (17) "Quota-managed species" means a regulated species managed
244 through a state-wide seasonal or annual commercial harvest limit;

245 (18) "Restricted commercial fishing" means: (A) Commercial fishing
246 by use of hook and line to take squid and finfish, other than American
247 shad or bait species, or (B) the taking of menhaden by use of a gill net
248 that is not more than two hundred feet in length and that is manually
249 set and retrieved and personally attended to when in use; and

250 (19) "Restricted commercial lobster pot fishing" means commercial
251 fishing by only the use of not more than fifty lobster pots for the taking
252 and landing of regulated species other than blue crabs.

253 (b) Except as provided in subsection (c) of this section, no person
254 shall take or attempt to take any regulated species for commercial
255 purposes or use commercial fishing gear or land any regulated species
256 in this state for commercial purposes, regardless of where taken,
257 without first obtaining a license as provided in this chapter. No person
258 shall act as a seafood dealer without first obtaining a license as
259 provided in this chapter except that a commercial fisherman acting as a
260 seafood dealer as defined in subparagraph (B) of subdivision (17) of
261 section 26-1, as amended by this act, shall not be required to obtain a
262 seafood dealer's license. No person shall buy for resale regulated
263 species landed in this state from any commercial fisherman unless
264 such buyer and commercial fisherman have a license issued by the
265 commissioner. No person shall operate an environmental tourism

266 vessel, commercial landing vessel or a vessel used in commercial
267 lobster pot fishing, general commercial fishing or otter trawl fishing
268 unless the commissioner issued a permit for such vessel to the owner
269 of such vessel. No person shall operate a party or charter fishing vessel
270 unless the commissioner issued a registration for that vessel to the
271 owner of such vessel. No person shall possess or land a quota-
272 managed species taken while commercial fishing unless the
273 commissioner issued such person a quota-managed species
274 endorsement for such species or the commissioner issued a quota-
275 managed species endorsement for such species to the owner of the
276 principal commercial fishing vessel used to take such species,
277 provided the commissioner may waive such quota-managed species
278 endorsement requirement for a license or permit holder who possesses
279 a small quantity of such species under conditions specified by the
280 commissioner. No person shall take or attempt to take lobsters or
281 horseshoe crabs for personal use unless such person is licensed by the
282 commissioner.

283 (c) Notwithstanding the requirements of subsection (b) of this
284 section:

285 (1) Any holder of a permit issued pursuant to section 26-60 shall not
286 be required to obtain an environmental tourism vessel permit pursuant
287 to this section;

288 (2) Any person licensed pursuant to this section may be
289 accompanied and assisted by persons who are not licensed;

290 (3) Any persons setting, operating, tending or assisting in setting,
291 operating or tending registered pound nets shall not be required to be
292 licensed;

293 (4) The commissioner may, by regulations adopted in accordance
294 with the provisions of chapter 54, exempt certain minnow seines, cast
295 nets, scoop nets, traps, eel pots, seines less than thirty feet in length or
296 any similar device used to take bait species and other species for
297 personal use under a sport fishing license in the inland district and

298 under a marine waters fishing license in the marine district;

299 (5) The owner, operator or captain of a party or charter fishing
300 vessel may sell the boat's or crew's share of any tuna species; and

301 (6) No license shall be required to take less than one-half bushel of
302 whelk daily.

303 (d) The use of a purse seine is prohibited. No person shall take
304 finfish for commercial purposes in the inland district by the use of
305 hook and line. No person shall take blue crabs for commercial
306 purposes or for personal use except by scoop net, hand line or
307 manually operated and personally attended devices approved by the
308 commissioner. No person shall operate a party or charter fishing vessel
309 or an environmental tourism vessel unless such person holds a current
310 passenger-for-hire license issued by the United States Coast Guard. No
311 vessel used to take regulated species may employ a fish pump except
312 to offload the catch at a shore side facility.

313 [(b)] (e) The commissioner shall issue [fishing] endorsements,
314 licenses, [vessel] permits and registrations to qualified applicants upon
315 the submission of an application [, on forms provided by the
316 commissioner,] containing such information as prescribed by the
317 commissioner, and upon the payment of such endorsement, license,
318 registration or permit fees as are required by subsection [(c)] (f) of this
319 section, except that a nonresident whose endorsement, permit, license
320 or registration in the state of residence has been voided or suspended
321 shall have the Connecticut endorsement, permit, license or registration
322 voided or suspended during the suspension of such out-of-state
323 endorsement, permit, license or registration or until another
324 endorsement, permit, license or registration is obtained in the state of
325 residence. The commissioner shall not issue any fishing license,
326 endorsement or registration or vessel permit to any applicant who has
327 not met the reporting requirements of section 26-157b, as amended by
328 this act. The commissioner shall not renew any limited access license,
329 the application and payment for which is received or post marked after
330 the application deadline. Failure to renew any limited access license

331 and associated commercial fishing vessel permit annually shall
332 constitute a permanent forfeiture of renewal privileges for such limited
333 access license. Any person who forfeits license renewal privileges, as
334 described in this subsection, shall be eligible to obtain another limited
335 access license through means established by the commissioner for
336 issuing a new limited access license. A resident of a state that does not
337 issue commercial licenses to take eels to residents of this state shall not
338 be eligible to obtain a commercial license to take eels in the waters of
339 this state or to land eels in this state. A resident of a state that does not
340 issue commercial licenses to take lobsters to residents of this state shall
341 not be eligible to obtain a commercial license to take lobsters in the
342 waters of this state or to land lobsters in this state. A nonresident shall
343 not be issued a license to take lobsters if the laws of the nonresident's
344 state concerning the taking of lobsters are less restrictive than
345 regulations adopted pursuant to section 26-157c. No vessel permit or
346 registration shall be issued to any person for any vessel during the
347 time period that such vessel permit has been revoked pursuant to
348 subsection [(f)] (i) of this section. Any person endorsed, licensed,
349 registered or permitted to engage in activities authorized by this
350 subsection shall carry on their persons or aboard the vessel being used
351 to engage in such activity the endorsement, license, registration or
352 permit authorizing such activity. Any fishing license, endorsement or
353 registration or vessel permit issued by the commissioner shall be
354 nontransferable except as provided in section 26-142b, as amended by
355 this act, and shall expire on the thirty-first day of December next
356 following its issuance.

