



Legislative History for Connecticut Act

HB 7439 PA 434 1985

House 2749-2750, 4754-4766, 6811-6819, (32)
8804-8812

Senate 2903-2924, 2992, 3384-3390, (56)
3399-3418, 3419-3420, 4538-4541,
4549-4550

Environment - 1005-1010, 1016-1019, 1023, 1031-1036,
1038, 1041-1043, 1050, 1051-1057, 1059-1060

LAW/LEGISLATIVE REFERENCE
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(32)
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Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate
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CONNECTICUT
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HOUSE

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2749

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House of Representatives

Wednesday, April 17, 1985

Committee on Appropriations. Is there objection?

Hearing none, so ordered.

CLERK:

Calendar No. 273, Substitute House Bill No. 5642,
File No. 313, AN ACT CONCERNING THE DISPOSITION OF
LIBRARY FINES COLLECTED BY THE CONSTITUENT UNITS OF THE
STATE SYSTEM OF HIGHER EDUCATION. Favorable Report of
the Committee on Finance, Revenue and Bonding.

REP. KRAWIECKI: (122nd)

Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Rep. Krawiecki.

REP. KRAWIECKI: (122nd)

May this item be passed, retaining its place on
the Calendar.

DEPUTY SPEAKER BELDEN:

The motion is to pass retain Calendar 273. Is
there objection? Hearing none, so ordered.

CLERK:

Calendar No. 274, Substitute House Bill No. 7439,
File No. 318, AN ACT CONCERNING THE TAKING OF LOBSTERS
AND THE USE OF LOBSTER TRAWLS. Favorable Report of the
Joint Standing Committee on Environment.

kok

House of Representatives

Wednesday, April 17, 1985

REP. KRAWIECKI: (122nd)

Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Rep. Krawiecki.

REP. KRAWIECKI: (122nd)

May this item be referred to the Committee on
Judiciary, please.

DEPUTY SPEAKER BELDEN:

HB 7439

The motion is to refer Calendar 274 to the
Committee on Judiciary. Is there objection? Hearing
none, so ordered.

CLERK:

Calendar No. 277, Senate Bill 868, File No. 224,
AN ACT REPEALING THE LAW PROVIDING FOR THE ISSUANCE OF
"FOREIGN CONSUL" MOTOR VEHICLE REGISTRATIONS. Favorable
Report of the Committee on Transportation.

REP. WILBER: (133rd)

Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Rep. Elinor Wilber.

REP. WILBER: (133rd)

Thank you, Mr. Speaker. I move acceptance of the
Joint Committee's Favorable Report and passage of the
bill.

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22 4754

House of Representatives

Wednesday, May 8, 1985

All members please return to the Chamber immediately.

SPEAKER VAN NORSTRAND:

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

The Chair would note at this time welcome back, Rep. Turek. You are now among the affirmatives.

The Clerk, please announce the tally.

CLERK:

Senate Bill 179, as amended by Senate "A".

Total number voting	140
Necessary for passage	71
Those voting yea	140
Those voting nay	0
Those absent and not voting	11

SPEAKER VAN NORSTRAND:

The bill is passed in concurrence with the Senate.

CLERK:

Page 6, Calendar No. 274, Substitute for House Bill No. 7439, File No. 318. AN ACT CONCERNING THE TAKING OF LOBSTERS AND THE USE OF LOBSTER TRAWLS. Favorable Report of the Committee on Judiciary.

REP. TIFFANY: (11th)

Mr. Speaker?

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4755

House of Representatives

Wednesday, May 8, 1985

SPEAKER VAN NORSTRAND:

Rep. John J. Tiffany.

REP. TIFFANY: (11th)

Thank you, Mr. Speaker. I move acceptance and passage.

SPEAKER VAN NORSTRAND:

The question is on acceptance of the Joint Committee's Favorable Report and passage of the bill.

Will you remark, sir?

REP. TIFFANY: (11th)

Mr. Speaker, perhaps a brief explanation of the genesis of this bill might be in order. It's received considerable publicity and generated a number of telephone calls, at least in the southern end of the state.

Traditionally, lobsters have been harvested by the use of lobster pots. In addition, there have been no regulations for the taking or harvesting of lobsters. Several years ago, some people began taking lobsters by the use of nets and trawls. A number of people became concerned that this would have a serious impact on the, not only the taking of lobsters, but the use of the trawls, would have a serious impact on the ecology of the

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Long Island Sound.

