



Legislative History for Connecticut Act

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Environment	120, 181, (199-200)	(4)
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GEN. ASSEMBLY
HOUSE

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House of Representatives

Tuesday, May 17, 1983

REP. BALDUCCI: (27th)

Yes, I would just like to announce that Rep. Sorensen may have missed some votes today because of medical reasons.

SPEAKER STOLBERG:

The Journal will so note that Rep. Sorensen may miss some votes as a result of illness. Any further announcements or points of personal privilege?

If not, will the Clerk please return to the Call of the Calendar.

CLERK:

Calendar page 13, Calendar number 627, File 398,

Substitute for Senate Bill 151, AN ACT CONCERNING

LOBSTERS, amended by Senate Amendment Schedule "A".

Favorable Report of the Committee on Environment.

REP. BERTINUSON: (57th)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Terri Bertinuson.

REP. BERTINUSON: (57th)

Mr. Speaker, I move acceptance of the Joint Committee's Favorable Report and passage of the bill in concurrence with the Senate.

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SPEAKER STOLBERG:

Rep. Bertinuson.

REP. BERTINUSON: (57th)

Mr. Speaker, the Clerk has an amendment, LCO 6136. I would ask if he would call and I would be given permission to summarize.

SPEAKER STOLBERG:

The Clerk has an amendment, LCO 6136, Senate Amendment Schedule "A". Will the Clerk please call.

CLERK:

LCO 6136, designated Senate Amendment Schedule "A" offered by Senator Skowronski, et al.

SPEAKER STOLBERG:

Rep. Bertinuson has asked leave to summarize this amendment. Is there objection? Seeing no objection, please proceed.

REP. BERTINUSON: (57th)

Thank you, Mr. Speaker, members of the House, the purpose of the - the effect of this amendment would be to prohibit trawling for lobsters on the western end of Long Island Sound with the exception of 100 pounds a day, which would be allowable, as a bi-catch, until July 1, 1985. I move its adoption.

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SPEAKER STOLBERG:

Rep. Bertinuson, will you move adoption?

REP. BERTINUSON: (57th)

I moved adoption.

SPEAKER STOLBERG:

Will you remark?

REP. BERTINUSON: (57th)

Yes, thank you, Mr. Speaker. This amendment replaces an earlier proposal for an indefinite ban on trawling and calls for a two year ban to allow us to study the effects on the lobster population in Long Island Sound caused by trawling and I would urge its adoption.

SPEAKER STOLBERG:

Will you remark further? Will you remark further on the amendment?

REP. OSLER: (150th)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Osler.

REP. OSLER: (150th)

Could I ask, through you, Mr. Speaker, of the proponent of the amendment, where is seventy-three degrees longitude, west longitude, please?

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SPEAKER STOLBERG:

Rep. Bertinuson, do you care to respond to that geographic question?

REP. BERTINUSON: (57th)

Through you, Mr. Speaker, I'm afraid that I cannot respond exactly. It defines the area that's commonly called the western part of Long Island Sound, but where that exact line is, I'm not familiar with it.

SPEAKER STOLBERG:

Rep. Osler?

REP. OSLER: (150th)

I hear someone in the audience saying Stratford Shoal. Is that -

SPEAKER STOLBERG:

- Rep. Osler, you have the floor -

REP. OSLER: (150th)

- It seems that there is another representative, T. J. Casey, who may have an answer for me, Mr. Speaker, if you would recognize him.

SPEAKER STOLBERG:

Rep. Casey, would you care to respond to the question?

REP. CASEY: (118th)

Yes, Mr. Speaker. In response to the 75th meridian,

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it is approximately the western portion of Milford, from the Housatonic River westerly.

REP. OSLER: (150th)

Thank you very much. I should have known that the Speaker would have known an answer to a geographical question.

SPEAKER STOLBERG:

That's true. Will you remark further on the amendment?

REP. TUREK: (43rd)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Turek.

REP. TUREK: (43rd)

I rise to support the amendment, Mr. Speaker. Long Island Sound is larger than Block Island Sound and Nantucket Sound combined and between 200,000 and 300,000 lobster pots are set for catching lobsters and there's no reason on earth why the potters, with 97% of the catch, and the trawlers with 3% of the catch cannot exist in this area, cannot co-exist in this area. I think mainly, on behalf of the Stonington fishing fleet, they do not frequent this area very much. There are 12 lobster trawlers, lobster boats, who put their pots

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in our Stonington waters and the few trawlers that are down there are only down there mostly in the wintertime when the weather is so bad that the smaller boats cannot go beyond the harbors. What concerns our Stonington people the most is first, they can live with the 100 lobster limit. Because of the amount of money that is being invested in the Stonington fishing fleet, they would prefer not to have to do with less, if they catch that many.