357 [(c)] (f) The fee for the following fishing endorsements, licenses and
358 registrations and for a commercial fishing vessel permit shall be: (1)
359 For a commercial blue crab fishing license, [to take blue crabs for
360 commercial purposes,] one hundred fifty dollars; (2) for a personal use
361 lobster fishing license, [to take lobsters for personal use, but not for
362 sale, (A) by the use of not more than ten lobster pots, traps or similar
363 devices provided finfish may be taken incidentally during such use if
364 taken in accordance with recreational fishery creel limits, length limits
365 and seasons adopted under section 26-159a and if taken for personal

366 use and not for sale, or (B) by skin diving, scuba diving or by hand,
367 one hundred twenty] sixty dollars; (3) for a commercial lobster pot
368 fishing license, [to take lobsters, fish or crabs, other than blue crabs for
369 personal use or for sale, by the use of more than ten lobster pots or
370 similar devices,] one hundred ninety dollars for residents of this state
371 and two hundred eighty-five dollars for nonresidents; [, provided any
372 such license issued to a resident of a state that does not issue
373 commercial licenses conferring the same authority to take lobsters to
374 residents of Connecticut shall be limited to the taking of crabs, other
375 than blue crabs, and a nonresident shall not be issued such license if
376 the laws of the nonresident's state concerning the taking of lobster are
377 less restrictive than regulations adopted pursuant to section 26-157c;]
378 (4) for a principal commercial fishing license, [to take lobsters, crabs
379 other than blue crabs, squid, sea scallops and finfish, for personal use
380 or for sale, by the use of more than ten lobster pots or similar devices,
381 or by the use of any otter trawl, balloon trawl, beam trawl, sea scallop
382 dredge or similar device,] two hundred eighty-five dollars for
383 residents of this state and one thousand five hundred dollars for
384 nonresidents; [, provided any such license issued to residents of states
385 which do not issue commercial licenses conferring the same authority
386 to take lobsters to residents of Connecticut shall be limited to the
387 taking of crabs other than blue crabs, squid, sea scallops and finfish by
388 the use of any otter trawl, balloon trawl, beam trawl, sea scallop
389 dredge or similar device, and a nonresident shall not be issued such
390 license if the laws of the state of residency concerning the taking of
391 lobster are less restrictive than regulations adopted under the
392 authority of section 26-157c;] (5) for a commercial shad fishing license,
393 [to set or tend gill nets, seines, scap or scoop nets used to take
394 American shad,] two hundred dollars; (6) for the registration of each
395 pound net or similar device, [used to take finfish,] two hundred
396 eighty-five dollars; [, provided persons setting, operating, tending or
397 assisting in setting, operating or tending such pound nets shall not be
398 required to be licensed;] (7) for a general commercial fishing license,
399 [to set or tend gill nets, seines, traps, fish pots, cast nets, fykes, scaps,
400 scoops, eel pots or similar devices to take finfish other than American

401 shad or bait species for commercial purposes, or, in any waters
402 seaward of the inland district demarcation line, to take finfish other
403 than American shad or bait species for commercial purposes by hook
404 and line, or to take horseshoe crabs by hand,] one hundred ninety
405 dollars for residents of this state and two hundred fifty dollars for
406 nonresidents, and any [such] general commercial fishing license
407 obtained for the taking of any fish species for commercial purposes by
408 hook and line, in excess of any creel limit adopted under the authority
409 of section 26-159a, three hundred seventy-five dollars for residents of
410 this state and six hundred twenty-five dollars for nonresidents,
411 provided for the taking for bait of horseshoe crabs only, this license
412 may be issued without regard to the limitations in section 26-142b, as
413 amended by this act, to any holder of a Department of Agriculture
414 conch license who held such license between January 1, 1995, and July
415 1, 2000, inclusive; (8) for a commercial bait fishing license [to set or
416 tend seines, traps, scaps, scoops, weirs or similar devices] to take bait
417 species in the inland district for commercial purposes, one hundred
418 dollars; (9) for a commercial bait fishing license [to set or tend seines,
419 traps, scaps, scoops or similar devices] to take bait species in the
420 marine district, [for commercial purposes,] one hundred dollars; (10)
421 for a seafood dealer license, [to buy finfish, lobsters, crabs, including
422 blue crabs and horseshoe crabs, sea scallops, squid or bait species for
423 resale from any commercial fisherman licensed to take or land such
424 species for commercial purposes, regardless of where taken,] two
425 hundred fifty dollars; (11) for [the registration of any party boat, head
426 boat or charter boat used for fishing] a party or charter fishing vessel
427 registration, three hundred fifteen dollars; (12) for a [license to land
428 finfish, lobsters, crabs, including blue crabs and horseshoe crabs, sea
429 scallops, squid or bait species] commercial landing vessel operator's
430 license, five hundred dollars; (13) for a commercial fishing vessel
431 permit, one hundred dollars; (14) for a [license to take menhaden from
432 marine waters for personal use, but not for sale, by the use of a single
433 gill net not more than sixty feet in length] personal use gill net fishing
434 license, one hundred dollars; [and] (15) for an environmental tourism
435 [cruise] vessel permit, one hundred dollars; [, provided the landing of

436 any species regulated under Department of Energy and Environmental
437 Protection regulations is prohibited] (16) for a restricted commercial
438 fishing license, one hundred twenty-five dollars for residents and two
439 hundred fifty dollars for nonresidents; (17) for a restricted commercial
440 lobster pot fishing license, one hundred twenty-five dollars for
441 residents and two hundred fifty dollars for nonresidents; (18) for a
442 quota-managed species endorsement, fifteen dollars for each species
443 endorsement; and (19) for a license to take whelk in excess of one-half
444 bushel daily, one hundred dollars.