We passed a limit of 100 lobsters and established a study from the Department of Environmental Protection on the effects of lobstering on the Sound.

That study has now been completed and this bill is the genesis of that study and I would call your attention to section 1 of the bill, which allows, or requires, the Commissioner of Environmental Protection to adopt regulations in accordance with chapter 54 concerning the taking of lobsters and then you go to the last section of the bill, or next to last, section 5, which requires the Commissioner of Environmental Protection to submit a report back to the General Assembly, evaluating the impact of the adoption of these regulations.

Mr. Speaker, there has been still considerable concern about the impact of what this might do and as a compromise or an alternative, I would like to call an amendment, LCO 6073 and I be allowed to summarize, please.

SPEAKER VAN NORSTRAND:

Is the Clerk in possession of LCO 6073, designated House Amendment Schedule "A"?

CLERK:

I have it.

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House of Representatives

Wednesday, May 8, 1985

SPEAKER VAN NORSTRAND:

Will the Clerk please call the amendment?

CLERK:

House Amendment Schedule "A", LCO No. 6073,

offered by Rep. Tiffany, Rep. Casey, et al.

SPEAKER VAN NORSTRAND:

The gentleman sought permission to summarize, is there objection? Seeing none, please proceed, Rep. Tiffany.

REP. TIFFANY: (11th)

Mr. Speaker, the purpose of this amendment is to give us a little more time. It would require that the 100 limit by catch be maintained and that the Department have their public hearing process and adopt the regulations, but the regulations not be implemented until after the next session of the General Assembly and at that time, if the Environment Committee, or the members of the General Assembly, do not agree with the regulations or wish further changes, we would then be in a position to do so.

I believe, Mr. Speaker, well, that's the essence of the amendment, Mr. Speaker.

SPEAKER VAN NORSTRAND:

Are you moving adoption?

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House of Representatives

Wednesday, May 8, 1985

REP. TIFFANY: (11th)

I move adoption, sir.

SPEAKER VAN NORSTRAND:

The question is on adoption of House "A". Will you remark further, sir?

REP. TIFFANY: (11th)

I think, Mr. Speaker, it's a reasonable amendment. As I said, there's considerable interest and concern on both sides of this issue whether or not lobsters should be allowed to be taken by the use of trawls and nets rather than just by pots. I think there's a rather extensive study just being completed by DEP that would indicate that there would not be serious ill effects from the study and I believe that this is a reasonable approach and I would ask your support, sir, for the amendment.

SPEAKER VAN NORSTRAND:

The question is on adoption of House "A". Will you remark?

REP. HELFGOTT: (53rd)

Mr. Speaker?

SPEAKER VAN NORSTRAND:

Rep. Michael Helfgott.

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REP. HELFGOTT: (53rd)

Through you, Mr. Speaker, a question to the proponent.

SPEAKER VAN NORSTRAND:

Please frame your question, sir.

REP. HELFGOTT: (53rd)

Thank you. I believe you explained this, but either because of the noise or my brain, it didn't all soak in.

Can you please speak to the issue of how long the limit of 100 lobsters would be maintained and how that possibly could be changed in the future?

SPEAKER VAN NORSTRAND:

Rep. Tiffany?

REP. TIFFANY: (36th)

The limit would be maintained until July 1, 1986.

SPEAKER VAN NORSTRAND:

Rep. Helfgott?

REP. HELFGOTT:

Thank you.

SPEAKER VAN NORSTRAND:

Will you remark further on House "A"?

REP. OSLER: (150th)

Mr. Speaker?

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House of Representatives

Wednesday, May 8, 1985

SPEAKER VAN NORSTRAND:

Rep. Dorothy Osler.

REP. OSLER: (150th)

Through you, Mr. Speaker, I would like to ask a question of the proponent just so that I have it clear, because it's a very important amendment or concept for my town, and for my district.

SPEAKER VAN NORSTRAND:

Please propound your question.

REP. OSLER: (150th)

The 100 lobster limit per trawler catch is, that is the current limit, and has been for a year or two now, is that correct? Okay.

SPEAKER VAN NORSTRAND:

Rep. Tiffany?