They have to pay a loan of \$200,000. They have a HUD grant of over \$200,000 and they are in the midst of borrowing another \$120,000 for an ice house. They are really trying to revitalize the fishing industry in Stonington. Any lessening of the lobster catch would effectively hurt out lobstermen in Stonington and our trawlers. I urge passage of the amendment.

SPEAKER STOLBERG:

Will you remark further?

REP. HOLBROOK: (35th)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Holbrook.

REP. HOLBROOK: (35th)

Thank you, Mr. Speaker. I rise also to support

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this amendment. This is a very important amendment. If this bill were to pass without this amendment, we would literally be putting many people out of work and possibly be driving up the cost to the consumer so I hope that this whole House will join me in supporting this amendment. Thank you.

SPEAKER STOLBERG:

Will you remark further? If not, all those in favor of the amendment please indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER STOLBERG:

All those to the contrary nay. The amendment is adopted and ruled technical. Will you remark further on the bill?

REP. BERTINUSON: (57th)

Yes, Mr. Speaker. In addition to the change that we've just made with the amendment, the bill also prohibits the issuance of a lobster license to a non-resident under certain circumstances and amends the statutory penalties for taking short lobster and then would also include any violation of the provision that we've just included in the amendment and I urge its passage.

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SPEAKER STOLBERG:

Will you remark further on the bill? If not, will members please be seated. Will staff and guests please come to the Well of the House. The machine will be opened.

The House of Representatives is now voting by roll. Will the members please return to the Chamber immediately. The House of Representatives is now voting by roll. Will the members please return to the Chamber immediately.

Have all the members voted? Have all the members voted? If so, the machine will be locked and the Clerk will take a tally. Will the Clerk please announce the tally.

CLERK:

Senate Bill 151, as amended by Senate Amendment Schedule "A".

Total number voting	148
Necessary for passage	75
Those voting aye	146
Those voting nay	2
Those absent and not voting	3

SPEAKER STOLBERG:

The bill is passed.

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THE CLERK:

Page 2, Cal. 280. File 398. Substitute
for Senate Bill No. 151. AN ACT CONCERNING LOBSTERS.

Favorable report of the Committee on Environment.

The Clerk has two amendments.

THE PRESIDENT:

Senator Skowronski.

SENATOR SKOWRONSKI: (17th)

Thank you, Mr. President. Mr. President,
I move acceptance of the Joint Committee's favorable
report and passage of the bill.

With respect to the amendments, Mr. President,
I would like at this time to Withdraw LCO 6126.

THE PRESIDENT:

6 1 2 6 has been WITHDRAWN.

SENATOR SKOWRONSKI:

And now, Mr. President, I would like to proceed
on 6 1 3 6.

THE PRESIDENT:

The Clerk will call 6 1 3 6.

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THE CLERK:

The Clerk has Senate Amendment Schedule A.

LCO 6136.

THE PRESIDENT:

Senator Skowronski.

SENATOR SKOWRONSKI:

Thank you, Mr. President. Mr. President, I move the amendment, request the reading be waived and request permission to summarize.

THE PRESIDENT:

Any objection to the waiving of the reading?
Hearing none, proceed, Senator.

SENATOR SKOWRONSKI:

Thank you, Mr. President. Mr. President, the amendment really is the bill, and it is the second half of the compromise reached among all parties, and what the amendment says is that beginning with the effective date of this act, until July 1, 1985, trawling for lobsters in the western end of the Long Island Sound, that is from roughly the Milford-West Haven border, west to Greenwich, shall not be allowed except for a

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by-catch of one hundred lobsters per day; incidental to trawling for other forms of, ah, for fin fish and other forms of fish.

Mr. President, for the purpose of legislative history, the amendment does not specify that the by-catch will be one hundred lobsters per day. It simply says one hundred lobsters. It is the intent of the sponsors of the amendment that the by-catch will be one hundred lobsters per day.

Again, Mr. President, this is a compromise that has been worked out after much negotiation and I think that the pot lobstermen, the sportsmen, the commercial trawlers and all the interested parties are pleased with this compromise represented by this amendment, and I would urge passage of the amendment.

THE PRESIDENT:

Will you remark further on Senate A? Senator Gunther.

