



Legislative History for Connecticut Act

| HB 1756            | PA 283 | 1957 |
|--------------------|--------|------|
| House: 1921        |        | (1)  |
| Senate: 2090       |        | (1)  |
| Fish & Game: 24-31 |        | (8)  |

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Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate and House of Representatives Proceedings

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CONNECTICUT  
GEN. ASSEMBLY

HOUSE

PROCEEDINGS  
1957

VOL. 7  
PART 4  
1826-2426

Tuesday, May 7, 1957

1921

DBK  
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passage. The 'ayes' have it. The bill is passed.

THE CLERK:

Cal. 1037. File 675. H.B. No. 1754 concerning sale of fish from State Fish Hatcheries.

Favorable report of Fish and Game.

MR. ELLSWORTH: (BERLIN)

I move for acceptance and passage of the bill.

This bill allows the Director of the Fish and Game Commission to dispose of surplus fish which he may have on hand.

THE SPEAKER:

Will you remark further. If not, question is on acceptance and passage. The 'ayes' have it. The bill is passed.

THE CLERK:

Cal. 1038. File 676. H.B.No. 1756 concerning lobsters. Favorable report of Fish and Game.

MR. WOOD: (GROTON)

I move the acceptance of the Committee's report and passage of this bill.

This bill concerns lobsters and lobster raising. The Commission is trying to come in accord with the State of New York, Rhode Island and Mass., on the lobster laws. This bill ~~raises~~ lowers the size of the lobster from 3-1/8" to 3-1/16". This will meet with New York's regulation and also with Mass. It takes effect in Jan. 1, 1959. I move its passage.

THE SPEAKER:

Will you remark further. If not, question is on acceptance and passage. The 'ayes' have it. The bill is passed.

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CONNECTICUT  
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SENATE

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VOL. 7  
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of fish and game as well as two representatives from East Haddam were in favor of the bill and again there was no opposition to the bill.

THE CHAIR:

Will you remark further? If not, the question is upon the acceptance of the committee's favorable report and passage of the bill. All those in favor signify by saying AYE, opposed? The report is accepted and the bill is passed.

THE CLERK:

Cal. 1013, File 676. House Bill 1756. An act concerning lobsters. Favorable report, Fish and Game.

THE CHAIR:

The Senator from the 8th.

SENATOR LYNCH:

Mr. President, I move for acceptance of the committee's favorable report and the passage of the bill.

THE CHAIR:

Question is upon acceptance and passage. Will you remark?

SENATOR LYNCH:

Mr. President, this is a very serious situation we have in Connecticut. Connecticut lobster industry is really sick and the reason for that is over-fishing under the present law. The purpose of this bill is to stop and prevent chicken lobster stealing that is going on and permit Connecticut to come back as the real lobster state which it should be. We are proposing in this consultation with other states and we trust if this bill passes that the other states will go along with us.

JOINT  
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FISH  
AND  
GAME

CON  
GENERAL  
ASSEMBLY  
1957

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HB-1346 R and HB-1348, continued

Rep. McCartin, cont'd: entire community.

Rep. Manwaring from the Town of East Lyme: I, too, would like to go on record favoring 1346 and 1348 after it is changed to encompass both the Escallop Commission and the new Shellfish Commission.

Rep. Keeler: Are you suggesting that, a substitute for 1348?

Rep. Manwaring: S substitute will be presented to 1348.

Chairman Lynch: Anyone else like to talk for this bill? Anyone contrary to the bill? Any questions from the Committee? I think we can dispose of 1346 and 1348 for consideration in Executive session.

Rep. Manwaring: Mr. Chairman, when would you require the substitute bill? The Councils of the two towns are working on the preparation of the bill; if you give me a deadline maybe that will hurry them along.

Chairman Lynch: You give us a deadline; when do you think we can get together?

Rep. Manwaring: Well, will ten days be too much?

Chairman Lynch: I think it would be all right, don't you, Bernie?