REP. TIFFANY: (36th)

Through you, Mr. Speaker, that is correct, west of 73.

REP. OSLER: (150th)

Which is Stratford?

REP. TIFFANY: (36th)

Approximately Milford.

REP. OSLER: (150th)

Thank you.

kok

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House of Representatives

Wednesday, May 8, 1985

SPEAKER VAN NORSTRAND:

Rep. Osler?

REP. OSLER: (150th)

Through you again, the proposal had been, but is now put off that that would be what, raised to an unlimited or to 300 or 500, or was there some proposal of that sort?

REP. TIFFANY: (36th)

Through you, Mr. Speaker, this is perhaps the unfortunate part of this whole situation. The bill was never any number, specific number, in any of the legislation. The legislation merely allowed DEP to adopt regulations establishing a number. They had talked in the report of the possibility of raising the limit in the wintertime to something in the neighborhood of 500 lobsters per trip and maintaining the 100-by-catch limit in the summertime, but that was only a suggestion and those were certainly subject to change in the adoption of the regulatory process.

SPEAKER VAN NORSTRAND:

Rep. Osler?

REP. OSLER: (150th)

Thank you. I would just like to comment, then,

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that I believe when we adopted the 100 limit per trawler per day, that I even voted against that as being a rather large number in an area where this is a recreational activity for many people, but also is at least a good part of the livelihood, if not the entire livelihood of a great number more, that increasing it to a much larger figure would seem to me to deplete the small number of oysters so that if it were allowed to be, for instance, 500, even in the winter time, that the young ones might be so depleted that for a couple of years thereafter the legal size catch might not be there for those who are trying to make a living off of it, who are not trawlers.

I would hope that the DEP would listen to some of the debate, perhaps, here today and if they are considering making larger catch possible for the winter season when they do draw up their regulations, that they would certainly curtail the number that they would be allowing.

SPEAKER VAN NORSTRAND:

Thank you, Rep. Osler.

REP. CASEY: (118th)

Mr. Speaker?

SPEAKER VAN NORSTRAND:

Rep. T. J. Casey?

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REP. CASEY: (118th)

Briefly, Mr. Speaker, I stand in support of the amendment. I am one of the sponsors. It's a very important issue if your're a pot man and you're a trawler and if you like lobsters from Long Island Sound. One of the important issues that are studied which we just got done completing, which was never addressed, was the gear conflict. During the summer we'll be addressing that particular side of the matter. Hopefully we'll be able to resolve the problems of the draggers and resolve the problems of the pot fishermen, and in so doing, we might come up with an agreeable limit in which the draggers might be able to indeed, as a by-catch that take from Long Island Sound.

This amendment addresses a problem which our studies does not address, and it's going to give us an opportunity to address it during the interim. I hope that you will concur and support this amendment. Thank you, Mr. Speaker.

SPEAKER VAN NORSTRAND:

Will you remark further on the adoption of House "A"? If not, all in favor, indicate by saying aye.

REPRESENTATIVES:

Aye.

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SPEAKER VAN NORSTRAND:

Opposed, indicate by saying nay. The ayes have
it. House "A" is adopted and ruled technical.

House Amendment Schedule "A".

In line 8, strike out "October 1, 1985" and insert
"January 1, 1986" in lieu thereof

Strike section 2 in its entirety and insert the
following in lieu thereof:

"Sec. 2. (NEW) (a) On and after the effective date of this act to and including December 31, 1985, the following provisions shall govern the taking of lobsters in the waters of this state: (1) Lobsters may be taken only by lobster pots, traps, trawls or similar devices or by skin diving, including the use of self-contained underwater breathing apparatus, or by hand; (2) the transfer of any lobster from any vessel using an otter trawl, beam trawl or similar device to any other vessel on the waters of the state is prohibited; (3) the possession on any vessel of an otter trawl, beam trawl or similar device capable of taking lobster shall be prima facie evidence of use of such otter trawl, beam trawl or similar device; (4) the use of spears of any kind to take lobsters is prohibited; (5) no person shall buy, sell, give away, expose for sale or possess any lobster less than three and three-sixteenths inches in length, measured by taking the length of the body shell parallel to the center line from the rear end of the eye socket to the rear end of such body shell, or any female lobster with ova or spawn attached or from which the ova or spawn has been removed; (6) any lobster less than minimum length, when caught, and all female lobsters, when caught with ova or spawn attached shall, without avoidable injury, be immediately returned to the waters from which taken and (7) no person shall set, tend or assist in setting or tending any lobster pot, trap or similar device for the catching of lobsters from one-half hour after sunset to one-half hour before sunrise.

