General Assembly

Raised Bill No. 5358

February Session, 2018

LCO No. **1222**

Referred to Committee on ENVIRONMENT

Introduced by:
(ENV)

AN ACT AUTHORIZING BLACK BEAR HUNTING IN LITCHFIELD COUNTY.

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

Section 1. Section 26-86a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2018*):

(a) (1) The commissioner shall establish by regulation adopted in accordance with the provisions of chapter 54 standards for deer management, and methods, regulated areas, bag limits, seasons and permit eligibility for hunting deer with bow and arrow, muzzleloader and shotgun, except that no such hunting shall be permitted on Sunday by any means other than with bow and arrow on private property pursuant to section 26-73, as amended by this act. No person shall hunt, pursue, wound or kill deer with a firearm without first obtaining a deer permit from the commissioner in addition to the license required by section 26-27. Application for such permit shall be made on forms furnished by the commissioner and containing such information as he may require. Such permit shall be of a design prescribed by the commissioner, shall contain such information and

conditions as the commissioner may require, and may be revoked for violation of any provision of this chapter or regulations adopted pursuant thereto. As used in this section, "muzzleloader" means a rifle or shotgun of at least forty-five caliber, incapable of firing a self-contained cartridge, which uses powder, a projectile, including, but not limited to, a standard round ball, mini-balls, maxi-balls and Sabot bullets, and wadding loaded separately at the muzzle end, and "rifle" means a long gun the projectile of which is six millimeters or larger in diameter. The fee for a firearms permit shall be nineteen dollars for residents of the state and sixty-eight dollars for nonresidents, except that any nonresident who is an active full-time member of the armed forces, as defined in section 27-103, may purchase a firearms permit for the same fee as is charged a resident of the state. The commissioner shall issue, without fee, a private land deer permit to the owner of ten or more acres of private land and the husband or wife, parent, grandparent, sibling and any lineal descendant of such owner, provided no such owner, husband or wife, parent, grandparent, sibling or lineal descendant shall be issued more than one such permit per season. Such permit shall allow the use of a rifle, shotgun, muzzleloader or bow and arrow on such land from November first to December thirty-first, inclusive. Deer may be so hunted at such times and in such areas of such state-owned land as are designated by the Commissioner of Energy and Environmental Protection and on privately owned land with the signed consent of the landowner, on forms furnished by the department, and such signed consent shall be carried by any person when so hunting on private land. The owner of ten acres or more of private land may allow the use of a rifle to hunt deer on such land during the shotgun season. The commissioner shall determine, by regulation, the number of consent forms issued for any regulated area established by said commissioner. The commissioner shall provide for a fair and equitable random method for the selection of successful applicants who may obtain shotgun and muzzleloader permits for hunting deer on state lands. Any person whose name appears on more than one application for a shotgun permit or more

than one application for a muzzleloader permit shall be disqualified from the selection process for such permit. No person shall hunt, pursue, wound or kill deer with a bow and arrow without first obtaining a bow and arrow permit pursuant to section 26-86c, as amended by this act. "Bow and arrow", as used in this section and in section 26-86c, as amended by this act, means a bow with a draw weight of not less than forty pounds. The arrowhead shall have two or more blades and may not be less than seven-eighths of an inch at the widest point. No person shall carry firearms of any kind while hunting with a bow and arrow under this section and section 26-86c, as amended by this act.

(2) Any regulations adopted pursuant to subsection (a) of this section may provide for the hunting of black bear in Litchfield County provided any such regulations: (A) Permit the taking of black bear during the first year of such hunting at a rate that does not exceed five per cent of the total black bear population in the state as of the effective date of this section, and (B) require the submission of a report to the joint standing committee of the General Assembly having cognizance of matters relating to the environment one year after the beginning of such black bear hunting that includes information on the number of black bear taken pursuant to such hunting, the number of licenses issued by the department to hunt such black bear and any recommendations of the commissioner for any modifications to such black bear hunting in the state.

