



House Bill No. 6394

Public Act No. 03-192

AN ACT CONCERNING THE ENDANGERED SPECIES PROGRAMS OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION.

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

Section 1. Section 26-93 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2003*):

Any person who disturbs, [**molests, harasses,**] hunts, takes, kills or attempts to kill any bald eagle or disturbs any active bald eagle nest shall be fined not more than one [**hundred**] thousand dollars or imprisoned not more than thirty days or both. Any person who enters a posted no access area for a bald eagle or a posted no access area for an active bald eagle nest shall be fined not more than one thousand dollars or imprisoned not more than thirty days, or both.

Sec. 2. Section 26-40a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2003*):

For the purposes of this section, the following wildlife or any hybrid thereof, shall be considered as potentially dangerous animals: The felidae, including, but not limited to, the lion, leopard, cheetah, jaguar, ocelot, jaguarundi cat, puma, lynx and bobcat; the canidae, including, but not limited to, the wolf and coyote; and the ursidae, including, but not limited to, the black bear, grizzly bear and brown bear. No person shall possess a potentially dangerous animal. Any such animal illegally possessed may be ordered seized and may be disposed of as determined by the Commissioner of Environmental Protection. [**Any**] The Department of Environmental Protection shall issue a bill to the owner or person in illegal possession of such potentially dangerous animal for all costs of confiscation, care maintenance and disposal of such animal. Additionally, any person who violates any provision of this section shall be [**fined not more than one hundred dollars for each offense**] assessed a civil

penalty not to exceed one thousand dollars, to be fixed by the court, for each offense. Each violation shall be a separate and distinct offense and in the case of a continuing violation, each day's continuance thereof shall be deemed to be a separate and distinct offense. The Commissioner of Environmental Protection may request the Attorney General to institute an action in superior court to recover such penalty and any amounts owed pursuant to a bill issued in accordance with this section. The provisions of this section shall not apply to municipal parks, zoos and nature centers, or museums, laboratories and research facilities maintained by scientific or educational institutions; to a person possessing a Bengal cat certified by an internationally recognized multiple-cat domestic feline breeding association as being without wild parentage for a minimum of four prior generations which cat was registered with the Commissioner of Agriculture on or before October 1, 1996, provided no such cat may be imported into this state after June 6, 1996; or to persons possessing animals legally on or before May 23, 1983. In any action taken by any official of the state or any municipality to control rabies, a Bengal cat shall be considered not vaccinated for rabies in accordance with accepted veterinary practice.

Sec. 3. Section 26-55 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2003*):

No person shall import or introduce into the state, or possess or liberate therein, any live fish, wild bird, wild **[quadruped]** mammal, reptile, **[or]** amphibian or invertebrate unless such person has obtained a permit therefor from the commissioner. Such permit may be issued at the discretion of the commissioner under such regulations as **[he]** the commissioner may prescribe. The commissioner may by regulation prescribe the numbers of live fish, wild birds, wild **[quadrupeds]** mammals, reptiles, **[and]** amphibians or invertebrates of certain species which may be imported, possessed, introduced into the state or liberated therein. The commissioner may by regulation exempt certain species or groups of live fish from the permit requirements. **[He]** The commissioner may by regulation determine which species of wild birds, wild **[quadrupeds]** mammals, reptiles, **[and]** amphibians or invertebrates must meet permit requirements. **[He]** The commissioner may totally prohibit the importation, possession, introduction into the state or liberation therein of certain species which **[he]** the commissioner has determined may be a potential threat to humans, agricultural crops or established species of plants, fish, birds, **[quadrupeds]** mammals, reptiles, **[or]** amphibians or invertebrates. The commissioner may by regulation exempt from permit requirements organizations or institutions such as zoos, research laboratories, colleges or universities, public nonprofit aquaria or nature centers where live fish, wild birds, wild **[quadrupeds]** mammals, reptiles, **[and]** amphibians or invertebrates are held in strict confinement. Any such fish, bird, **[quadruped]** mammal, reptile, **[or]** amphibian or invertebrate illegally imported into the state or illegally possessed therein shall be seized by any representative of the Department of Environmental Protection and shall be disposed of as determined by the commissioner. Any person, except as provided in section 26-55a, who violates any provision of this section or any regulation issued by the commissioner as herein provided shall be guilty of an infraction. Importation, liberation or possession of each fish, wild bird, wild **[quadruped]** mammal,

reptile, [or] amphibian or invertebrate in violation of this section or such regulation shall be a separate and distinct offense and, in the case of a continuing violation each day of continuance thereof shall be deemed to be a separate and distinct offense.