Rep. Pearson: Yes, I think so.

Chairman Lynch: Ten days. Thank you. The next bill is

HB-1756 (Mr. Robert Keeler) AN ACT CONCERNING LOBSTERS

All those for this bill? Anyone like to speak for the bill?

Lyle Thorpe, Director, State Board of Fisheries and Game: Mr. Chairman, members of the Committee, this measure, I believe, is a controversial one, I believe that is is a good one. The Connecticut lobster industry is a sick industry, and all of the evidence and the opinions of buyers, lobstermen, the men most closely associated with the industry say that it is at a low point. I think there is no question but what that is true. Now, there are a thousand theories as to why that should be so, but the evidence, I believe, is clear that the basic cause of the decline of lobsters in Connecticut waters is due to overfishing with a too small legal length, and a flourishing black market in short lobsters, which takes

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HB-1756, continued

Mr. Thorpe, cont'd: many lobsters and which returns very little real income to the men who break the law and take the lobsters. About a year and a half ago, we had a couple of undercover operators in Stonington, and I can't say that the raid which followed their work was a terrific success, but largely because, I would say, there is no great local sentiment for enforcing the present lobster laws, but be that as it may, we learned a great deal about lobstering, the people who consume lobsters, and the traffic in eastern Connecticut, and in trying to choose nice words, I would say that the traffic in short lobsters has gone to the point where people's conscience has become somewhat deadened, and is taken as a matter of course.

Now the lobster producing states, some years ago, recognized basic troubles in their industry and by mutual agreement they decided to increase the legal length of lobsters by 1/16 inch increments, and their ultimate objective was a 3 $\frac{1}{4}$  inch car base length. Nobody reached that, so at the present time some of the Canadian provinces have various legal lengths, about 2 $\frac{1}{2}$  inches in the canning areas to 3-3/16 in their market areas. Maine has a legal length of 3-1/8 inches. I don't know what New Hampshire has. Massachusetts has a 3-3/16 inch limit. Rhode Island has a 3-1/16; Connecticut has 3-1/8, and New York State has 3-3/16.

Now, all of the buyers, the people who market lobsters, are agreed that the industry would be better off if there was a uniform legal length of lobsters, and the buyers particularly would like 3 $\frac{1}{4}$  inches because that is the size where these lobsters start to bring top market prices. I have letters from some of the big buyers, men who have been in the lobster industry all of their lives, and they are uniform in their opinion that this industry needs uniform size limits, and that everyone would profit thereby. That is the general situation on the northeastern coast, but particularly I want to talk about this little area in Long Island Sound which is shared jointly by Connecticut, Rhode Island, and New York. Now there is a common stock of lobsters there, but there are three completely different sets of laws which apply to the harvesting of those lobsters, as I pointed out previously.

I don't know how it came about but the lobstermen in eastern Connecticut apparently do not have a very good reputation in the neighboring states, and discriminatory legislation has resulted so that a non-resident cannot lobster in Rhode Island, that excludes our lobstermen. New York State has created what is called the Race Rock

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HB-1756, continued

Mr. Thorpe, cont'd: Line, and I wanted to show that to you. The Race Rock Line is this line here. Now this represents the state boundary, and then the line goes off south, southeast down here. You see that the people in Connecticut are restricted to this water. This is New York water, and this Race Rock Line is so that non-residents can lobster to the east of it. Now this is the area where Connecticut lobstermen would want to set their traps, if they set in out-of-state waters. Under the present New York laws they can't, so they are restricted to this little area in here, and its only natural that they get over the line and trouble results.

