



Senate

General Assembly

File No. 395

February Session, 2018

Substitute Senate Bill No. 426

Senate, April 10, 2018

The Committee on Environment reported through SEN. KENNEDY of the 12th Dist. and SEN. MINER of the 30th Dist., Chairpersons of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING ABANDONED FISHING GEAR IN LONG ISLAND SOUND.

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

1 Section 1. Section 26-23 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2018*):

3 (a) Any weapon, article or implement, capable of being used for the
4 purpose of taking, catching or holding any fish, crustacean, wild or
5 game bird, wild or game quadruped, reptile or amphibian, which is
6 abandoned, discarded or thrown away in an attempt to destroy or
7 conceal evidence or to prevent apprehension, may be seized and taken
8 into possession by any conservation officer. If the owner or person
9 having custody of any such article at the time it is abandoned,
10 discarded or thrown away fails to claim such article within one year
11 after it comes into the possession of such officer, such article shall be
12 forfeited to the state and may be retained for use by the commissioner,
13 may be sold at public auction or may be destroyed at the discretion of

14 said commissioner. The proceeds from such sales shall be paid to the
15 State Treasurer to be credited to the General Fund.

16 (b) Any derelict lobster gear may be seized by an authorized
17 representative of the commissioner. The commissioner, or the
18 commissioner's authorized representative, shall attempt to notify the
19 last known licensee of such derelict lobster gear not later than thirty
20 days following such seizure. In the event: (1) There is no identifying
21 marker on such seized derelict lobster gear, (2) the owner of such
22 seized derelict lobster gear cannot be identified, or (3) the last known
23 licensee of such seized derelict lobster gear fails to claim the seized
24 derelict lobster gear, the commissioner may dispose of such seized
25 derelict lobster gear or authorize the disposal of such seized derelict
26 lobster gear. For the purpose of this subsection, "derelict lobster gear"
27 means any lobster pot, trap, warp or live car found in Connecticut
28 waters that does not have the current Connecticut commercial license
29 number branded on the pot, trap, warp or live car in accordance with
30 section 26-157a and that is not attached to the annual trap tag required
31 by regulations adopted pursuant to section 26-157c for the current trap
32 tag year cycle or the trap tag from the previous year's trap tag year
33 cycle.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2018	26-23

ENV *Joint Favorable Subst.*

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

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill allows the Department of Energy and Environmental Protection (DEEP) to seize abandoned lobster gear under certain conditions. There is no fiscal impact, as existing law and regulations provide a similar authority.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**sSB 426*****AN ACT CONCERNING ABANDONED FISHING GEAR IN LONG ISLAND SOUND.*****SUMMARY**

This bill allows the Department of Energy and Environmental Protection (DEEP) commissioner, or his representative, to seize derelict lobster gear. It requires the commissioner or his representative to try to notify the gear's last known licensee within 30 days after seizing it. If the gear goes unclaimed, its owner cannot be identified, or there is no identifying marker on it as required by law, the bill allows the commissioner to dispose of it. Existing law and regulations provide a similar authority.

Under the bill, "derelict lobster gear" means any lobster pot, trap, warp (a rope or lines used to connect gear), or live car (a container used to store caught lobster in the water) that does not have, as required, the (1) current Connecticut commercial license number branded on it and (2) current or previous year's trap tag attached to it.

Existing law, unchanged by the bill, allows the commissioner or his representative to seize and dispose of any lobster gear that is not branded with the Connecticut commercial license number (CGS § 26-157a). Thus, the existing law allows seizure of unmarked gear regardless of if there is a trap tag attached and without requiring notice to the last known licensee. Existing regulations also allow DEEP to seize and dispose of any lobster pot, trap, or similar device that has a defaced or obliterated license number (Conn. Agencies Regs. § 26-157c-2(f)).

EFFECTIVE DATE: October 1, 2018

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 29 Nay 0 (03/22/2018)