Sec. 4. Section 26-57 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2003*):

No person shall transport within the state or transport out of the state any fish, bird, [quadruped] mammal, reptile, [or] amphibian or invertebrate for which a closed season is provided without a permit from the commissioner, except as provided herein. The commissioner may issue a permit to any person to transport within the state or to transport out of the state any fish, bird, [quadruped] mammal, reptile, [or] amphibian or invertebrate protected under the provisions of this chapter under such regulations as [he] the commissioner may prescribe. No fish, bird, [quadruped] mammal, reptile, [or] amphibian or invertebrate shall be transported out of the state unless each unit, package or container is conspicuously tagged or labeled, and such tag or label contains in legible writing the full name and address of the person legally authorized to transport out of the state such fish, bird, [quadruped] mammal, reptile, [or] amphibian or invertebrate. Any such fish, bird, [quadruped] mammal, reptile, [or] amphibian or invertebrate received by any person or by any common carrier within the state, addressed for shipment to any point without the state and not having such tag or label conspicuously attached shall be prima facie evidence of a violation of the provisions of this section. A permit shall not be required to transport within the state or to transport out of the state any fish, bird, [quadruped] mammal, reptile, [or] amphibian or invertebrate which has been legally taken, bred, propagated or possessed by a person to whom a license, registration or permit has been issued under the provisions of this chapter authorizing the taking, breeding, propagating or possessing of fish, birds, [quadrupeds] mammals, reptiles, [or] amphibians or invertebrates, and no permit shall be required to transport within the state or to transport out of the state any fish, bird, [quadruped] mammal, reptile, [or] amphibian or invertebrate that has been legally taken or acquired by a person exempt from license requirements under the provisions of this chapter. Any person who violates any provision of this section shall be fined not less than ten dollars nor more than two hundred dollars or imprisoned not more than sixty days or be both fined and imprisoned.

Sec. 5. Section 26-70 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2003*):

(a) No person shall hunt, take, attempt to hunt or take, or assist in hunting or taking, or assist in an attempt to hunt or take, from the wild, any wild [game] bird, wild [quadruped] mammal, reptile, [or] amphibian or invertebrate except as authorized under the provisions of this chapter and the regulations issued by the commissioner. Each [game] wild bird, wild [quadruped] mammal, reptile, [and] amphibian or invertebrate killed, wounded, taken or possessed contrary to any provision hereof shall constitute a separate offense.

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

Sec. 6. Section 26-82 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2003*):

(a) No person shall hunt, pursue, wound or kill any deer or sell or offer for sale or have in possession the flesh of any deer captured or killed in this state, or have in possession the flesh of any deer from any other state or country unless it is properly tagged as required by such state or country except as provided by the terms of this chapter or regulations adopted pursuant thereto, and except that any landowner or primary lessee of land owned by such landowner or the husband or wife or any lineal descendant of such landowner or lessee or any designated agent of such landowner or lessee may kill deer with a shotgun, rifle or bow and arrow provided a damage permit has first been obtained from the commissioner and such person has not been convicted for any violation of [this](#) section, ~~[26-82,]~~ [section](#) 26-85, 26-86a, 26-86b or 26-90 or subsection (b) of section 26-86a-2 of the regulations of Connecticut state agencies within three years preceding the date of application. Upon the receipt of an application, on forms provided by the commissioner and containing such information as said commissioner may require, from any landowner who has or whose primary lessee has an actual or potential gross annual income of twenty-five hundred dollars or more from the commercial cultivated production of grain, forage, fruit, vegetables, flowers, ornamental plants or Christmas trees and who is experiencing an actual or potential loss of income because of severe damage by deer, the commissioner shall issue not more than six damage permits without fee to such landowner or the primary lessee of such landowner, or the wife, husband, lineal descendant or designated agent of such landowner or lessee. The application shall be notarized and signed by all landowners or by the landowner or a lessee to whom a farmer tax exemption permit has been issued pursuant to subdivision (63) of section 12-412. Such damage permit shall be valid through October thirty-first of the year in which it is issued and may specify the hunting implement or shot size or both which shall be used to take such deer. The commissioner may at any time revoke such permit for violation of any provision of this section or for violation of any regulation pursuant thereto or upon the request of the applicant. Notwithstanding the provisions of section 26-85, the commissioner may issue a permit to any landowner or primary lessee of land owned by such landowner or the husband or wife or any lineal descendant of such landowner or lessee and to not more than three designated agents of