Now about this raid down in Stonington, we knew more about the general situation and it seemed wrong to me that two states couldn't share a common fishery, and that all of their fishermen fish for under good conservation rule, and so I did a thing that subsequently I was very glad. I called up Al Tucker, who is the Superintendent of the Marine Fisheries Division of the State of New York, and went down to New York and visited with him, and talked this matter over with him. Much to my surprise, he saw some sense in the argument that we ought to get rid of some of these discrepancies, and we found ourselves in such good agreement that we then threw this matter into the lap of the Atlantic Coast Marine Fisheries Commission; a series of meetings were held, and the result was that Connecticut, Rhode Island, and New York agreed to go to their respective legislatures and try to make some sense of their lobster fishery. Specifically, Rhode Island agreed to try to drop the provision that prohibits a non-resident from lobstering there, and agreed to seek a large opening in lobster pots to prevent escapement of small lobsters. New York agreed to seek elimination of that Race Rock Line, and I agreed for Connecticut, and John Bindless who is one of the members of the Atlantic Marine Fisheries Commission from Connecticut was in on this, we agreed to come before our Legislature to seek higher legal lengths for lobsters, and that really is the guts of this bill.

Now if you would care to have it, I think I have considerable information here to show the rough arithmetic of a black market fishery for lobsters, as compared to a market that takes and disposes of choice lobsters. I hear the price has gone up, but for along time the standard price for short lobsters in Stonington, some of them went over into Rhode Island, was \$2.00 a dozen. These are about sixteen cents a piece or about thirty-five cents a pound. Now another shed brings most of those lobsters into our legal length of 3-1/8, where they'll weigh a scant pound

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HB-1756, continued

Mr. Thorpe, cont'd: but they are about a pound lobster. They are worth, by today's market, to the fisherman, about fifty cents a pound. If they get up in the  $3\frac{1}{4}$  inch class they are rated choice, and they probably give the fisherman about sixty-five cents a pound. There is that spread in two or three sheds on lobsters in the yield from those lobsters to the fishermen, and of course their profit goes along the line of whoever handles them.

Now this bill changes the present lobster law by putting in provisions which make the law more enforceable. It establishes a  $3\text{-}\frac{3}{16}$  inch legal length; it establishes an escapement opening in lobster pots of  $1\text{-}\frac{3}{4}$  inches. Now that  $1\text{-}\frac{3}{4}$  inches was arrived at after a considerable amount of work; a great deal of work has been put into this to find out what we should do, by work done by our men, by Duryea on Long Island, who is a big lobster dealer, and by the work of Canadians, it appears that though there is no one flat opening which gives you one hundred percent separation on sizes, that  $1\text{-}\frac{3}{4}$  inches most nearly fits the  $3\text{-}\frac{3}{16}$  inch legal length. It is true a  $1\text{-}\frac{3}{4}$  inch opening will permit a few poorly conditioned  $3\text{-}\frac{3}{16}$  inch lobsters to escape. By the same token, it will retain some good fat  $3\text{-}\frac{1}{8}$ , and perhaps smaller sizes, by actual test.

Now another question that undoubtedly will be raised here is what effect would an increase in legal length, such as proposed here, have upon the yield of the fishers. The only information that we have that seems to apply, is information from Massachusetts, and they went from  $3\text{-}\frac{1}{8}$  to  $3\text{-}\frac{3}{16}$ , I think in 1950, 51.

Now I will show this to the Committee, it isn't much of a chart actually, but this area here represents the catch, and you notice that there is a normal variation from year to year in the yield or the marketing of lobsters. These are actual data from Massachusetts. Now here's what happened when they went from  $3\text{-}\frac{1}{8}$  to  $3\text{-}\frac{3}{16}$ . They had a drop in total production of about six percent the first year, which is a smaller variation than occurs naturally in the fisheries account. Then in the next year it came back. In other words, there was a slight loss perhaps attributable to this increase in length the first year, but after that they were catching as many lobsters of the larger size as they had previously caught of the smaller size. I think that is an interesting set of information because it shows what did happen in Massachusetts when that State took the step which we propose here. Thanks very much.

Rep. Keeler: In checking these lengths that you've got laid out

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Rep. Keeler, cont'd: on this sheet, Rhode Island, you're asking for 3-3/16?

