



Substitute House Bill No. 6733

Public Act No. 15-52

**AN ACT CONCERNING CERTAIN COMMERCIAL FISHERY
LICENSURE REFORMS.**

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

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 Section 26-1 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2016*):

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

- (1) "Animal" includes birds, quadrupeds, reptiles and amphibians.
- (2) "Bait species" means all species of fish, frogs, crustaceans and insects listed as bait in the regulations issued by the Commissioner of Energy and Environmental Protection.
- (3) "Black bass" means smallmouth bass (*Micropterus dolomieu*) and largemouth bass (*Micropterus salmoides*).
- (4) Repealed.
- (5) "Closed season" means that period of time during which hunting, trapping or fishing is prohibited for any species of wildlife.
- (6) "Commercial fisherman" means any person, firm or corporation engaged in commercial fishing.

Substitute House Bill No. 6733

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

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

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

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

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

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

Substitute House Bill No. 6733

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

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

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

(16) "Regulated species" means the following species or species groups: Bait species, crustacea, finfish, horseshoe crabs, sea scallops, squid or whelk.

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

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

Substitute House Bill No. 6733

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

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

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

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

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

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

Sec. 2. Section 26-142a of the general statutes is repealed and the

Substitute House Bill No. 6733

following is substituted in lieu thereof (*Effective January 1, 2016*):

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

Substitute House Bill No. 6733

commercial fishing license issued by the commissioner to fish by the method used to take such species, regardless of where such species were taken, shall not be required to obtain a landing license. No person shall take or attempt to take lobsters or horseshoe crabs for personal use by hand or by scuba diving or skin diving unless such person has been licensed by the commissioner to take lobsters or horseshoe crabs by such methods. No person shall take or attempt to take finfish for commercial purposes by the use of hook and line, including, but not limited to, rod and reel, hand line, set line, long line, or similar device unless such person has been licensed by the commissioner to use such gear for commercial purposes, except that notwithstanding the issuance of such a license, no person shall take finfish for commercial purposes in the inland district by the use of hook and line. The use of a purse seine or similar device is prohibited. No pound net shall be used to take finfish unless such pound net is registered with the commissioner. Lobsters and blue crabs taken in pound nets shall be released unharmed. No person shall buy for resale finfish, lobsters, crabs, including blue crabs and horseshoe crabs, sea scallops or squid landed in Connecticut from any commercial fisherman unless such buyer and commercial fisherman have been licensed by the commissioner. A licensed commercial fisherman who acts as a seafood dealer may, without holding a seafood dealer license, sell, ship, consign, transfer or barter his or her own catch of finfish, lobsters, crabs, including blue crabs and horseshoe crabs, sea scallops or squid landed in this state. No person shall take blue crabs for commercial purposes except by scoop net, hand line or manually operated and personally attended devices approved by the commissioner and unless such person has been licensed by the commissioner. No person shall operate a charter boat, party boat or head boat for the purpose of fishing unless such boat has been registered for such purpose with the commissioner and such person holds a current passenger-for-hire license issued by the United States Coast Guard. The owner, operator or captain of any such boat may sell the boat's or crew's share of any

Substitute House Bill No. 6733

tuna species if such sale is not prohibited on the basis of species, size or closed season. For the purposes of this chapter, a charter boat, party boat or head boat is a vessel operated for a fee for the purpose of transporting and providing a fishing platform for sport fishermen taking marine species in Connecticut waters or landing marine species at Connecticut ports regardless of where such species are taken. The commissioner may by regulations adopted in accordance with the provisions of chapter 54 exempt certain minnow seines, cast nets, scoop nets, traps, eel pots, seines less than thirty feet in length or any similar device used to take bait species and other species for personal use under a sport fishing license in the inland district and under a marine waters fishing license in the marine district. No vessel used to take bait species may employ a fish pump. Persons licensed, registered or issued a permit to engage in activities authorized by this subsection shall carry on their persons or in the vessel being used to engage in such activity the permit, license or registration covering such activity.]