(b) Any person who takes a deer or black bear without a permit shall be fined not less than two hundred dollars or more than five hundred dollars or imprisoned not less than thirty days or more than six months or shall be both fined and imprisoned, for the first offense, and for each subsequent offense shall be fined not less than two hundred dollars or more than one thousand dollars or imprisoned not more than one year or shall be both fined and imprisoned. The provisions of this subsection concerning black bear shall only be applicable after the commissioner adopts regulations pursuant to

subdivision (2) of subsection (a) of this section.

Sec. 2. Section 26-86b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2018*):

The commissioner shall issue tags to be attached to the carcass of any deer killed under the provisions of sections 26-82 and 26-86a to 26-86c, inclusive, as amended by this act, which tag shall be immediately attached to such deer and remain affixed until such carcass is dressed and butchered and packaged for consumption. Each person so taking deer shall, within twenty-four hours, report such kill to the commissioner on a form furnished by him. The provisions of this section shall apply to black bear when the commissioner adopts regulations in accordance with section 26-86a, as amended by this act.

Sec. 3. Section 26-86c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2018*):

No person may hunt deer, black bear or small game with a bow and arrow under the provisions of this chapter without a valid permit issued by the Commissioner of Energy and Environmental Protection pursuant to this section or section 26-86a, as amended by this act, for persons hunting deer or black bear with bow and arrow under private land deer and black bear permits issued free to qualifying landowners, or their husbands or wives, parents, grandparents, lineal descendants or siblings under that section. The fee for such bow and arrow permit to hunt deer, black bear and small game shall be forty-one dollars for residents and one hundred thirty-five dollars for nonresidents, or nineteen dollars for any person twelve years of age or older but under sixteen years of age, except that any nonresident who is an active full-time member of the armed forces, as defined in section 27-103, may purchase a bow and arrow permit to hunt deer, black bear and small game for the same fee as is charged a resident of the state. The provisions of this section concerning black bear shall only be applicable after the commissioner adopts regulations in accordance

with section 26-86a, as amended by this act. Permits to hunt with a bow and arrow under the provisions of this chapter shall be issued only to qualified applicants therefor by the Commissioner of Energy and Environmental Protection, in such form as said commissioner prescribes. Applications shall be made on forms furnished by the commissioner containing such information as he may require and all such application forms shall have printed thereon: "I declare under the penalties of false statement that the statements herein made by me are true and correct." Any person who makes any material false statement on such application form shall be guilty of false statement and shall be subject to the penalties provided for false statement and said offense shall be deemed to have been committed in the town in which the applicant resides. No such application shall contain any material false statement. On and after January 1, 2002, permits to hunt with a bow and arrow under the provisions of this chapter shall be issued only to qualified applicants who have successfully completed the conservation education bow hunting course as specified in section 26-31 or an equivalent course in another state.

Sec. 4. Subsection (a) of section 26-28 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2018*):

(a) Except as provided in subsections (b) to (f), inclusive, of this section, the fees for firearms hunting, archery hunting, trapping and sport fishing licenses or for the combination thereof shall be as follows: (1) Resident firearms hunting license, nineteen dollars; (2) resident fishing license, twenty-eight dollars; (3) resident marine waters fishing license, ten dollars; (4) one-day resident marine waters fishing license, five dollars; (5) resident all-waters fishing license, thirty-two dollars; (6) resident combination license to fish in inland waters and firearms hunt, thirty-eight dollars; (7) resident combination license to fish in marine waters and firearms hunt, twenty-five dollars; (8) resident combination license to fish in all waters and firearms hunt, forty dollars; (9) resident combination license to fish in all waters and bow