445 [(d)] (g) The commissioner may determine for all waters of the state,
446 including the inland and marine districts, areas within which
447 commercial fishing gear may be set or used, the specifications and
448 dimensions of such commercial fishing gear, including materials,
449 length, depth, width, and size of mesh, the length of set lines or long
450 lines, the number and size of hooks, and, for all commercial fishing
451 and landing activities by persons issued either a commercial fishing
452 vessel permit or a license by the commissioner, regardless where such
453 activities take place, the species which may be taken, possessed or
454 landed, the limits on at-sea fish processing related to preserving
455 species identification and prevention of wasteful harvesting practices,
456 the seasons in which species may be taken, possessed or landed, the
457 number and size of [finfish, squid and crabs, including blue crabs,]
458 regulated species which may be taken, possessed or landed and the
459 rules regulating the use of commercial fishing gear, including hours or
460 days of use, and the number of endorsements, licenses, permits or
461 registrations which may be issued. In managing the number of limited
462 access licenses issued, the commissioner may consider an applicant's
463 recent fishing activity authorized under this section, use random draw,
464 lease not more than twenty per cent of the available harvest of any
465 quota-managed species, or use other methods for managing the
466 number of fishery participants. The commissioner may also order the
467 emergency closure of any fishery if such closure is necessary to
468 conform to regulations adopted under the Fishery Conservation and
469 Management Act of 1976 (Public Law 94-265, as amended) or by other
470 regional fisheries management authorities.

471 [(e)] (h) The commissioner may, during and for any reasonable
472 period of time prior to and after the spawning period of any inland or
473 marine game fish or food fish, close any portion of any inland or
474 marine water where any such fish congregate prior to or during the
475 spawning season.

476 [(f)] (i) The commissioner shall revoke any commercial fishing
477 vessel permit issued under authority of subsection [(b)] (e) of this
478 section upon conviction or upon the forfeiture of any bond taken upon
479 any complaint, for the following offenses: (1) Possession of ten or more
480 egg-bearing lobsters or lobsters from which the eggs have been
481 removed; (2) possession of either: (A) Ten or more lobsters less than
482 the minimum length if such lobsters constitute more than ten per cent
483 of the lobsters on board; or (B) fifty lobsters which are less than the
484 minimum length, whichever is the lesser amount; (3) possession of
485 either: (A) Twenty or more finfish of at least one species which are less
486 than the minimum length if such finfish constitute more than ten per
487 cent of the finfish on board for that species; or (B) one hundred finfish
488 of at least one species which are less than the minimum length,
489 whichever is the lesser amount; (4) possession of either: (A) Quota-
490 managed species more than twenty per cent in excess of the possession
491 limit for such species, or (B) fifty pounds, whichever is the greater
492 amount; (5) for a second offense within seven hundred thirty days in
493 violation of regulations relating to bottom trawl nets adopted under
494 this section; [(5)] (6) for a second offense within seven hundred thirty
495 days for possession of [finfish or lobsters] regulated species, other than
496 quota-managed species, more than ten per cent in excess of possession
497 limits specified in regulations adopted under authority of section 26-
498 157c or 26-159a. Such revocation period shall be for one hundred
499 eighty days for a first offense, one year for a second offense, two years
500 for a third offense, and shall be permanent for a fourth offense. The
501 provisions of this subsection are in addition to and in no way derogate
502 from any other enforcement provision or penalty contained in any
503 other statute.

504 [(g) Any] (j) Except as provided in subdivision (2) of this subsection,

505 (1) any person who violates any provision of this [part relating to
506 commercial fishing vessel permits shall be fined no more than five
507 hundred dollars or imprisoned not more than thirty days or both, and
508 each violation of any provision of this section relating to commercial
509 fishing vessel permits shall constitute a separate offense.] section shall
510 for a first offense, be guilty of a class C misdemeanor, and each animal
511 taken or possessed in violation of any provision of this section shall
512 constitute a separate offense, and for any subsequent offense, be guilty
513 of a class B misdemeanor, and each animal taken or possessed in
514 violation of this section shall constitute a separate offense; and (2) any
515 person who violates any regulation concerning sport fishing for blue
516 crabs adopted in accordance with the provisions of chapter 54 and this
517 section shall have committed an infraction and may pay the fine by
518 mail or plead not guilty in accordance with the provisions of section
519 51-164n, as amended by this act.

520 [(h) Notwithstanding the requirements of subsection (a) of this
521 section, no commercial fishing vessel permit shall be required for any
522 vessel used for the operation of an environmental tourism cruise, a
523 charter, party or head boat or for a vessel used for taking of lobsters for
524 personal use only, or a vessel used for taking inland or marine bait,
525 blue crabs, or American shad, or any vessel used in support of a vessel
526 issued a commercial fishing vessel permit and engaged in the
527 operation of a registered marine pound net.]

528 (k) Until regulations identifying limited access licenses are adopted
529 the following commercial fishing licenses shall be limited access
530 licenses and shall be issued only to persons who held such license at
531 any time from June 1, 1995, to December 31, 2003, inclusive:
532 Commercial lobster pot fishing, principal commercial fishing, and
533 general commercial fishing.