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

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

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

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

(4) "Commercial fishing vessel" means a commercial landing vessel, or a vessel used to engage in commercial lobster pot fishing, otter trawl fishing, general commercial fishing or pound net fishing. "Commercial

Substitute House Bill No. 6733

fishing vessel" does not include any skiff used to aid the primary pound net fishing vessel;

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

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

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

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

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

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

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

Substitute House Bill No. 6733

than blue crabs;

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

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

(14) "Personal use lobster fishing" means: (A) The use of not more than ten lobster pots to take lobsters and finfish only for personal use and not for sale whenever such finfish are taken incidental to lobster fishing and in accordance with recreational fishery creel limits, length limits and seasons adopted pursuant to section 26-159a, or (B) the taking of lobsters for personal use only by hand or by skin or scuba diving;

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

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

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

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

Substitute House Bill No. 6733

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

(b) Except as provided in subsection (c) of this section, no person shall take or attempt to take any regulated species for commercial purposes or use commercial fishing gear or land any regulated species in this state for commercial purposes, regardless of where taken, without first obtaining a license as provided in this chapter. No person shall act as a seafood dealer without first obtaining a license as provided in this chapter except that a commercial fisherman acting as a seafood dealer as defined in subparagraph (B) of subdivision (17) of section 26-1, as amended by this act, shall not be required to obtain a seafood dealer's license. No person shall buy for resale regulated species landed in this state from any commercial fisherman unless such buyer and commercial fisherman have a license issued by the commissioner. No person shall operate an environmental tourism vessel, commercial landing vessel or a vessel used in commercial lobster pot fishing, general commercial fishing or otter trawl fishing unless the commissioner issued a permit for such vessel to the owner of such vessel. No person shall operate a party or charter fishing vessel unless the commissioner issued a registration for that vessel to the owner of such vessel. No person shall possess or land a quota-managed species taken while commercial fishing unless the commissioner issued such person a quota-managed species endorsement for such species or the commissioner issued a quota-managed species endorsement for such species to the owner of the principal commercial fishing vessel used to take such species, provided the commissioner may waive such quota-managed species endorsement requirement for a license or permit holder who possesses a small quantity of such species under conditions specified by the commissioner. No person shall take or attempt to take lobsters or horseshoe crabs for personal use unless such person is licensed by the

Substitute House Bill No. 6733

commissioner.

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

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

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

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

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

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

(6) No license shall be required to take not more than one-half bushel of whelk daily.

(d) The use of a purse seine is prohibited. No person shall take finfish for commercial purposes in the inland district by the use of hook and line. No person shall take blue crabs for commercial purposes or for personal use except by scoop net, hand line or manually operated and personally attended devices approved by the commissioner. No person shall operate a party or charter fishing vessel

Substitute House Bill No. 6733

or an environmental tourism vessel unless such person holds a current passenger-for-hire license issued by the United States Coast Guard. No vessel used to take regulated species may employ a fish pump except to offload the catch at a shore side facility.

[(b)] (e) The commissioner shall issue [fishing] endorsements, licenses, [vessel] permits and registrations to qualified applicants upon the submission of an application [, on forms provided by the commissioner,] containing such information as prescribed by the commissioner, and upon the payment of such endorsement, license, registration or permit fees as are required by subsection [(c)] (f) of this section, except that a nonresident whose endorsement, permit, license or registration in the state of residence has been voided or suspended shall have the Connecticut endorsement, permit, license or registration voided or suspended during the suspension of such out-of-state endorsement, permit, license or registration or until another endorsement, permit, license or registration is obtained in the state of residence. The commissioner shall not issue any fishing license, endorsement or registration or vessel permit to any applicant who has not met the reporting requirements of section 26-157b, as amended by this act. The commissioner shall not renew any limited access license, the application and payment for which is received or post marked after the application deadline. Failure to renew any limited access license and associated commercial fishing vessel permit annually shall constitute a permanent forfeiture of renewal privileges for such limited access license. Any person who forfeits license renewal privileges, as described in this subsection, shall be eligible to obtain another limited access license through means established by the commissioner for issuing a new limited access license. A resident of a state that does not issue commercial licenses to take eels to residents of this state shall not be eligible to obtain a commercial license to take eels in the waters of this state or to land eels in this state. A resident of a state that does not issue commercial licenses to take lobsters to residents of this state shall

Substitute House Bill No. 6733

not be eligible to obtain a commercial license to take lobsters in the waters of this state or to land lobsters in this state. A nonresident shall not be issued a license to take lobsters if the laws of the nonresident's state concerning the taking of lobsters are less restrictive than regulations adopted pursuant to section 26-157c. No vessel permit or registration shall be issued to any person for any vessel during the time period that such vessel permit has been revoked pursuant to subsection [(f)] (i) of this section. Any person endorsed, licensed, registered or permitted to engage in activities authorized by this subsection shall carry on their persons or aboard the vessel being used to engage in such activity the endorsement, license, registration or permit authorizing such activity. Any fishing license, endorsement or registration or vessel permit issued by the commissioner shall be nontransferable except as provided in section 26-142b, as amended by this act, and shall expire on the thirty-first day of December next following its issuance.