(b) On or before July 1, 1986, there shall be a

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trip limit of one hundred lobsters on any vessel using an otter trawl, beam trawl or similar device on the waters of this state west of longitude seventy-three degrees."

In line 195, strike out "October 1, 1987" and insert "July 1, 1988" in lieu thereof

SPEAKER VAN NORSTRAND:

Will you remark further on the bill as amended by House Amendment Schedule "A"?

REP. TIFFANY: (36th)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. Tiffany.

REP. TIFFANY: (36th)

I would move adoption of the bill as amended. I would refer you again to my earlier comments that I think this thing really does two things. It allows the Department of Environmental protection to regulate the harvesting of lobsters, by regulations, and two, it requires the department to report back to this General Assembly what impact, if any, such regulations are having. I urge your support of this bill as amended.

SPEAKER VAN NORSTRAND:

Will you remark further on the bill as amended?

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Will you remark further on the bill as amended? If not, staff and guests please come to the well of the House. The machine will be opened. The Clerk please announce the pendency of a roll call to those members not presently in the Chamber.

CLERK:

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

SPEAKER VAN NORSTRAND:

Have all the members voted and are your votes properly recorded? If so, the machine will be locked. The Clerk please take a tally.

The Clerk please announce the tally.

CLERK:

House Bill 7439, as amended by House "A".

Total number voting 140

Necessary for passage 71

Those voting yea 140

Those voting nay 0

Those absent and not voting 11

SPEAKER VAN NORSTRAND:

The bill as amended is passed.

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House of Representatives

Friday, May 17, 1985

CLERK:

The House of Representatives is now voting by roll call. Please return to the Chamber immediately. The House of Representatives is now voting by roll call. Please return to the Chamber immediately.

SPEAKER VAN NORSTRAND:

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

The Clerk please announce the tally.

CLERK:

House Bill No. 7269, as amended by Senate "B".

Total number voting	143
Necessary for passage	72
Those voting yea	115
Those voting nay	28
Those absent and not voting	8

SPEAKER VAN NORSTRAND:

The bill is passed in concurrence with the Senate.

CLERK:

Page 21, Calendar NO. 274, Substitute for House Bill 7439, Files 318 and 822, AN ACT CONCERNING THE TAKING OF LOBSTERS AND THE USE OF LOBSTER TRAWLS, as amended by House Amendment Schedule "A" and Senate Amendment Schedule "A". Favorable Report of the Committee on

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House of Representatives

Friday, May 17, 1985

Judiciary.

REP. TIFFANY: (36th)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. John J. Tiffany.

REP. TIFFANY: (36th)

Mr. Speaker, I move for acceptance and passage in concurrence.

SPEAKER VAN NORSTRAND:

The question is on passage of the bill. Will you remark, sir?

REP. TIFFANY: (36th)

Mr. Speaker, the Clerk has Senate Amendment "A".

I would ask the Clerk to please call and read.

SPEAKER VAN NORSTRAND:

Clerk please call LCO No. 6472, previously designated Senate Amendment Schedule "A". 6472.

CLERK:

Senate Amendment "A", LCO No. 6472, offered by Sen. Gunther.

SPEAKER VAN NORSTRAND:

The gentleman seeks permission to summarize.

REP. TIFFANY: (36th)

Would the Clerk please, it's short, I request the

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House of Representatives

Friday, May 17, 1985

Clerk to please read the amendment.

SPEAKER VAN NORSTRAND:

Please read the amendment.

CLERK:

In line 46, strike out quote, 73 degrees, end of quote, and insert quote, 72 degrees, 40 minutes, quote, in lieu thereof. After line 198, insert the following and renumber the remaining section accordingly. Section 6, this is new in parens, no person shall operate a vessel using an otter trawl, beam trawl or similar devise on the waters of this state west of 72 degrees 40 minutes, from one hour after sunset to one hour before sunrise.

SPEAKER VAN NORSTRAND:

The amendment is in your possession, sir.