534 Sec. 3. Section 26-142b of the general statutes is repealed and the
535 following is substituted in lieu thereof (*Effective January 1, 2016*):

536 (a) For the purposes of this section, "active" with regard to a
537 principal commercial [finfish] fishing license, general commercial

538 fishing license or commercial lobster pot fishing license means that the
539 license has been renewed in the current year. [and "number of lobster
540 pots actively fished" means the maximum calculated number of pots as
541 established by the Commissioner of Energy and Environmental
542 Protection pursuant to regulations adopted in accordance with section
543 26-157c.]

544 (b) Notwithstanding any other provision of law, the Commissioner
545 of Energy and Environmental Protection [shall issue resident and
546 nonresident commercial finfish licenses, commercial fishing licenses
547 and commercial lobster pot licenses under section 26-142a only to
548 persons who held a commercial finfish license, a commercial fishing
549 license, or a commercial lobster pot license at any time from June 1,
550 1995, to December 31, 2003, inclusive, provided, if such license holder
551 is incapacitated or unable to operate a vessel, the commissioner] may
552 reissue an active principal commercial fishing license, general
553 commercial fishing license or commercial lobster pot fishing license in
554 the event the license holder is temporarily incapacitated and unable to
555 operate a vessel or perform other necessary functions associated with
556 commercial fishing. Such temporary license may only be issued to a
557 [license to a] member of such incapacitated license holder's immediate
558 family or to a member of such incapacitated license holder's crew, as
559 designated by such license holder, [on a temporary basis not to exceed]
560 for the duration of such incapacity [or inability] or twelve consecutive
561 months, whichever is the shorter period. Such temporary license shall
562 be subject to the provisions of section 26-142a, as amended by this act.

563 (c) [(1)] The commissioner may authorize the transfer of an active
564 resident principal commercial [finfish] fishing license, general
565 commercial fishing license or commercial lobster pot fishing license,
566 issued pursuant to subsection [(c)] (f) of section 26-142a, as amended
567 by this act, provided: [the] (1) For purposes of an active resident-held
568 principal or general commercial fishing license or commercial lobster
569 pot fishing license: (A) The person transferring the license is the
570 primary owner of the vessel permitted to conduct the licensed fishing
571 activity and such vessel is not less than thirty feet in length, (B) the

572 person receiving the license in such transfer is a resident of this state
573 and is purchasing such vessel, and (C) the person transferring the
574 license held the license and landed [finfish, lobsters, sea scallops, crabs
575 or squid] regulated species in at least five of the eight calendar years
576 preceding the transfer request and reported such landings to the
577 commissioner, pursuant to section 26-157b, as amended by this act, for
578 [at least] not less than thirty fishing days in each year, or (2) for
579 purposes of an active nonresident-held principal or general
580 commercial fishing license or commercial lobster pot fishing license:
581 (A) The person transferring the license is the primary owner of the
582 vessel permitted to conduct the licensed fishing activity and such
583 vessel is not less than thirty feet in length, (B) the person receiving the
584 license in such transfer is purchasing such vessel, and (C) the person
585 transferring the license held the license and landed regulated species in
586 at least five of the eight calendar years preceding the transfer request
587 and reported such landings to the commissioner, pursuant to section
588 26-157b, as amended by this act, for not less than thirty fishing days in
589 each year. Such landings shall be verified by seafood dealer reports
590 submitted pursuant to section 26-157b, as amended by this act. The
591 recipient of a transferred commercial lobster pot fishing license shall be
592 limited to the number of lobster pots allocated to such license, except a
593 transferee who currently holds a commercial lobster pot fishing
594 license, issued pursuant to subsection [(c)] (f) of section 26-142a, as
595 amended by this act, shall be limited to the number of pots allocated to
596 such person's currently held lobster pot license or to the transferred
597 license, whichever is greater. The length of any commercial fishing
598 vessel used by the recipient of a transferred license to fish with a trawl
599 net in the waters of this state shall be not more than ten per cent
600 greater than the length of the largest vessel used by the person
601 transferring the license during such qualifying period.

602 [(2) The commissioner shall authorize the transfer of an active
603 commercial fishing license, issued pursuant to subsection (c) of section
604 26-142a, provided the person transferring the license held the license
605 every year from 1980 to 1989, inclusive, and landed summer flounder
606 in this state in at least six of such ten years and reported such landings

607 to the commissioner pursuant to section 26-157b.]

608 (d) [The] In the event of the death of the holder of an active
609 principal commercial fishing license, general commercial fishing
610 license or commercial lobster pot fishing license, the commissioner
611 may authorize the transfer of [an active commercial finfish license,
612 commercial fishing license or commercial lobster pot] such license
613 pursuant to subsection (c) of this section, for a period of two years
614 from the date of death of such license holder.

615 (e) Upon transfer of a license, the original license holder shall
616 become ineligible to obtain a renewal of that license. Such original
617 license holder may acquire a new license through a subsequent license
618 transfer.

619 (f) A transfer of a license under this section shall not be made while
620 a commercial fishery license, registration or vessel permit held by the
621 transferor or transferee is under suspension and a transfer shall not be
622 authorized for any transferee who has had a commercial fishery
623 license, registration or vessel permit revoked or suspended within the
624 preceding twelve months.