Mr. Thorpe: That is right.

Rep. Keeler: Rhode Island is going to make an effort, but of course you can't say whether they will or not come up with that length too.

Mr. Thorpe: Not as such. The representative from Rhode Island felt that their lobstermen would come in to the legislature and raise so much cane that they thought they could not pass such a measure. What the Rhode Island representatives agreed to do was to go for their escapement opening, which gives a fairly good self-enforcing device. Actually, I don't think it matters so much to us what Rhode Island does as it does what New York does, and our fishermen will never get in New York waters unless they start fishing with legal gear, and I may say you can't find very many legal pots in Stonington today, and we get some enforcement out there. Actually, a great deal of time has been put in, in trying to work out this agreement, and New York legislature will be considering this, this winter.

I think this bill should be considered on its merit, just for Connecticut, because its a good bill, just for the Connecticut fisheries.

Chairman Lynch: Well, Lyle, let me ask you this; on this new opening, what happens to the present lobster pot?

Mr. Thorpe: Under this bill this new opening would not become effective for two years, which is the normal life of a pot anyway. Actually, we have taken some pots and modified them according to the specifications set forth in this bill, to show that it is practical and easy to do, and our lobstermen could modify their pots right now to conform to this. This bill doesn't require so, it gives them two years to wear out their present pots, then the new ones would come to this new flat opening.

Chairman Lynch: Then your research indicates that the lobster pot is good for a couple of years, is that it?

Mr. Thorpe: Well, that's what the lobstermen tell us.

Sen. Johnstone: Under this whole act, it doesn't become effective until 1959?

Mr. Thorpe: That is right.

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Rep. Liberty: You say here that Section 4971 and 2542d shall be repealed upon the effective date of this act.

Mr. Thorpe: They are your present lobster laws.

Rep. Liberty: I see; so that would go into effect in 1959?

Mr. Thorpe: That is right.

Sen. Johnstone: Marking of the pots; don't you think it a complicated procedure?

Mr. Thorpe: You mean to burn it in or carve it in?

Sen. Johnstone: Yes.

Mr. Thorpe: I seems so to me, Senator, but that has been the way, the accepted way of marking lobster gear for a good many years; its in the present law; it does to me, but apparently that has been accepted by the lobstermen; it seems a horribly laborious way to mark a pot to me, but it is accepted practice here and in other states.

Chairman Lynch: Any other questions, Mr. Thorpe? Anyone else like to speak for this bill?

Rep. Austin, Meriden: I was asked by one of the constituents in Meriden to come here this afternoon and register in favor of some bills. The fellow that I am appearing for is Lee Harris of Meriden. He's an interested sportsman. HB-932 (Rep. Wood) AN ACT CONCERNING REMOVING AND TRANSPLANTING OF SEED ESCALLOPS, in favor. HB-1345 R (Rep. Patterson) AN ACT CONCERNING THE TAKING OF OYSTERS AND CLAMS IN OLD LYME, in favor. HB-1346 R (Messrs. Bascom & McCartin) AN ACT CONCERNING TAKING OF ESCALLOPS FROM THE NIANTIC RIVER, in favor. HB-1756 (Mr. Robert Keeler) AN ACT CONCERNING LOBSTERS, in favor. Thank you.

Chairman Lynch: Anyone else like to speak for this bill? Those contrary to the bill?

Capt. John Ryle, Stamford: I've been in the lobster business for over half a century, and I'm speaking as a lobsterman and not as a dealer. I paid particular attention to what the Superintendent had to say, and the thing that amuses me mostly was that he spoke so much about the dealer. Now, the dealers have for many years been interested in getting a lobster we weigh a pound and a quarter to two and a half. Of course we always chuck the little ones; what

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Capt. Ryle, cont'd: they want is a law on the big ones; you chuck the big ones away and the little ones away. You see the idea? Then they were getting just what they wanted, and they also brought a bill and had the nerve to bring a bill before the legislators here that you could, you had to chuck away the one-clawed ones. That was a vicious sort of a bill, wasn't it? So this bill, why I don't care either one way but Rhode Island has a law 3-1/16, and they had that on for years, while we had 3-2/16, and they never changed it. So does the State of Maine, and they won't change it.