REP. TIFFANY: (36th)

Unfortunately, Mr. Speaker, Mr. Speaker, I'm going to ask for rejection of Senate Amendment "A".

SPEAKER VAN NORSTRAND:

Motion is to reject Senate Amendment "A". Will you remark, sir?

REP. TIFFANY: (36th)

Mr. Speaker, to refresh your memory, it's perhaps unfortunate this is back down there. We spent, the

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House of Representatives

Friday, May 17, 1985

Environment Committee spent a great deal of time this year working on the taking of lobsters. Several days ago this bill passed through the House of Representatives, 140 some votes to nothing. Unfortunately, several senators erred in their judgment upstairs and this Senate "A" was passed.

I have since talked to a number of senators. I believe they're aware of their mistake, and if they have a chance I think they will change their vote, and I suggest that we give them that chance and I therefore move for rejection of Senate "A".

SPEAKER VAN NORSTRAND:

The question is on rejection of Senate "A". Will you remark?

REP. JOYCE: (25th)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. Raymond Joyce.

REP. JOYCE: (25th)

Thank you, Mr. Speaker. I would also echo the remarks of the chairman of the Committee. This amendment goes way beyond all the intent and all the discussions of the Committee, and I would also urge rejection. Thank you, Mr. Speaker.

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SPEAKER VAN NORSTRAND:

Will you remark further on rejection of Senate "A"?
If not, all in favor of rejection of Senate "A" indicate
by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER VAN NORSTRAND:

All opposed, indicate by saying nay.

REPRESENTATIVES:

No.

SPEAKER VAN NORSTRAND:

The ayes have it. One loyal member in the negative.
The ayes have it. Senate "A" is rejected.

REP. TIFFANY: (36th)

Mr. Speaker, I now move repassage of the bill as
amended by House "A".

SPEAKER VAN NORSTRAND:

The question is on passage. Will you remark?

REP. CHASE: (120th)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. Vincent Chase.

REP. CHASE: (120th)

Thank you, Mr. Speaker. A question through you.

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to Mr. Tiffany.

SPEAKER VAN NORSTRAND:

SEN. Please frame your question, sir.

REP. CHASE: (120th)

Mr. Tiffany, can you tell me as the bill stands now, are, is there a limit or prohibition of setting pots or traps at night?

REP. TIFFANY: (36th)

Through you, Mr. Speaker, no.

REP. CHASE: (120th)

So they can still set their traps or pots at night?

REP. TIFFANY: (36th)

Yes.

REP. CHASE: (120th)

Thank you.

SPEAKER VAN NORSTRAND:

Will you remark further on the bill as amended by House "A"? If not, staff and guests please come to the well of the House. The machine will be opened. The Clerk please announce the pendency of a roll call.

CLERK:

The House of Representatives is now voting by roll call. Please return to the Chamber immediately. The House

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of Representatives is voting by roll call. Please return to the Chamber immediately.

SPEAKER VAN NORSTRAND:

Have all the members from the Norwalk delegation voted? The machine will be locked. The Clerk please take a tally.

REP. NARDINI: (115th)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. Joseph Nardini.

REP. NARDINI: (115th)

In the affirmative, please.

SPEAKER VAN NORSTRAND:

Rep. Nardini of the 115th, in the affirmative.

REP. LUPPI: (88th)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. Howard Luppi. Rep. Luppi in the affirmative, from the 88th. The Chair is going to observe in fairness to the remaining members, many of whom patiently await in this Chamber, that the Chair is not all that pleased with it routinely being the same people who are late during the pendency of a roll call. I have no desire to close this machine early and hurt the voting record of

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any member, and certainly not intentionally. But I believe some degree of consideration is owed to those members who do in fact remain in this Chamber, and are attentive to roll call votes. (Applause)

It is not to single out you, Rep. Schlesinger. There are miscreants. There are miscreants on both sides of the aisle. I just think in fairness to the members, we owe some obligation. We have a lot of work to do and this kind of a pause in the action is the kind of thing that produces Saturday sessions.

REP. SCHLESINGER: (118th)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. Alan Schlesinger.

REP. SCHLESINGER: (118th)

In the affirmative.

SPEAKER VAN NORSTRAND:

Rep. Alan Schlesinger of the 114th in the affirmative.