625 Sec. 4. Section 26-157b of the general statutes is repealed and the
626 following is substituted in lieu thereof (*Effective January 1, 2016*):

627 (a) Each person who engages in commercial fishing in the waters of
628 this state, lands [lobsters, sea scallops, finfish, crabs, including
629 horseshoe crabs, squid or bait] regulated species for commercial
630 purposes in this state regardless of where such species are taken,
631 operates as a seafood dealer or holds any commercial fishing license
632 issued by the commissioner, license to take lobsters for personal use,
633 license to take menhaden for personal use, license to buy finfish,
634 lobsters, crabs, sea scallops, squid or bait species for resale, license to
635 land lobsters, sea scallops, finfish, crabs, or squid or pound net
636 registration shall report information to the commissioner that the
637 commissioner deems necessary at intervals and by methods the
638 commissioner deems necessary. The commissioner may request that

639 commercial shellfish harvesters of oysters and clams voluntarily
640 report, upon forms provided by the commissioner, such information as
641 the commissioner deems necessary. The information required to be
642 reported or voluntarily submitted may include but is not limited to:
643 The number of individuals employed by such person, the number and
644 value of boats, nets, apparatus and other devices used, the area fished,
645 the effort expended and the number, weight, market value and species
646 of finfish, lobsters, oysters, clams, sea scallops, squid, crabs, including
647 horseshoe crabs or bait species caught, landed or purchased. Each
648 person who holds a party [boat, head boat or charter boat] or charter
649 fishing vessel registration shall report to the commissioner, at such
650 times and at such intervals as may be required and upon forms
651 provided by the commissioner, such information as the commissioner
652 deems necessary, which may include but is not limited to: The number
653 of individuals carried for the purpose of fishing, the area fished, the
654 effort expended, the number and weight by species of all finfish taken
655 and, if any of the catch is sold by such person or by the captain or crew
656 of such vessel, the number, weight, species and value of such finfish.

657 (b) [Any] (1) Except as provided in subdivision (2) of this
658 subsection, any person who violates any reporting requirement under
659 subsection (a) of this section shall have committed an infraction and
660 may pay the fine by mail or plead not guilty under the provisions of
661 section 51-164n and shall [not] be subject to the provisions of section
662 26-61.

663 (2) Any person who falsifies a report of a quota-managed species
664 landing, sale or purchase shall have committed a class D misdemeanor
665 and shall be subject to the provisions of section 26-61.

666 (c) Notwithstanding any provision of section 1-210 to the contrary,
667 no person shall obtain, attempt to obtain or release to any person or
668 government agency any identifiable individual record [of or
669 information derived] from any report required to be submitted or
670 voluntarily submitted in accordance with the provisions of subsection
671 (a) of this section, or any identifiable fishery record or fishery sampling

672 information provided or submitted voluntarily or received by the
673 department upon request of the commissioner, without the consent of
674 the person making the report or providing the information, provided:
675 [the] (1) The commissioner may authorize the release of such
676 information for the purposes of fisheries research, management and
677 development and conservation law enforcement; (2) the identity of
678 persons holding any endorsement, license, permit or registration
679 issued under the authority of section 26-142a, as amended by this act,
680 including any associated fishing privileges as may be established by a
681 provision of the general statutes or by the regulations of Connecticut
682 state agencies, shall be a matter of public record; and (3) catch or
683 landings data aggregated by species, month and statistical catch area
684 shall be a matter of public record regardless of the number of
685 fishermen contributing to such aggregate catch or landings. Any
686 person who violates any provision of this section shall be fined not
687 more than one thousand dollars or imprisoned not more than thirty
688 days or both and each such violation shall constitute a separate
689 offense.

690 Sec. 5. Subsection (a) of section 15-145b of the general statutes is
691 repealed and the following is substituted in lieu thereof (*Effective*
692 *January 1, 2016*):

693 (a) Notwithstanding the provisions of this chapter, any person who
694 holds a current passenger-for-hire license issued by the United States
695 Coast Guard and a current charter [boat] fishing vessel registration
696 issued by the Commissioner of Energy and Environmental Protection
697 pursuant to section 26-142a, as amended by this act, shall not be
698 prohibited from operating a vessel registered with a marine dealer
699 registration number issued pursuant to section 15-145, provided any
700 such person operates a recreational charter fishing guide service using
701 a vessel registered with such a marine dealer registration number in
702 connection with such guide service.

703 Sec. 6. Subsection (g) of section 26-27 of the general statutes is
704 repealed and the following is substituted in lieu thereof (*Effective*

705 *January 1, 2016*):

706 (g) No fishing license shall be required for any person who is fishing
707 as a passenger on a party [boat,] or charter [boat] fishing vessel or head
708 boat registered under section 26-142a, as amended by this act, and
709 operating solely in the marine district.

710 Sec. 7. Subsection (e) of section 26-28b of the general statutes is
711 repealed and the following is substituted in lieu thereof (*Effective*
712 *January 1, 2016*):

713 (e) No marine waters fishing license shall be required for any person
714 who is fishing as a passenger on a party [boat,] or charter [boat] fishing
715 vessel or head boat registered under section 26-142a, as amended by
716 this act, and operating solely in the marine district.

717 Sec. 8. Section 26-159c of the general statutes is repealed and the
718 following is substituted in lieu thereof (*Effective January 1, 2016*):

719 Prior to the adoption of any regulation under subsection [(d)] (g) of
720 section 26-142a, as amended by this act, or section 26-159a, the
721 commissioner or his designated representative shall conduct a public
722 hearing or hearings in those coastal areas where persons substantially
723 affected by such regulation and having an interest therein may be
724 heard. The commissioner shall cause notice of such hearing or hearings
725 to be published at least once not more than thirty days and not fewer
726 than ten days before the date set for such hearing or hearings in a
727 newspaper or newspapers having general circulation in those areas
728 which may be affected by such regulation.