SENATOR GUNTHER: (21st)

I rise to support the amendment. I won't say that everybody is frolicking happy, but I think it is

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a true compromise. Both sides have moved to open up the eastern end of the Sound for trawling for lobsters without restriction and on the westerly end, there will be the limitation of one hundred lobsters being taken as an incidental catch. I think that it is a bill will satisfy us for the time being, and we hope that the two-year study that we previously passed, is going to come up with some data that we can hang our hat on.

THE PRESIDENT:

Senator Santaniello.

SENATOR SANTANIELLO: (25th)

The enforcement of it is what, through you.

THE PRESIDENT:

Pose your question, Senator.

SENATOR SANTANIELLO:

My question is directed to either one of the gentlemen who spoke on the amendment. How are we going to enforce and how are we going to determine where these lobsters were taken from the longitude of the degrees that is stated in the amendment. They can

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certainly say they came from a different section of the Sound.

THE PRESIDENT:

Senator Skowronski, if you care to respond.

SENATOR SKOWRONSKI:

Well, Mr. President, I think enforcement is a problem in any law that we have. We just hope that the DEP, through its conservation officers, can enforce it and they simply will have the ability to board or stop boats that are west of seventy-three degrees longitude and see if they are complying with the law. I might add, for Senator Santaniello's benefit, that we do have different lines along the shore for night trawling and otter trawling and the DEP enforces those lines to the best of their ability, so this is not something new. We have various lines, at various locations in the Sound. So, I understand that the Seventy-three degree longitude is an area that is clearly known and well-known by fishermen, it should be able to be enforced fairly well.

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THE PRESIDENT:

Senator Santaniello.

SENATOR SANTANIELLO:

Well, I live on the Sound and I see them come in close to shore in polluted areas and come in and dredge for clams and Lord knows what else they were doing and as soon as you turned the headlights on them, the trawlers would turn out and take off.

A law is no good unless you have enforcement of it, especially this type of a regulation. I would like to have a roll call vote on this amendment so that I can go on record to be against it.

THE PRESIDENT:

Will you remark further on Senate Amendment Schedule A? Senator Skowronski.

SENATOR SKOWRONSKI:

The one thing, Mr. President, that I failed to mention is that this, I am not sure that I mentioned it, but this ban on trawling for lobsters in the western end of the Sound will last only until July 1, 1985.

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THE PRESIDENT:

The Clerk will make an announcement for a roll call.

THE CLERK:

An immediate roll call has been called for in the Senate. An immediate roll call has been called for in the Senate.

THE PRESIDENT:

The issue before the chamber is adoption of Senate Amendment Schedule A, which is LCO No. 6136 to Substitute for Senate Bill No. 151. The machine is open. Will all senators remain in their seats after this vote because this is on the amendment and I would assume that because the amendment will be the bill and looking at the lights, there will be a roll call again on the bill.

Have all senators voted? The machine will be closed and locked. Total Voting is 35. Necessary for passage is 18. Voting Yea is 33. Voting Nay is 2.

THE AMENDMENT IS ADOPTED.

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THE PRESIDENT:

Senator Skowronski, on the bill as amended.

SENATOR SKOWRONSKI:

Thank you, Mr. President. I move the bill as amended. The explanation of the amendment applies to the bill since the amendment is the bill.

THE PRESIDENT:

Senator Santaniello, I would assume you want a roll call on the bill? Senator Gunther.

SENATOR GUNTHER:

Mr. President, the amendment isn't the total bill. There are several other provisions in this particular bill. The amendment, of course, does restrict the lobstering for by-catch - I am going to be very quick, Mr. President, inasmuch as this is a compromise. It not only calls for the one hundred by-catch limitation from seventy-three degrees longitude west. It also has a provision that any state that has a lesser conservation lobster management law than the State of Connecticut that those boats will not be licensed to fish in the State of Connecticut. This is designed primarily for New

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Jersey boats where they are allowed to bring in shorts, pieces and that type of thing.

The last section of it is a penalty section which raises the penalties - twenty-five dollars on the first offense, fifty on the second, a hundred on the third, and subsequent for taking short lobsters, for taking egg-bearing lobsters and also for the violation of the by-catch. So actually this now is a good bill. We've got improvement here. Everybody won't be exactly one hundred percent happy, but I think that it is going to serve the purpose right now and in two years we will be able to take a good look at it.

THE PRESIDENT:

Do you want to move it to Consent?

SENATOR GUNTHER:

Yes, I will move it to Consent.

THE PRESIDENT:

Any objection to placing on Consent? Hearing none, the matter will go on Consent.