such landowner or lessee to use a jacklight for the purpose of taking deer when it is shown, to the satisfaction of the commissioner, that such deer is causing damage which cannot be reduced during the daylight hours between sunrise and one-half hour after sunset on the land of such landowner. The commissioner may require notification as specified on such permit prior to its use. Any deer killed in accordance with the provisions of this section shall be the property of the owner of the land upon which the same has been killed, but shall not be sold, bartered, traded or offered for sale, and the person who kills any such deer shall tag and report each deer killed, as provided in section 26-86b. Upon receipt of the report required by section 26-86b, the commissioner shall issue an additional damage permit to the person making such report. Any deer killed otherwise than under the conditions provided for in this chapter or regulations adopted pursuant thereto shall remain the property of the state and may be disposed of by the commissioner at the commissioner's discretion to any state institution or may be sold and the proceeds of such sale shall be remitted to the State Treasurer, who shall apply the same to the General Fund, and no person, except the commissioner, shall retail, sell or offer for sale the whole or any part of any such deer. No person shall be a designated agent of more than one landowner or primary lessee in any calendar year. No person shall make, set or use any trap, snare, salt lick, bait or other device for the purpose of taking, injuring or killing any deer, **[nor shall any person]** except that deer may be taken over an attractant in areas designated by the commissioner. For the purposes of this section, an attractant means any natural or artificial substance placed, exposed, deposited, distributed or scattered that is used to attract, entice or lure deer to a specific location including, but not limited to, salt, chemicals or minerals, including their residues or any natural or artificial food, hay, grain, fruit or nuts. The commissioner may authorize any municipality, homeowner association or nonprofit land holding organization approved by the commissioner under the provisions of this section to take deer at any time, other than Sundays, or place using any method consistent with professional wildlife management principles when a severe nuisance or ecological damage can be demonstrated to the satisfaction of the commissioner. Any such municipality, homeowner association or nonprofit land holding organization shall submit to the commissioner, for the commissioner's review and approval, a plan that describes the extent and degree of the nuisance or ecological damage and the proposed methods of take. Prior to the implementation of any such approved plan, the municipality, homeowner association or nonprofit land holding organization shall provide notice of such plan to any abutting landowners of such place where the plan will be implemented. Such plan shall not authorize the use of a snare. No person shall hunt, pursue or kill deer being pursued by any dog, whether or not such dog is owned or controlled by such person, except that no person shall be guilty of a violation under this section when such a deer is struck by a motor vehicle operated by such person. No person shall use or allow any dog in such person's charge to hunt, pursue or kill deer. No permit shall be issued when in the opinion of the commissioner the public safety may be jeopardized.

(b) Any person who violates any provision of this section shall be fined not less than two hundred dollars nor more than five hundred dollars or imprisoned not less than thirty days nor 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 nor more than one thousand dollars or imprisoned not more than one year or shall be both fined and imprisoned.

Sec. 7. Section 26-91 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2003*):

(a) The closed season, daily bag limit and possession limit for migratory game birds and the methods of taking such game birds shall be at least as stringent as the closed season, daily bag limit, possession limit and methods of taking, including allowable compositions of nontoxic shot, fixed for such birds by the regulations of the United States Fish and Wildlife Service, made under the provisions of an Act of Congress Relating to Migratory Birds. Nothing in this section shall affect the right to kill or have in possession to be sold or offered for sale wild ducks, geese and brant, bred or propagated by any domestic breeder. Any person who violates any provision of this section shall be fined not more than fifty dollars or imprisoned not more than thirty days or both. The possession of each bird or part thereof shall constitute a separate offense.

(b) The Commissioner of Environmental Protection may authorize any municipality, homeowner association or nonprofit land holding organization approved by the commissioner under the provisions of this section to take resident Canada geese at any time, other than Sundays, or place using any method consistent with professional wildlife management principles. Any such municipality, homeowner association or nonprofit land holding organization shall submit to the commissioner, for the commissioner's review and approval, a plan that describes the extent and degree of the nuisance or ecological damage and the proposed method of take. Such plan shall include prohibitions against feeding of such geese and requirements that landscaping in the area is managed in a way to be less hospitable to geese, utilizing native plantings. Prior to the implementation of such plan, the municipality, homeowner association or nonprofit land holding organization shall provide notice of such plan to abutting landowners of such place where the plan will be implemented. Such plan shall not authorize the use of a snare.