729 Sec. 9. Subsection (b) of section 51-164n of the general statutes is
730 repealed and the following is substituted in lieu thereof (*Effective*
731 *January 1, 2016*):

732 (b) Notwithstanding any provision of the general statutes, any
733 person who is alleged to have committed (1) a violation under the
734 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-
735 283, 7-325, 7-393, 8-12, 8-25, 8-27, 9-63, 9-322, 9-350, 10-193, 10-197, 10-

736 198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292, 12-314b or 12-326g,
737 subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section
738 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-
739 113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-
740 143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-
741 90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or
742 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414,
743 subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e)
744 of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49,
745 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b
746 or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-
747 80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152,
748 14-153 or 14-163b, a first violation as specified in subsection (f) of
749 section 14-164i, section 14-219 as specified in subsection (e) of said
750 section, subdivision (1) of section 14-223a, section 14-240, 14-249, 14-
751 250 or 14-253a, subsection (a) of section 14-261a, section 14-262, 14-264,
752 14-267a, 14-269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) or (h)
753 of section 14-283, section 14-291, 14-293b, 14-296aa, 14-319, 14-320, 14-
754 321, 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3) of
755 section 14-386a, section 15-25 or 15-33, subdivision (1) of section 15-97,
756 subsection (a) of section 15-115, section 16-44, 16-256e, 16a-15 or 16a-22,
757 subsection (a) or (b) of section 16a-22h, section 17a-24, 17a-145, 17a-149,
758 17a-152, 17a-465, 17a-642, 17b-124, 17b-131, 17b-137 or 17b-734,
759 subsection (b) of section 17b-736, section 19a-30, 19a-33, 19a-39 or 19a-
760 87, subsection (b) of section 19a-87a, section 19a-91, 19a-105, 19a-107,
761 19a-113, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-297,
762 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-425,
763 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-249, 20-257, 20-265, 20-324e, 20-
764 341l, 20-366, 20-597, 20-608, 20-610, 21-1, 21-30, 21-38, 21-39, 21-43, 21-
765 47, 21-48, 21-63 or 21-76a, subdivision (1) of section 21a-19, section 21a-
766 21, subdivision (1) of subsection (b) of section 21a-25, section 21a-26 or
767 21a-30, subsection (a) of section 21a-37, section 21a-46, 21a-61, 21a-63
768 or 21a-77, subsection (b) of section 21a-79, section 21a-85 or 21a-154,
769 subdivision (1) of subsection (a) of section 21a-159, subsection (a) of
770 section 21a-279a, section 22-12b, 22-13, 22-14, 22-15, 22-16, 22-29, 22-34,

771 22-35, 22-36, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-49,
772 22-54, 22-89, 22-90, 22-98, 22-99, 22-100, 22-111o, 22-167, 22-279, 22-
773 280a, 22-318a, 22-320h, 22-324a, 22-326 or 22-342, subsection (b), (e) or
774 (f) of section 22-344, section 22-359, 22-366, 22-391, 22-413, 22-414, 22-
775 415, 22a-66a or 22a-246, subsection (a) of section 22a-250, subsection (e)
776 of section 22a-256h, section 22a-363 or 22a-381d, subsections (c) and (d)
777 of section 22a-381e, section 22a-449, 22a-461, 23-37, 23-38, 23-46 or 23-
778 61b, subsection (a) or subdivision (1) of subsection (c) of section 23-65,
779 section 25-37 or 25-40, subsection (a) of section 25-43, section 25-43d,
780 25-135, 26-16, 26-18, 26-19, 26-21, 26-31, 26-31c, 26-40, 26-40a, 26-42, 26-
781 49, 26-54, 26-55, 26-56, 26-58 or 26-59, subdivision (1) of subsection (d)
782 of section 26-61, section 26-64, subdivision (1) of section 26-76, section
783 26-79, 26-87, 26-89, 26-91, 26-94, 26-97, 26-98, 26-104, 26-105, 26-107, 26-
784 117, 26-128, 26-131, 26-132, 26-138 or 26-141, subdivision (2) of
785 subsection (j) of section 26-142a, as amended by this act, subdivision
786 (1) of subsection (b) of section 26-157b, as amended by this act,
787 subdivision (1) of section 26-186, section 26-207, 26-215, 26-217 or 26-
788 224a, subdivision (1) of section 26-226, section 26-227, 26-230, 26-232,
789 26-244, 26-257a, 26-260, 26-276, 26-284, 26-285, 26-286, 26-288, 26-294,
790 28-13, 29-6a, 29-25, 29-109, 29-143o, 29-143z or 29-156a, subsection (b),
791 (d), (e) or (g) of section 29-161q, section 29-161y or 29-161z, subdivision
792 (1) of section 29-198, section 29-210, 29-243 or 29-277, subsection (c) of
793 section 29-291c, section 29-316, 29-318, 29-381, 30-48a, 30-86a, 31-3, 31-
794 10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-
795 32, 31-36, 31-38, 31-40, 31-44, 31-47, 31-48, 31-51, 31-52, 31-52a or 31-54,
796 subsection (a) or (c) of section 31-69, section 31-70, 31-74, 31-75, 31-76,
797 31-76a, 31-89b or 31-134, subsection (i) of section 31-273, section 31-288,
798 subdivision (1) of section 35-20, section 36a-787, 42-230, 45a-283, 45a-
799 450, 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-54,
800 section 46a-59, 46b-22, 46b-24, 46b-34, 47-34a, 47-47, 49-8a, 49-16, 53-
801 133, 53-199, 53-212a, 53-249a, 53-252, 53-264, 53-280, 53-302a, 53-303e,
802 53-311a, 53-321, 53-322, 53-323, 53-331 or 53-344, subsection (c) of
803 section 53-344b, or section 53-450, or (2) a violation under the
804 provisions of chapter 268, or (3) a violation of any regulation adopted
805 in accordance with the provisions of section 12-484, 12-487 or 13b-410,

806 or (4) a violation of any ordinance, regulation or bylaw of any town,
807 city or borough, except violations of building codes and the health
808 code, for which the penalty exceeds ninety dollars but does not exceed
809 two hundred fifty dollars, unless such town, city or borough has
810 established a payment and hearing procedure for such violation
811 pursuant to section 7-152c, shall follow the procedures set forth in this
812 section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2016</i>	26-1
Sec. 2	<i>January 1, 2016</i>	26-142a
Sec. 3	<i>January 1, 2016</i>	26-142b
Sec. 4	<i>January 1, 2016</i>	26-157b
Sec. 5	<i>January 1, 2016</i>	15-145b(a)
Sec. 6	<i>January 1, 2016</i>	26-27(g)
Sec. 7	<i>January 1, 2016</i>	26-28b(e)
Sec. 8	<i>January 1, 2016</i>	26-159c
Sec. 9	<i>January 1, 2016</i>	51-164n(b)

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:

Agency Affected	Fund-Effect	FY 16 \$	FY 17 \$
Department of Energy and Environmental Protection	GF - Revenue Neutral	See Below	See Below
Resources of the General Fund	GF - Potential Revenue Gain	Less than 5,000	Less than 5,000

Municipal Impact: None

Explanation

The bill reduces, from \$120 to \$60, the cost of a personal use lobster license. Assuming the same number of licenses sold¹, this would reduce revenue in both FY 16 and FY 17 by half, or approximately \$10,000.