[(c)] (f) The fee for the following fishing endorsements, licenses and registrations and for a commercial fishing vessel permit shall be: (1) For a commercial blue crab fishing license, [to take blue crabs for commercial purposes,] one hundred fifty dollars; (2) for a personal use lobster fishing license, [to take lobsters for personal use, but not for sale, (A) by the use of not more than ten lobster pots, traps or similar devices provided finfish may be taken incidentally during such use if taken in accordance with recreational fishery creel limits, length limits and seasons adopted under section 26-159a and if taken for personal use and not for sale, or (B) by skin diving, scuba diving or by hand, one hundred twenty] sixty dollars; (3) for a commercial lobster pot fishing license, [to take lobsters, fish or crabs, other than blue crabs for personal use or for sale, by the use of more than ten lobster pots or similar devices,] one hundred ninety dollars for residents of this state and two hundred eighty-five dollars for nonresidents; [, provided any such license issued to a resident of a state that does not issue

Substitute House Bill No. 6733

commercial licenses conferring the same authority to take lobsters to residents of Connecticut shall be limited to the taking of crabs, other than blue crabs, and a nonresident shall not be issued such license if the laws of the nonresident's state concerning the taking of lobster are less restrictive than regulations adopted pursuant to section 26-157c;] (4) for a principal commercial fishing license, [to take lobsters, crabs other than blue crabs, squid, sea scallops and finfish, for personal use or for sale, by the use of more than ten lobster pots or similar devices, or by the use of any otter trawl, balloon trawl, beam trawl, sea scallop dredge or similar device,] two hundred eighty-five dollars for residents of this state and one thousand five hundred dollars for nonresidents; [, provided any such license issued to residents of states which do not issue commercial licenses conferring the same authority to take lobsters to residents of Connecticut shall be limited to the taking of crabs other than blue crabs, squid, sea scallops and finfish by the use of any otter trawl, balloon trawl, beam trawl, sea scallop dredge or similar device, and a nonresident shall not be issued such license if the laws of the state of residency concerning the taking of lobster are less restrictive than regulations adopted under the authority of section 26-157c;] (5) for a commercial shad fishing license, [to set or tend gill nets, seines, scap or scoop nets used to take American shad,] two hundred dollars; (6) for the registration of each pound net or similar device, [used to take finfish,] two hundred eighty-five dollars; [, provided persons setting, operating, tending or assisting in setting, operating or tending such pound nets shall not be required to be licensed;] (7) for a general commercial fishing license, [to set or tend gill nets, seines, traps, fish pots, cast nets, fykes, scaps, scoops, eel pots or similar devices to take finfish other than American shad or bait species for commercial purposes, or, in any waters seaward of the inland district demarcation line, to take finfish other than American shad or bait species for commercial purposes by hook and line, or to take horseshoe crabs by hand,] one hundred ninety dollars for residents of this state and two hundred fifty dollars for

Substitute House Bill No. 6733

nonresidents, and any [such] general commercial fishing license obtained for the taking of any fish species for commercial purposes by hook and line, in excess of any creel limit adopted under the authority of section 26-159a, three hundred seventy-five dollars for residents of this state and six hundred twenty-five dollars for nonresidents, provided for the taking for bait of horseshoe crabs only, this license may be issued without regard to the limitations in section 26-142b, as amended by this act, to any holder of a Department of Agriculture conch license who held such license between January 1, 1995, and July 1, 2000, inclusive; (8) for a commercial bait fishing license [to set or tend seines, traps, scaps, scoops, weirs or similar devices] to take bait species in the inland district for commercial purposes, one hundred dollars; (9) for a commercial bait fishing license [to set or tend seines, traps, scaps, scoops or similar devices] to take bait species in the marine district, [for commercial purposes,] one hundred dollars; (10) for a seafood dealer license, [to buy finfish, lobsters, crabs, including blue crabs and horseshoe crabs, sea scallops, squid or bait species for resale from any commercial fisherman licensed to take or land such species for commercial purposes, regardless of where taken,] two hundred fifty dollars; (11) for [the registration of any party boat, head boat or charter boat used for fishing] a party or charter fishing vessel registration, three hundred fifteen dollars; (12) for a [license to land finfish, lobsters, crabs, including blue crabs and horseshoe crabs, sea scallops, squid or bait species] commercial landing vessel operator's license, five hundred dollars; (13) for a commercial fishing vessel permit, one hundred dollars; (14) for a [license to take menhaden from marine waters for personal use, but not for sale, by the use of a single gill net not more than sixty feet in length] personal use gill net fishing license, one hundred dollars; [and] (15) for an environmental tourism [cruise] vessel permit, one hundred dollars; [, provided the landing of any species regulated under Department of Energy and Environmental Protection regulations is prohibited] (16) for a restricted commercial fishing license, one hundred twenty-five dollars for residents and two