Now we get back to this other thing, well I could say this, that the Atlantic Fisheries Commission has went on record in a recent edition of their publication that they don't even favor this, what the Superintendent has already talked about. They don't favor this, not a bit. We all know that there's racketeers in the short lobster racket, and there always will be, even though they increase them a sixteenth of an inch; then there'll be more short lobsters on the market. After all, they go from Hartford down into Noank and get 'em; that is no secret. Then we get back to this inch and three-quarter opening in the lath along the side of the lobster trap, that is just terrible. You see, the lobsters when they get in these traps, they crawl around, and the lobster is something that will always try to get out, he'll chew his way out, and if they don't get out they have this sort of a habit of pushing their claws into this big opening and they break their claws off, so whatever lobsters you get in the trap are one clawed, or no claws, and they're not marketable; you just have to give them away or if you get anything for them you're lucky. If you think that's a good law, I don't. Now we had a lot of trouble with that. So you see, those increasing the size of a lobster is all right, if Rhode Island will do it, but I doubt it. Of course New York, they do anything; New York is where they really sell the short lobsters, and they don't even catch them in traps down there; they catch them in troughs; sell them and peddle them around the streets in Brooklyn by the bushel, and we're hollering up here about a few short lobsters.

After all the State of Connecticut has not got as much coastline as the City of the Greater New York has; you wouldn't believe it, our coastline ain't as big as the City of New York. We're surrounded by New York on two sides and Rhode Island on the other. There's no lobsters. I set a few lobster traps and if I saved all the short lobsters that I caught last summer I wouldn't have had

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Capt. Ryle, cont'd: two dozen, and that goes from July to September. Of course its all due to overfishing. After all I used to, my father used to set, my grandfather years ago, which had ten or fifteen lobster traps, we'd get in the neighborhood of four, five, six, seven, eight, ten bushel; we only set maybe fifteen or twenty, maybe another fellow'd have fifteen or twenty. There wouldn't be about thirty. Today, in that same spot, there are three thousand lobster traps. The only way you're going to bring back lobsters, don't catch them. And another thing, that when you take a lobster out of the trap that weighs one pound, it takes six years to replace it. That's actually the growth of a lobster. A lobster weighing a pound is about six years old. So you see, they've been going on for years. I'll admit they abuse it, but you're not going to cure it this way. If they increase the opening of the lath, that's the most dangerous thing they could do. If they can get the State of Rhode Island, the State of Maine, Massachusetts to conform with this other thing, all right. Thank you, gentlemen.

Chairman Lynch: Anyone else contrary to this bill? Any questions from the Committee? HB-1756 is referred to Executive session.

HB-2067 (Mr. Ba tok) N ACT CONCERNI G CO PE S IO F SHELL-FISH COMMISSIONERS

Anyone like to talk for this bill?

John Rankin, Chairman of the Shell-Fish Commission: This and the other bill which is before you has been introduced by the Shell-Fish Commission to clarify the present statute, particularly with respect to intent. 2067, the first one, is asking to do something which was the intent of the bill when it was introduced in 1945. In 1945 the bill was introduced asking for \$15.00 per meeting for the Commissioner, plus their expenses and, of course, some people immediately suspected that the commission would have a meeting every other day. Therefore, the intent at that time was to limit the meeting fund to \$180.00 per year, per commissioner, and it was assumed, at least by the commission, at that time that the necessary expenses, such as traveling, would be included over and above the \$180.00. Actually, as some of you probably know, the Shell-Fish Commission, particularly this last year due to some of the controversies, shall we say, in the other end of the State, there have been other meetings, several meetings, more than the twelve per year which would give