Sec. 8. Section 26-92 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2003*):

No person shall catch, kill or purchase or attempt to catch, kill or purchase, sell, offer or expose for sale or have in possession, living or dead, any wild bird other than a game bird, or purchase or attempt to purchase, sell, offer or expose for sale or have in possession any part of any such bird or of the plumage thereof except as acquired under the provisions of this chapter. For the purposes of this section, the following shall be considered game birds: The anatidae, or waterfowl, including brant, wild ducks and geese; the rallidae, or rails, including coots, gallinules and sora and other rails; the limicolae, or shore birds, including snipe and woodcock; the gallinae, including wild turkeys, grouse, prairie chickens, pheasants, partridge

and quail; the corvidae, including crows. No person shall take or **[needlessly]** destroy any nest or any egg of any wild bird or game bird. **[nor have]** No person shall possess any nest or egg of any **[such bird in possession]** wild or game bird. English sparrows, starlings and, when **[in the act of destroying corn, crows and red-winged and crow blackbirds]** found depredating upon ornamental trees, agriculture crops, livestock or wildlife, or when concentrated in such numbers to constitute a public health or public safety hazard, crows, rock doves, monk parakeets and brown-headed cowbirds shall not be included among the birds protected by this section. Any conservation officer and any other officer having authority to serve criminal process shall have the same powers relating to violations of the provisions of this section as are conferred by section 26-6.

Sec. 9. Section 26-3 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2003*):

The Commissioner of Environmental Protection shall enforce all of the laws relating to fish and wildlife **[, fish, crustacea, game and nongame birds, waterfowl and game and fur-bearing animals]** of the state and shall possess all powers necessary to fulfill the duties prescribed by law with respect thereto and to bring actions in the proper courts of this state for the enforcement of such laws and the orders and regulations adopted and promulgated by **[him. He]** said commissioner. Said Commissioner shall have the supervision of hatcheries and retaining ponds and of the introduction, propagation, securing and distribution of such fish and **[game]** wildlife as are adapted to the waters or lands of this state, and may designate, as closed to fishing, areas of inland waters to provide for spawning beds. **[, and]** The commissioner may take at any time or place, other than Sundays, using any method consistent with professional wildlife management principles, any fish, crustacean, bird or animal for scientific and educational purposes, public health and safety, propagation and dissemination, **[. He]** or protection of natural or agricultural ecosystems. Such taking shall not include the use of a snare. In the case of an imminent threat to public health or public safety, notwithstanding any provision of the general statutes, the commissioner may take at any time or place, using any method consistent with professional wildlife management principles, any fish, crustacean, bird or animal. Said commissioner shall have jurisdiction of all matters relating to fish and **[game]** wildlife on any land belonging to the state and the regulation of hunting, fishing and trapping and the use of the waters of any lake, pond or stream on such land. The commissioner shall not grant to any conservation officer, appointee or other person any special privileges with respect to hunting, fishing, trapping or the use of the waters of any lake, pond or stream on such land. **[He]** Said commissioner may erect buildings upon any such land, subject to the permission of the authorities of any institution or commission controlling such land and the approval of the Commissioner of Public Works and the State Properties Review Board. **[He]** Said commissioner may employ such special assistants as **[he finds advisable. He]** necessary. Said commissioner shall cooperate with the United States Fish and Wildlife Service and the fish and **[game]** wildlife commissioners of other states. **[He]** Said commissioner may acquire, by gift or lease and, with the approval of the Governor alone, by purchase, lands for the establishment of fish hatcheries or game preserves **[. He]** and fisheries or wildlife