You are, sir, by no means the sole cause or the worst cause or anything else, but it seems to run generally to type.

Clerk please announce the tally.

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CLERK:

House Bill 7439, as amended by House "A".

Total number voting 145

Necessary for passage 73

Those voting yea 141

Those voting nay 4

Those absent and not voting 6

SPEAKER VAN NORSTRAND:

The bill is passed.

CLERK:

Page 21, Calendar No. 312, Substitute for House Bill 6920, File NO. 376, AN ACT REQUIRING THE DEVELOPMENT OF A PLAN FOR ENCOURAGING THE USE OF ASH FROM GARBAGE-TO-ENERGY PLANTS AND OTHER WASTE MATERIALS IN STATE AND PRIVATE CONSTRUCTION PROJECTS, as amended by Senate Amendment Schedules "B" and "C". Favorable Report of the Committee on Energy and Public Utilities.

REP. ANDERSON: (45th)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. David Anderson.

REP. ANDERSON: (45th)

Thank you, Mr. Speaker. I move acceptance of the Joint Committee's Favorable Report and passage of the bill

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House of Representatives

Friday, May 24, 1985

REP. ESPOSITO: (137th)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. Frank Esposito.

REP. ESPOSITO: (137th)

Mr. Speaker, at this time, I would like to remove two items from today's Consent Calendar.

SPEAKER VAN NORSTRAND:

Is there still one left?

REP. ESPOSITO: (137th)

A couple left. On Page 14, Calendar No. 802, Bill No. 6930, File No. 1033, AN ACT CONCERNING INCOME LIMITS FOR MEDICAID ELIGIBILITY.

Page 15, Calendar No. 805, Bill No. 7760, File No. 1063, AN ACT CONCERNING PRESERVATIONS OF THE LLOYD HOUSE IN HARWINTON.

Thank you.

SPEAKER VAN NORSTRAND:

HB 6930 Calendar No. 802, HB 7760 Calendar No. 805 are removed from the Consent Calendar.

CLERK:

Page 34, Calendar No. 274, Substitute for House Bill 7439, Files 318 and 822, AN ACT CONCERNING THE TAKING OF LOBSTERS AND THE USE OF LOBSTER TRAWLS, As amended by

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House Amendment Schedule "A", and Senate Amendment Schedule "A" and "B". Favorable Report of the Committee on Judiciary. House rejected Senate "A" on May 17. Senate rejected Senate "A" on May 22.

REP. TIFFANY: (36th)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. John J. Tiffany.

REP. TIFFANY: (36th)

Thank you, Mr. Speaker. I move acceptance and passage in concurrence.

SPEAKER VAN NORSTRAND:

The motion is acceptance and passage and I gather optimistically, in concurrence.

REP. TIFFANY: (36th)

Yes, Mr. speaker, we'll try one more time to bring everybody up to speed on this. The Environment Committee reported out a bill and it was amended in House Amendment "A" which we thought maintained a status quo for at least a year, was sent to the Senate. The Senate placed on the bill, Senate Amendment "A". It was returned back to the House. The House rejected Senate "A" and sent it back upstairs. Senate then rejected Senate "A" and adopted Senate "B". Upon close reading of the

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file, it was determined that in fact, unintentionally we were removing the existing prohibition of night trawling, Mr. Speaker, and that in essence was the main objection, objective of Senate Amendment "B", and I would ask the Clerk to please call Senate Amendment "B".

SPEAKER VAN NORSTRAND:

The Clerk please call LCO No.6499 previously designated Senate Amendment Schedule "B".

CLERK:

Senate Amendment Schedule "B". LCO 6499 offered by Sen. Gunther.

SPEAKER VAN NORSTRAND:

The gentleman seeks permission to summarize. Is there objection? Seeing none, please proceed, sir.

REP. TIFFANY: (36th)

Thank you, Mr. Speaker. Senate Amendment "B" did two things. It changed the line for the trawling and it also put in a prohibition for night trawling. Mr. Speaker, I'm going to ask for rejection of Senate Amendment "B" and subsequent passage of House Amendment "B" which will, in fact prohibit night trawling but will retain the existing trawl lines. In fact, it will truly maintain the status quo until July 1 of next year and Mr. Speaker, I'm very, well, before I'm getting ahead of

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myself, I will move for rejection of Senate Amendment "B".