Substitute House Bill No. 6733

hundred fifty dollars for nonresidents; (17) for a restricted commercial lobster pot fishing license, one hundred twenty-five dollars for residents and two hundred fifty dollars for nonresidents; (18) for a quota-managed species endorsement, fifteen dollars for each species endorsement; and (19) for a license to take whelk in excess of one-half bushel daily, one hundred dollars.

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

Substitute House Bill No. 6733

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

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

Substitute House Bill No. 6733

other statute.

[(g) Any] (j) Except as provided in subdivision (2) of this subsection, (1) any person who violates any provision of this [part relating to commercial fishing vessel permits shall be fined no more than five hundred dollars or imprisoned not more than thirty days or both, and each violation of any provision of this section relating to commercial fishing vessel permits shall constitute a separate offense.] section shall for a first offense, be guilty of a class C misdemeanor, and each animal taken or possessed in violation of any provision of this section shall constitute a separate offense, and for any subsequent offense, be guilty of a class B misdemeanor, and each animal taken or possessed in violation of this section shall constitute a separate offense; and (2) any person who violates any regulation concerning sport fishing for blue crabs adopted in accordance with the provisions of chapter 54 and this section shall have committed an infraction and may pay the fine by mail or plead not guilty in accordance with the provisions of section 51-164n, as amended by this act.

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

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

Substitute House Bill No. 6733

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

(a) For the purposes of this section, "active" with regard to a principal commercial [finfish] fishing license, general commercial fishing license or commercial lobster pot fishing license means that the license has been renewed in the current year. [and "number of lobster pots actively fished" means the maximum calculated number of pots as established by the Commissioner of Energy and Environmental Protection pursuant to regulations adopted in accordance with section 26-157c.]

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

(c) [(1)] The commissioner may authorize the transfer of an active principal commercial [finfish] fishing license, general commercial

Substitute House Bill No. 6733

fishing license or commercial lobster pot fishing license, issued pursuant to subsection [(c)] (f) of section 26-142a, as amended by this act, provided: [the person transferring the license] (1) For purposes of an active resident-held principal or general commercial fishing license or commercial lobster pot fishing license: (A) The person receiving the license in such transfer is a resident of this state, and (B) the person transferring the license held the license and landed [finfish, lobsters, sea scallops, crabs or squid] regulated species in at least five of the eight calendar years preceding the transfer request and reported such landings to the commissioner, pursuant to section 26-157b, as amended by this act, for [at least] not less than thirty fishing days in each year, or (2) for purposes of an active nonresident-held principal or general commercial fishing license or commercial lobster pot fishing license: The person transferring the license held the license and landed regulated species in at least five of the eight calendar years preceding the transfer request and reported such landings to the commissioner, pursuant to section 26-157b, as amended by this act, for not less than thirty fishing days in each year. Such landings shall be verified by seafood dealer reports submitted pursuant to section 26-157b, as amended by this act. The recipient of a transferred commercial lobster pot fishing license or principal commercial fishing license shall be limited to the number of lobster pots allocated to such license, except a transferee who currently holds a commercial lobster pot fishing license, issued pursuant to subsection [(c)] (f) of section 26-142a, as amended by this act, shall be limited to the number of pots allocated to such person's currently held commercial lobster pot fishing license or principal commercial fishing license or to the transferred license, whichever is greater. The length of any commercial fishing vessel used by the recipient of a transferred license to fish with a trawl net in the waters of this state shall be not more than ten per cent greater than the length of the largest vessel used by the person transferring the license during such qualifying period.

Substitute House Bill No. 6733

[(2) The commissioner shall authorize the transfer of an active commercial fishing license, issued pursuant to subsection (c) of section 26-142a, provided the person transferring the license held the license every year from 1980 to 1989, inclusive, and landed summer flounder in this state in at least six of such ten years and reported such landings to the commissioner pursuant to section 26-157b.]