management areas. Said commissioner may, with the approval of the Attorney General, grant rights-of-way or other easements or leases for public purposes to the United States government, any subdivision of the state or any public utility within the state on or with respect to any lands under [his] jurisdiction of said commissioner if [he] said commissioner finds that such purposes are not in conflict with the public interest, provided any such public utility shall pay for any right-of-way, easement or lease so granted such compensation as said commissioner considers reasonable. [He] Said commissioner shall have authority to establish the boundaries of any properties under [his] the jurisdiction of said commissioner by agreement with owners of adjoining property and may, with the approval of the Attorney General alone, exchange land with such property owners and execute deeds in the name of the state for the purpose of establishing such boundaries. The commissioner may provide for the importation of [game birds and game and fur-bearing animals] fish and wildlife, and provide for the protection, propagation and distribution of such imported or native [birds and animals] fish and wildlife. The commissioner may locate, lay out, construct and maintain nurseries and rearing ponds where fish may be planted, propagated and reared and liberate and distribute such fish in the waters of this state. [He] Said commissioner may acquire by gift, purchase, capture or otherwise any fish [, game, game birds or animals] or wildlife for propagation, experimental or scientific purposes. [, and] Notwithstanding any provisions of the general statutes, said commissioner may destroy and dispose of any undesirable or diseased wildlife [species] in the interest of wildlife management [if he] at any time or place and using any method consistent with professional wildlife management principles if said commissioner determines that [the species] such wildlife (1) aggressively invades, or is likely to be detrimental to, agricultural crops, [or] native plants, livestock or wildlife, (2) is likely to be a carrier of insects, disease or parasites detrimental to such crops, plants or wildlife, [or] (3) is likely to have a detrimental effect on natural or agricultural ecosystems, (4) is likely to be detrimental to endangered, threatened species or species of special concern, as listed in the regulations adopted by the commissioner under this chapter, or such species' essential habitats, or (5) causes severe property damage. The commissioner may enter into cooperative agreements with educational institutions and state, federal or other agencies to promote wildlife research and to train personnel for wildlife management, information, distribution and education projects, and may enter into cooperative agreements with federal agencies, municipalities, corporations, organized groups or landowners, associations and individuals for the development of [game, birds,] fish or [fur-bearing animals] wildlife management and demonstration projects. The commissioner may allocate and expend for the protection, restoration, preservation and propagation of fish [, crustacea, game and fur-bearing animals, and game and nongame birds,] and wildlife all funds of the state collected, appropriated and acquired for the purpose.

Sec. 10. Section 26-69 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2003*):

The commissioner may engage in wildlife management practices, [and may expend from federal aid funds necessary moneys to establish, construct and maintain, on any state-owned

land and water under his control and, with the consent of the owner, on private land and water, wildlife propagation installations, facilities and associated structures, experimental stations and facilities, and perform, or have performed, any work related to the establishment, restoration, improvement, control and protection of wildlife habitats, and perform or have performed any work related to the creation of facilities for ingress and egress and the creation of facilities for public use of any area under its control] including, but not limited to: (1) Managing the wildlife resources of the state to provide sustainable, healthy populations of diverse wildlife species, including endangered and threatened species, consistent with professional wildlife management principles; (2) conducting research to better understand processes and relationships affecting wildlife and habitats; (3) conducting public awareness and technical assistance programs to enhance privately-owned habitat and promote an appreciation for and understanding of the value and use of wildlife; (4) performing any work for the establishment, restoration, improvement, control and protection of wildlife habitats; (5) performing any work to create and maintain facilities for ingress and egress for public use of any area under said commissioner's control; (6) regulating hunting seasons and bag limits for all harvestable wildlife species within Connecticut; (7) managing public hunting and wildlife recreational opportunities on state-owned, state-leased, permit-required areas and cooperative wildlife management areas; and (8) conducting, with volunteer assistance, conservation education and safety programs to promote safe and ethical hunting practices. Said commissioner may expend from federal aid funds necessary moneys for supplies, materials, equipment, temporary personal services and contractual services to carry out the provisions of this section. Any utilization of such powers by the commissioner shall be documented and subject to disclosure pursuant to the Freedom of Information Act. Such documentation shall include, but not be limited to: An explanation of the need for such use, the duration of such use, a description of the power used, the location where such power was used, the names of the persons or entities that may take animals pursuant to the plan, any conditions of the plan, the methods used under the plan and any species taken under the plan.

Sec. 11. (NEW) (*Effective October 1, 2003*) No person shall sell or purchase any snakehead fish in the state.

Sec. 12. Section 26-29c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2003*):

Notwithstanding the provisions of section 26-27, the Commissioner of Environmental Protection shall issue, without fee, a private land deer permit for use only on a farm provided: (1) The farm is an S corporation or a limited liability corporation; and (2) the permit is issued to a corporate member or the immediate family of the corporate member, or to a partner or immediate family of the partner of the limited liability corporation. No such corporate member, partner or family member shall be issued more than one such permit per season. The permit shall allow the use of a rifle, shotgun, muzzleloader or bow and arrow on the farm from November first until December thirty-first, inclusive, of each year. For purposes of this section, "S corporation" means "S corporation", as defined in section 12-213, "limited liability

corporation" means a company that is treated as a limited liability company for federal income tax purposes and "immediate family" means a spouse, child, grandchild, sibling or parent.

Approved June 26, 2003