SPEAKER VAN NORSTRAND:

Motion is to reject Senate Amendment "B". Will you remark? If not, motion is to reject Senate "B". All in favor indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER VAN NORSTRAND:

All opposed indicate by saying nay.

REPRESENTATIVES:

No.

SPEAKER VAN NORSTRAND:

The ayes have it. Senate "B" is rejected.

REP. TIFFANY: (36th)

Mr. Speaker, I would now ask the Clerk to call LCO 5185.

SPEAKER VAN NORSTRAND:

Will the Clerk please call LCO No. 5185 designated House Amendment Schedule "B".

CLERK:

House Amendment Schedule "B", LCO 5185 offered by Rep. Casey et al.

kpt

House of Representatives

Friday, May 24, 1985

SPEAKER VAN NORSTRAND:

The Representative seeks permission to summarize. Is there objection? Seeing none, please proceed, sir.

REP. TIFFANY: (36th)

Mr. Speaker, first I would indicate and with a great deal of pride, I might add, that the entire House membership of the Environment Committee has signed onto this amendment, and believe me, there is considerable variances of opinion in the Committee on the lobster issue and I'm really proud and pleased that they have co-sponsored this amendment.

This amendment, Mr. Speaker, as I said, would continue the existing prohibition of night trawling and would maintain the existing lines for the 100 lobster limit on the use of outer trawls.

It does indeed maintain the existing situation throughout Long Island Sound until after July 1 of next year at which time the Department of Environmental Protection may adopt regulations concerning the harvesting of the lobsters.

I urge acceptance of this amendment, Mr. Speaker.

SPEAKER VAN NORSTRAND:

The question is on adoption of House "B". It's an impressive show of strength in terms of your co-sponsors,

kpt

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Rep. Tiffany.

REP. RUDOLF: (139th)

Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Rep. Rudolf.

REP. RUDOLF: (139th)

Mr. Speaker, I rise with mixed emotions about this amendment and the bill itself, because I was assured that this bill and this amendment would be held today so that we could discuss the moving of that line to 72 degrees rather than 73 degrees. I'm somewhat disappointed in the move to bring the bill to the floor. It's not on the go list incidentally, and I'm somewhat upset over the way this is being handled.

We have a difficult situation in Long Island Sound with the lobstermen, the trawlers, everybody concerned and I'm not sure that this is going to please everybody. And you know, I'm happy for Jack Tiffany that his committee has signed onto the bill and the amendments, but let me say one thing, Mr. Speaker. This is not going to resolve the problem that we're trying to resolve in Long Island Sound with this battle continuing.

I'm afraid that I'm going to have to support the amendment and the bill. I'll take the half a loaf, but

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I'm not happy with it.

SPEAKER VAN NORSTRAND:

Thank you, Rep. Rudolf. Will you remark further?

Will you remark further on the adoption of House "B"?

If not, all in favor indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER VAN NORSTRAND:

Opposed, indicate by saying nay.

REPRESENTATIVES:

No.

SPEAKER VAN NORSTRAND:

The ayes have it. House "B" is adopted and ruled technical.

House Amendment Schedule "B".

Strike lines 42 to 46, inclusive, in their entirety and insert the following in lieu thereof:

"(b) The following provisions shall be in effect until July 1, 1986: (1) There shall be a trip limit of one hundred lobsters on any vessel using an otter trawl, beam trawl or similar device on the waters of this state west of longitude seventy-three degrees, and (2) no person shall operate an otter trawl in any of the waters of Long Island Sound lying west of a line drawn from the Stratford Shoal light to the easterly breakwater of the Housatonic River in Milford, from one hour after sunset to one hour before sunrise."

kpt

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SPEAKER VAN NORSTRAND:

Will you remark further on the bill as amended?

REP. TIFFANY: (36th)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. Tiffany.

REP. TIFFANY: (36th)

Mr. Speaker, I regret that we've had this ping-pong effect, but truly this bill as amended maintains the existing status quo on everything in Long Island Sound until after DEP has a chance to have a series of public hearings and adopt regulations. I urge your adoption.

SPEAKER VAN NORSTRAND:

Will you remark further on the bill as amended by House "A" and House "B". Will you remark further?