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THE PRESIDENT:

Will you give your attention to the Clerk for the Consent Calendar. Why don't you make the announcement that we are going to have a roll call on the Consent Calendar and then go through it.

THE CLERK:

An immediate roll call has been called for in the Senate. Will all senators please take their seats. An immediate roll call has been called for in the Senate. Will all senators please be seated.

THE PRESIDENT:

Please give your attention to the Clerk.

THE CLERK:

Starting on Page 2 - Cal. 279 and 280. Page 7 - Cal. 424. Page 14 - Cal. 483. Page 15 - Cal. 488. Page 23 - Cal. 169. Page 24 - CAL. 173, 176 and 186. Page 25 - Cal. 253.

SB105, SB151,
SB925, HB5618,
HB6746, SB1028,
SB267, SB824,
SB959, HB5482

THE PRESIDENT:

Is there any question or comment or request relative to the Consent Calendar? If not, the machine is open. Have all senators voted? The machine is closed

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and locked. Total Voting is 35. Necessary for Passage is 18. Voting Yea is 35. Voting Nay is 0. THE CONSENT CALENDAR, NO 2., IS ADOPTED.

Senator Robertson, do you have your appropriate motion for the day?

SENATOR ROBERTSON:

Yes, Mr. President. Mr. President, according to, ah, in accordance to Rule 8 of our Rules, I ask that all amendments not affirmatively acted upon today be printed in the Journal.

THE PRESIDENT:

The record will so note.

Senator Schneller.

SENATOR SCHNELLER:

Mr. President, we will plan on meeting three days next week. Tuesday, Wednesday, Thursday. All sessions commencing at 1:30 p.m. I would ask that the Democratic senators to meet for a caucus one hour prior to the session time or 12:30.

THE PRESIDENT:

Senator Robertson.

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MR. JONES: (continued)

ing particularly in central and eastern Long Island Sound. It is specifically devastating to the small vessel trawl fishermen who are unable to fish the deeper, off-shore waters available to the larger vessel fleet. We do believe that live vessel trawling in the internal waters of western Long Island Sound creates unnecessary conflicts between commercial and recreational fishermen and may have an adverse impact on in-shore concentrations of finfish and lobsters. We address this issue with a proposed regulatory amendment which prohibits the use of trawl vessels in excess of 24 feet in length north of the purse seine line and west of Stratford Point. We believe that the regulatory amendment more fairly deals with this issue and, therefore, we oppose this bill.

Senate Bill No. 150, An Act Concerning Revocation and Suspension of Licenses to Take Lobsters or Shellfish.

We support the intent of this proposed bill in fact such provisions relating to finfish and lobsters are contained in legislation presently before the Committee entitled, An Act Concerning the Licensing of Nonresident Fishermen. I'm sorry, let me back up just a minute. Okay, that's right.

Senate Bill No. 151, An Act Concerning Penalties for Taking Ashore Lobsters. This bill would specify additional penalties for second, third and fourth violations of lobster statute. We support increased penalties for conservation law violations and we note that under present law each lobster taken or each implement used in a violation constitutes a separate offense. Such a provision should be continued in any amendment to this section. This proposed bill also calls for license revocation for a fourth violation. Section 2661 of the General Statutes contains strong license suspension provisions including up to one year suspension for the first violation and increased periods for additional violations. We believe this section contains adequate suspension provisions and no additional revocational authority is required.

An Act Establishing Minimum Length of Otter Trawls. This bill would require a change in the license structure to preclude licensing of anyone using an otter trawl longer than 40 feet. We are not clear as to what dimension is

SB 164

MR. YERMAN: (continued)

Proposed bill 151, "An Act Concerning Penalties for Taking Shore Lobsters". Statement of purpose: to increase the penalty for taking shore lobsters or spawn as a means of better lobster management. We agree. We feel that there should be more monies made available to DEP for more conservation officers, for more enforcement.

This is another bill by Ken Hampton, subject matter, "An Act Concerning the Number of Lobster Pots Used by Boats" SB442. Statement of Purpose: No more than 500 lobster pots shall be set at any given time from any boat used for lobster fishing. With less pots in the water, it would open up more area for the trawlers to work. The chances to reduce the conflict here, the problem again would be slowed down. Lobstermen would have less overhead and their expenses would be reduced and chances are the catches would be about the same.