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

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

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

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

(a) Each person who engages in commercial fishing in the waters of this state, lands [lobsters, sea scallops, finfish, crabs, including horseshoe crabs, squid or bait] regulated species for commercial purposes in this state regardless of where such species are taken,

Substitute House Bill No. 6733

operates as a seafood dealer or holds any commercial fishing license, endorsement, permit or registration issued by the commissioner [license to take lobsters for personal use, license to take menhaden for personal use, license to buy finfish, lobsters, crabs, sea scallops, squid or bait species for resale, license to land lobsters, sea scallops, finfish, crabs, or squid or pound net registration] pursuant to section 26-142a, as amended by this act, shall report information to the commissioner that the commissioner deems necessary at intervals and by methods the commissioner deems necessary. The commissioner may request that commercial shellfish harvesters of oysters and clams voluntarily report [upon forms provided by the commissioner,] such information as the commissioner deems necessary. The information required to be reported or voluntarily submitted may include but is not limited to: The number of individuals employed by such person, the number and value of boats, nets, apparatus and other devices used, the area fished, the effort expended and the number, weight [,] and market value [and species of finfish, lobsters, oysters, clams, sea scallops, squid, crabs, including horseshoe crabs or bait] of regulated species and shellfish caught, landed or purchased. Each person who holds a party [boat, head boat or charter boat] or charter fishing vessel registration shall report to the commissioner, at such times and at such intervals as may be required, [and upon forms provided by the commissioner,] such information as the commissioner deems necessary, which may include but is not limited to: The number of individuals carried for the purpose of fishing, the area fished, the effort expended, the number and weight by species of all [finfish] regulated species taken and, if any of the catch is sold by such person or by the captain or crew of such vessel, the number, weight, species and value of such [finfish] regulated species.

(b) [Any] (1) Except as provided in subdivision (2) of this subsection, any person who violates any reporting requirement under subsection (a) of this section shall have committed an infraction and

Substitute House Bill No. 6733

may pay the fine by mail or plead not guilty under the provisions of section 51-164n and shall [not] be subject to the provisions of section 26-61.

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

(c) Notwithstanding any provision of section 1-210 to the contrary, no person shall obtain, attempt to obtain or release to any person or government agency any identifiable individual record [of or information derived] from any report required to be submitted or voluntarily submitted in accordance with the provisions of subsection (a) of this section, or any identifiable fishery record or fishery sampling information provided or submitted voluntarily or received by the department upon request of the commissioner, without the consent of the person making the report or providing the information, provided: [the] (1) The commissioner may authorize the release of such information for the purposes of fisheries research, management and development and conservation law enforcement; (2) the identity of persons holding any endorsement, license, permit or registration issued under the authority of section 26-142a, as amended by this act, including any associated fishing privileges as may be established by a provision of the general statutes or by the regulations of Connecticut state agencies, shall be a matter of public record; and (3) catch or landings data aggregated by species, month and statistical catch area shall be a matter of public record regardless of the number of fishermen contributing to such aggregate catch or landings. Any person who violates any provision of this section shall be fined not more than one thousand dollars or imprisoned not more than thirty days or both and each such violation shall constitute a separate offense.

Sec. 5. Subsection (a) of section 15-145b of the general statutes is

Substitute House Bill No. 6733

repealed and the following is substituted in lieu thereof (*Effective January 1, 2016*):

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

Sec. 6. Subsection (g) of section 26-27 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2016*):

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

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

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

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

Substitute House Bill No. 6733

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

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

(b) Notwithstanding any provision of the general statutes, any person who is alleged to have committed (1) a violation under the provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-283, 7-325, 7-393, 8-12, 8-25, 8-27, 9-63, 9-322, 9-350, 10-193, 10-197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292, 12-314b or 12-326g, subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414, subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e) of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49, 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152, 14-153 or 14-163b, a first violation as specified in subsection (f) of section 14-164i, section 14-219 as specified in subsection (e) of said