and arrow permit to hunt deer, black bear and small game issued pursuant to section 26-86c, as amended by this act, sixty-five dollars; (10) resident firearms super sport license to fish in all waters and firearms hunt, firearms private land shotgun or rifle deer and black bear permit issued pursuant to section 26-86a, as amended by this act, and permit to hunt wild turkey during the spring season on private land issued pursuant to section 26-48a, seventy dollars; (11) resident archery super sport license to fish in all waters, bow and arrow permit to hunt deer, black bear and small game issued pursuant to section 26-86c, as amended by this act, and permit to hunt wild turkey during the spring season on private land issued pursuant to section 26-48a, eighty-two dollars; (12) resident firearms super sport license to fish in all waters and firearms hunt, firearms private land shotgun or rifle deer and black bear permit, muzzleloader private land deer and black bear permit, pursuant to section 26-86 and private land permit to hunt wild turkey during spring season pursuant to section 26-48a, eighty-four dollars; (13) resident firearms super sport license to fish in all waters and firearms hunt, migratory bird conservation stamp, and migratory bird harvest permit (HIP), fifty dollars; (14) resident trapping license, thirty-four dollars; (15) resident junior trapping license for persons under sixteen years of age, eleven dollars; (16) junior firearms hunting license, eleven dollars; (17) nonresident firearms hunting license, ninety-one dollars; (18) nonresident inland waters fishing license, fifty-five dollars; (19) nonresident inland waters fishing license for a period of three consecutive days, twenty-two dollars; (20) nonresident marine waters fishing license, fifteen dollars; (21) nonresident marine waters fishing license for a period of three consecutive days, eight dollars; (22) nonresident all-waters fishing license, sixty-three dollars; (23) nonresident combination license to firearms hunt and inland waters fish, one hundred ten dollars; (24) nonresident combination license to fish in all waters and firearms hunt, one hundred twenty dollars; (25) nonresident combination license to fish in marine waters and firearms hunt, ninety-four dollars; and (26) nonresident trapping license, two hundred fifty dollars. The provisions

of this section concerning black bear shall only be applicable after the commissioner adopts regulations in accordance with section 26-86a, as amended by this act. Persons sixty-five years of age and over who have been residents of this state for not less than one year and who meet the requirements of subsection (b) of section 26-31 may be issued an annual license to firearms hunt or to fish or combination license to fish and firearms hunt or a license to trap without fee. The issuing agency shall indicate on a combination license the specific purpose for which such license is issued. The town clerk shall retain a recording fee of one dollar for each license issued by such clerk.

Sec. 5. Section 26-73 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2018*):

Sunday shall be a closed season except for hunting deer or black bear with bow and arrow on private property and for the purpose of trapping under the provisions of this chapter. The possession in the open air on Sunday of any implement for hunting, except for bow and arrow, shall be prima facie evidence of hunting in violation of the provisions of this section. No provision of this section shall be construed so as to affect any provision of section 26-31, 26-48, 26-52 or 27-35. Artificially propagated birds designated by the commissioner may be shot on Sundays on licensed private shooting preserves subject to such regulations of the commissioner as may apply to such private shooting preserves, provided permission so to shoot has been obtained from the town or towns within which such licensed private shooting preserves are located. Any person who hunts deer or black bear on Sunday with bow and arrow on private property pursuant to this section shall: (1) Conduct such hunting only in deer or black bear management zones determined by the Department of Energy and Environmental Protection to be overpopulated and only in accordance with and pursuant to the wildlife management principles and practices established by the Commissioner of Energy and Environmental Protection, (2) have the written permission of the private property owner where such hunting is conducted, and (3) carry such written

permission upon his or her person during the hunting. No person shall hunt with bow and arrow on Sunday on private property pursuant to this section within forty yards of a blazed hiking trail. The provisions of this section concerning black bear shall only be applicable after the commissioner adopts regulations in accordance with section 26-86a, as amended by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	*October 1, 2018*	26-86a
Sec. 2	*October 1, 2018*	26-86b
Sec. 3	*October 1, 2018*	26-86c
Sec. 4	*October 1, 2018*	26-28(a)
Sec. 5	*October 1, 2018*	26-73

Statement of Purpose:

To authorize the hunting of black bear in Litchfield County.

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