Additionally, the bill adds three new categories of fishing licenses and endorsements anticipated to be less than \$10,000 annually.² Therefore, the revenue loss from the reduction in personal use lobster licenses is anticipated to be offset by the additional revenue generated from the new categories established in the bill, making both provisions together revenue neutral.

Additionally, the bill changes the penalties associated with violating the commercial fishing statutes and results in a potential minimal revenue gain of less than \$5,000 in fines. In FY 14, a total of four offenses resulted in fine revenue of \$1,180.

The Out Years

¹ In FY 14, 166 personal use lobster licenses were sold at a cost of \$120 each.

² In FY 13, \$234,030 was generated from commercial fishing licenses.

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of licenses sold and violations that occur.

Sources: Judicial Department Offenses and Revenue Database

OLR Bill Analysis**sHB 6733*****AN ACT CONCERNING CERTAIN COMMERCIAL FISHERY LICENSURE REFORMS.*****SUMMARY:**

This bill makes numerous changes to the commercial fishing statutes. Among other things, the bill:

1. expands the species the Department of Energy and Environmental Protection (DEEP) regulates to include whelk (also called conch), which the Department of Agriculture (DoAg) currently regulates and continues to do under the bill (see COMMENT);
2. (a) establishes, and sets fees for, a whelk license, a restricted commercial fishing license, and a restricted commercial lobster pot fishing license, (b) establishes a fee for a quota-managed species endorsement, and (c) decreases the fee for a personal use lobster fishing license;
3. establishes an annual renewal period for limited access licenses under which a license holder must apply for renewal annually by March 31 or the license will be retired;
4. limits (a) the transferability of certain resident limited access licenses to state residents and (b) a temporary license reissued because of a license holder's temporary incapacity to the shorter of 12 months or the period of incapacity; and
5. makes a matter of public record (a) the identity of license, permit, registration, and endorsement holders and (b) aggregate landings data grouped by species, month, and statistical catch area.

The bill also changes the penalties associated with violating the commercial fishing statutes. It:

1. increases the general penalty for violating the commercial fishing licensing statutes from a fine of up to \$500, up to 30 days imprisonment, or both, to a class C misdemeanor (up to \$500 fine, up to three months imprisonment, or both) for a first offense and class B misdemeanor (up to \$1,000 fine, up to six months imprisonment, or both) for a subsequent offense;
2. decreases the penalty for violating blue crab sport fishing regulations from a fine of up to \$500, up to 30 days imprisonment, or both to an infraction;
3. increases the penalty for falsifying a quota-managed species report submitted to the DEEP commissioner from an infraction to a class D misdemeanor (up to a \$250 fine, up to 30 days imprisonment, or both); and
4. allows the commissioner to suspend a person's license, permit, registration, or endorsement if he or she fails to report information (including employment data, boats and devices used to fish, and catch and landings information) to the commissioner as required by existing law.

The bill also (1) streamlines current terminology by assigning specific terms to commonly understood licenses and activities and (2) makes other minor, technical, and conforming changes.

EFFECTIVE DATE: January 1, 2016

WHELK FISHING

Under current law, DEEP regulates certain species for commercial fishing purposes, including bait species, crabs, lobsters, finfish, horseshoe crabs, sea scallops, and squid. The bill expands the species DEEP regulates to include whelk. Together, the bill refers to all of these as "regulated species."

Existing law, unchanged by the bill, allows the DoAg commissioner to issue licenses to people who take conchs (i.e., whelk) (CGS § 26-219). Thus, under the bill, people may either obtain a conch license from DoAg or a whelk license from DEEP, or both, but both licenses seek to regulate the same species and do so in different ways, as described below. (see COMMENT).

The two licenses carry different penalties. Under the bill, taking one-half bushel of whelk daily without a license is a class C misdemeanor for the first offense and a class B misdemeanor for subsequent offenses. Under the agriculture law, taking more than one-half bushel of conch daily without a license is a class D misdemeanor.

The bill also contains an internal conflict. Line 301 specifies that a license is needed to take one-half bushel or more of whelk daily. But line 443 says a license is needed only when taking *more* than one-half bushel daily.

Under the bill, a whelk license from DEEP costs \$100 and it expires on the December 31 following its issuance. Under the agriculture law, a conch license costs \$100 and is valid for one year from its date of issuance.

NEW FEES AND LICENSES

Quota-managed Species Endorsement

The bill establishes a \$15 fee for a quota-managed species endorsement. A “quota-managed species” is a regulated species DEEP manages through a seasonal or annual commercial harvest limit.

Existing regulations set possession limits (i.e., quotas) for various species (e.g., summer flounder, black sea bass, and scup) and require a person to hold a DEEP-issued endorsement to fish these species (Conn. Agencies Regs. § 26-159a-1 et seq.). The bill explicitly prohibits a person from possessing or landing a quota-managed species unless he or she, or the owner of the principal commercial fishing vessel used to take the species, holds a DEEP-issued endorsement. The commissioner may waive the endorsement requirement for someone possessing only

a small amount of the species as determined by the commissioner.