Substitute House Bill No. 6733

section, subdivision (1) of section 14-223a, section 14-240, 14-249, 14-250 or 14-253a, subsection (a) of section 14-261a, section 14-262, 14-264, 14-267a, 14-269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) or (h) of section 14-283, section 14-291, 14-293b, 14-296aa, 14-319, 14-320, 14-321, 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3) of section 14-386a, section 15-25 or 15-33, subdivision (1) of section 15-97, subsection (a) of section 15-115, section 16-44, 16-256e, 16a-15 or 16a-22, subsection (a) or (b) of section 16a-22h, section 17a-24, 17a-145, 17a-149, 17a-152, 17a-465, 17a-642, 17b-124, 17b-131, 17b-137 or 17b-734, subsection (b) of section 17b-736, section 19a-30, 19a-33, 19a-39 or 19a-87, subsection (b) of section 19a-87a, section 19a-91, 19a-105, 19a-107, 19a-113, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-249, 20-257, 20-265, 20-324e, 20-341l, 20-366, 20-597, 20-608, 20-610, 21-1, 21-30, 21-38, 21-39, 21-43, 21-47, 21-48, 21-63 or 21-76a, subdivision (1) of section 21a-19, section 21a-21, subdivision (1) of subsection (b) of section 21a-25, section 21a-26 or 21a-30, subsection (a) of section 21a-37, section 21a-46, 21a-61, 21a-63 or 21a-77, subsection (b) of section 21a-79, section 21a-85 or 21a-154, subdivision (1) of subsection (a) of section 21a-159, subsection (a) of section 21a-279a, section 22-12b, 22-13, 22-14, 22-15, 22-16, 22-29, 22-34, 22-35, 22-36, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-49, 22-54, 22-89, 22-90, 22-98, 22-99, 22-100, 22-111o, 22-167, 22-279, 22-280a, 22-318a, 22-320h, 22-324a, 22-326 or 22-342, subsection (b), (e) or (f) of section 22-344, section 22-359, 22-366, 22-391, 22-413, 22-414, 22-415, 22a-66a or 22a-246, subsection (a) of section 22a-250, subsection (e) of section 22a-256h, section 22a-363 or 22a-381d, subsections (c) and (d) of section 22a-381e, section 22a-449, 22a-461, 23-37, 23-38, 23-46 or 23-61b, subsection (a) or subdivision (1) of subsection (c) of section 23-65, section 25-37 or 25-40, subsection (a) of section 25-43, section 25-43d, 25-135, 26-16, 26-18, 26-19, 26-21, 26-31, 26-31c, 26-40, 26-40a, 26-42, 26-49, 26-54, 26-55, 26-56, 26-58 or 26-59, subdivision (1) of subsection (d) of section 26-61, section 26-64, subdivision (1) of section 26-76, section

Substitute House Bill No. 6733

26-79, 26-87, 26-89, 26-91, 26-94, 26-97, 26-98, 26-104, 26-105, 26-107, 26-117, 26-128, 26-131, 26-132, 26-138 or 26-141, subdivision (2) of subsection (j) of section 26-142a, as amended by this act, subdivision (1) of subsection (b) of section 26-157b, as amended by this act, subdivision (1) of section 26-186, section 26-207, 26-215, 26-217 or 26-224a, subdivision (1) of section 26-226, section 26-227, 26-230, 26-232, 26-244, 26-257a, 26-260, 26-276, 26-284, 26-285, 26-286, 26-288, 26-294, 28-13, 29-6a, 29-25, 29-109, 29-143o, 29-143z or 29-156a, subsection (b), (d), (e) or (g) of section 29-161q, section 29-161y or 29-161z, subdivision (1) of section 29-198, section 29-210, 29-243 or 29-277, subsection (c) of section 29-291c, section 29-316, 29-318, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-32, 31-36, 31-38, 31-40, 31-44, 31-47, 31-48, 31-51, 31-52, 31-52a or 31-54, subsection (a) or (c) of section 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b or 31-134, subsection (i) of section 31-273, section 31-288, subdivision (1) of section 35-20, section 36a-787, 42-230, 45a-283, 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-54, section 46a-59, 46b-22, 46b-24, 46b-34, 47-34a, 47-47, 49-8a, 49-16, 53-133, 53-199, 53-212a, 53-249a, 53-252, 53-264, 53-280, 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331 or 53-344, subsection (c) of section 53-344b, or section 53-450, or (2) a violation under the provisions of chapter 268, or (3) a violation of any regulation adopted in accordance with the provisions of section 12-484, 12-487 or 13b-410, or (4) a violation of any ordinance, regulation or bylaw of any town, city or borough, except violations of building codes and the health code, for which the penalty exceeds ninety dollars but does not exceed two hundred fifty dollars, unless such town, city or borough has established a payment and hearing procedure for such violation pursuant to section 7-152c, shall follow the procedures set forth in this section.

Sec. 10. Section 26-219 of the general statutes is repealed. (*Effective January 1, 2016*)

Substitute House Bill No. 6733

Approved June 19, 2015