"An Act Concerning Lobster Pot Trawls", this is also by Ken Hampton. SB 443 Statement of Purpose: Lobster pot trawls set by any boat used for lobster fishing must be set uniformly in either a north, south, east, west pattern. Like I stated before, this would reduce the confusion, with the direction of the fixed gear on the open bottom, gear losses could be reduced. We feel that this problem, it's mainly on the clear bottom on the reefs and the rock piles and close to shore where there's very little trawler activity that it would - it doesn't need to be pushed and that's why we feel that regulation could better handle a lot of these problems because there are many cases here where everything needs to bend to fit the areas and the situation at hand.

Subject matter, "An Act Concerning the Time for Trawling for Lobsters". SB437 It's also by Ken Hampton. We feel that there should not be any set hours or set months of the year for trawling because the fish and lobsters in Long Island Sound are of a migratory nature and do not follow time schedules and this severely hampers our trawling activity. To my knowledge, there was very little, or very few studies done when the Night Dragging Bill was put into effect. I think that there was very little opposition because few people knew about it or there might have been more opposition at that time. I don't know exactly why that bill was put through. I have an assumption that it was put through in the interest of the lobster pot fishermen.

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MR. BACHANCE: (continued)

three and three-sixteen inches body shell length. Now according to John Hughes, who's the Director of the Massachusetts Lobster Hatchery and he differs slightly from Eric although I've never spoken to Eric directly on this. About 90% of the lobsters caught inshore have just reached the minimum legal size and I know this is a hot potato for you, Senator. Less than 10% of these have reached sexual maturity, in other words 90% of them have never made it once. Now you can imagine the frustration of the poor little critters besides that all.

Anyway, the implications are obvious. With increasing fishing pressure from both commercial and sports-fishermen and fewer breeding stocks, we can look forward to fewer and fewer lobsters in the Sound. Mr. Hughes and numerous other marine biologists favor increasing the minimal legal length to three and a half inches. In other words, one more molt taking about a year, thereby giving the lobster a chance to breed at least once.

Presently the laws from Maine down to Delaware that the legal length is three and three-sixteen except in the case of New Jersey who is three and an eighth still. Canada has a -- which is run by the federal government by the way, has a legal length of two and a half inches. I don't quite know what they do with those, those are a crawfish in my estimation and they do have other sizes. They do have three and three-sixteen, three and an eighth, depending on what region they're talking about. Now in summary, I would suggest that the Senator go back to the legislature after consultation with marine biologists like Mr. Hughes or Eric Smith and reintroduce his amendment excluding commercial trawlers if it's necessary, make a provision for the scientific research, in other words using a trawl for that purpose and seriously look at the present minimal size and as was suggested by another gentleman, whom I don't remember, provide more effort in enforcement. Thank you.

(SB 151)

SEN. SKOWRONSKI: Thank you very much. That concludes the list of people who have signed up, one gentleman who passed earlier. Walt Collman, Westport Clamming Commission.

MR. WALT COLLMAN: I'm Walt Collman, I live in Stratford, but I'm a Westport police marine officer and I have one question I'd like to ask Doc. Doc, your penalties for taking short lobsters, \$25.00 for the first time. Is that per lobster or per offense? (SB151)

SEN. GUNTHER: Yes, there's been, I know Bob had mentioned this, Bob Jones before. Right now the law calls for the penalty to be on each piece. In other words if you have one, you get a \$25.00 fine. If you had 10, you're supposed to get a \$250.00 fine. Unfortunately, the courts if only we could impress them. When we pass laws that that's what the hell we mean, it would be much easier for us and I know that sympathies go with the department too.

When we get through if we can get bill through when and get it succinctly stated and if we can ever impress our judiciary because penalties have to go to the judiciary and if it can be drafted so that it's mandated so the judges have no discretion, they have to take and do it, that stays intact.

MR. COLLMAN: We only have one commercial lobsterman in the town of Westport and he's a bottom lobsterman and it amazes me how he can lose a 100 pots a night to nobody. What I would like to talk to you about tonight which was dumped on me at the last minute because Fran from the Conservation Commission was supposed to be here was the proposed legislation of Section 26-280 amendment that the taking of shellfish in the Saugatuck Shores of Westport to be changed and excluding as otherwise provided by the Shellfish Commission of the town of Westport and we would ask the state if they would turn back over to the town of Westport all areas within the town jurisdictional lines that are not owned or leased by the state.

HB 6266

SEN. SKOWRONSKI: Do you have a bill number on that?

MR. COLLMAN: I thought Representative Belaga was going to be here tonight with the bill but she did not make it.

SEN. GUNTHER: I think that Representative Belaga had wanted to be here and make some reservations on her draft. I think that there's been some calls made relative to excluding