Under the bill, the commissioner may revoke a person's commercial vessel permit when that person is convicted of, or upon the forfeiture of a bond taken upon any complaint for, possessing the greater of (1) more than 20% in excess of the possession limit for the quota-managed species or (2) 50 pounds.

Restricted Commercial Fishing License

The bill establishes a restricted commercial fishing license, which costs \$125 for residents and \$250 for non-residents. It defines "restricted commercial fishing" as (1) commercial fishing by use of hook and line to take squid and finfish, other than American shad or bait species or (2) the taking of menhaden by use of a gill net that is up to 200 feet long, set manually, and retrieved and personally attended to when in use. A license expires on the December 31 following its issuance.

Restricted Commercial Lobster Pot Fishing License

The bill also establishes a restricted commercial lobster pot fishing license, which costs \$125 for residents and \$250 for non-residents. Under the bill, "restricted commercial lobster pot fishing" means commercial fishing by only the use of up to 50 lobster pots to take and land regulated species other than blue crab. A license expires on the December 31 following its issuance.

Personal Use Lobster Fishing License

The bill decreases, from \$120 to \$60, the fee for a personal use lobster fishing license. "Personal use lobster fishing" means (1) using up to 10 lobster pots to take lobsters and finfish for personal use or (2) taking lobsters for personal use by hand or skin or scuba diving. Any finfish taken must be (1) taken incidental to lobster fishing and (2) in accordance with recreational fishery creel limits, length limits, and seasons adopted in accordance with state law. Under existing law, a license expires on the December 31 following its issuance.

LIMITED ACCESS LICENSES

Definition

The bill defines a “limited access license” as any endorsement, license, permit, or registration, the number of which is limited either by statute or the DEEP commissioner. For example, this includes quota-managed species endorsements, specified limited access licenses (i.e., commercial lobster pot, principal commercial, and general commercial fishing licenses), and associated commercial fishing vessel permits. The specified limited access licenses may only be issued to people who held one at any time from June 1, 1995 to December 31, 2003, as under existing law.

Renewal

Under current law, all commercial fishing licenses, registrations, and permits expire on the December 31 following their issuance. A person may purchase a new license, registration, or permit at any time during the calendar year and it will remain valid until December 31 of that year. The bill extends this to endorsements.

But for limited access licenses, the bill establishes a specific annual renewal period. The license expires December 31, but may be renewed through March 31. Anyone who does not renew his or her limited access license by March 31 forfeits the license (i.e., allows it to be retired). A person whose license is retired may apply for a new limited access license through any means the commissioner establishes.

The bill allows the DEEP commissioner, in managing the number of limited licenses issued, to (1) consider an applicant’s recent fishing activity, (2) use a random drawing, (3) lease up to 20% of the available harvest of any quota-managed species, or (4) use other methods to manage the number of fishing participants.

Transferring Certain Limited Access Licenses

By law, fishing licenses, registrations, and permits are generally nontransferable, except as the law otherwise authorizes. The bill specifies that endorsements are similarly nontransferable.

The law allows the DEEP commissioner to temporarily reissue

certain limited access licenses, when a license holder becomes temporarily incapacitated, to an immediate family member or crew member. This applies to active principal commercial fishing, general commercial fishing, and commercial lobster pot fishing licenses. Current law limits a temporary license to the period of incapacity. The bill instead limits a temporary license to the shorter of the period of incapacity or 12 consecutive months.

In addition, current law allows the commissioner to authorize the holder of one of these limited access licenses to transfer it to another person if he or she held the license and landed regulated species for at least five of the eight previous calendar years and reported landings to the commissioner as required by law. The bill further limits transfers of these licenses. Under the bill, (1) the person transferring the license must be the primary owner of the vessel that is permitted to conduct fishing activity, (2) the vessel must be at least 30 feet long, and (3) the person receiving the license must be purchasing the vessel. Additionally, if the license to be transferred is a resident license, the person receiving it must also be a state resident.

By law, upon the transfer of a license, the original license holder becomes ineligible for a renewal of that license, but he or she may acquire a new license through a subsequent transfer. The law also prohibits a transfer while a license, registration, or permit is under suspension or if a party to the transfer had a license, registration, or permit revoked or suspended within the preceding 12 months. Additionally, if the holder of one of these limited access licenses dies, the commissioner may authorize the transfer of the license for a two year period.

PUBLIC INFORMATION

The bill makes certain commercial fishery information public. Currently, the law makes confidential any individually identifiable information from any report that license holders are required to submit to the DEEP commissioner. But it allows the commissioner to release the information for research, management and development,

and law enforcement purposes.

The bill makes public:

1. the identity of people holding any license, permit, registration, or endorsement issued under the commercial fisheries law, and any associated fishing privileges established by law or regulation and
2. catch or landings data aggregated by species, month, and statistical catch area.

ADDITIONAL CHANGES

The bill expands the DEEP commissioner's authority to regulate commercial fishing activities by allowing him to determine limits on at-sea fish processing related to preserving species identification and preventing wasteful harvest practices.

The bill allows a vessel used to take regulated species to use a fish pump only when offloading a catch at a shore-side facility. Current law prohibits any use of a fish pump.

COMMENT

Whelk Fishing

The bill sets up a duplicative and conflicting regulatory scheme for whelk fishing licenses. Existing law, unchanged by the bill, allows the DoAg commissioner to issue licenses to people who take conchs (i.e., whelk) (CGS § 26-219). The bill allows the DEEP commissioner to issue licenses to people who take whelk. Thus, under the bill, people may either obtain a conch license from DoAg or a whelk license from DEEP, or both, but both licenses seek to regulate the same species and do so in different ways, as discussed in more detail above.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 29 Nay 0 (03/11/2015)