If not, staff and guests please come to the well of the House. The machine will be opened. The Clerk please announce the pendency of a roll call.

CLERK:

The House of Representatives is now voting by roll call. Will all members please return to the Chamber immediately. The House of Representatives is now voting by roll. Will all members please return to record their vote.

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SPEAKER VAN NORSTRAND:

Have all the members voted and are your votes properly recorded? Have all the members voted? Have all the members voted? Please check the board to make sure your vote has been recorded.

If so, the machine will be -- a little faster, Rep. Dyson, a little faster. Just push the button, Rep. Dyson, that's what the rest of us do. The machine will be locked.

The Clerk please announce the tally.

CLERK:

House Bill 7439 as amended by House "A" and House "B".

Total number voting	136
Necessary for passage	69
Those voting yea	136
Those voting nay	0
Those absent and not voting	15

SPEAKER VAN NORSTRAND:

The bill as amended is passed.

REP. JAEKLE: (122nd)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. Jaekle.

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GEN. ASSEMBLY
SENATE

PROCEEDINGS
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to the state via a check or when the state was reimbursing the town, in a subsequent year, would they simply reduce the reimbursable amount by that figure?

THE CHAIR:

Senator Markley.

SENATOR MARKLEY:

My understanding is that the state would reduce the reimbursable amount by that figure. That's how the credit would be taken care of.

THE CHAIR:

Senator O'Leary.

SENATOR O'LEARY:

Thank you very much.

THE CHAIR:

Will you remark further?

SENATOR MARKLEY:

If there's no objection, Mr. President, I move it be placed on the consent calendar.

THE CHAIR:

Any objection? Hearing none, so ordered.

THE CLERK:

Page 8, calendar 560, Substitute for House Bill 7439, File 318 and 822. An Act Concerning The Taking Of Lobsters

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And The Use Of Lobster Trawls. (As amended by House Amendment Schedule "A").

Favorable Report of the Committee on Judiciary.

THE CHAIR:

Senator Benson.

SENATOR BENSON:

Thank you, Mr. President. I move acceptance of the committee's joint favorable report and passage of the bill as amended by House Amendment Schedule "A". I believe the Clerk is in possession of an amendment.

THE CHAIR:

Clerk, please call the amendment.

THE CLERK:

Senate Amendment Schedule "A", LCO No. 6472 introduced by Senator Gunther.

THE CHAIR:

Senator Gunther.

SENATOR GUNTHER:

Mr. President, I move the adoption of the amendment and waive the reading. I'll explain it.

THE CHAIR:

Without objection, you may proceed.

SENATOR GUNTHER:

What this amendment does is establishes a hundred bycatch

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in other words, that's an incidental catch to fishing for fin fish, for lobsters by trawlers and prohibits a night trawling in Connecticut west of seventy-two degrees forty minutes - now that's the Faulkner's Island area, which is right off of Branford. The bill that's in the file right now, as it stands, (inaudible) the hundred bycatch, that's seventy-three degrees, which is at the West Haven - Milford area. It would also allow night trawling in the entire Long Island Sound. Now, Mr. President, this is one of the biggest problems we've had in the past two years is enforcing our one hundred bycatch and the night fishing itself because it's been violated. There's fourteen trawlers out there that have been working in that section, and I'm talking the large trawlers, that have been working in that section on Long Island Sound. Nine of those fourteen, incidentally, were arrested and found guilty of violating our marine fisheries law, so it's been scoffed at for the past two years since we've passed the bill two years ago when we said we're going to limit the hundred bycatch, we're going to take and prohibit the fishing in the western end of the sound by trawlers at night and apparently these people are not very impressed with the laws that we pass up here. Incidentally, New York, right now, has a one hundred bycatch in the entire

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Long Island Sound area of New York plus it also prohibits fishing for lobsters either by pot or by trawl or by any method at night, so that actually what we would be doing if we passed the bill as it's in your file is we'd allow for this establishing of the bycatch in the western zone which is what we've had, but we'd open it up to the night fishing, and I'd like to take and predict if that happens we're going to have more trouble with the night fishery over there especially when it relates to them fishing and trying to run back and forth from New York. Actually, without this amendment, in my book it's a giveaway to the trawling industries and interests and it's contrary to the best interests of the marine resources especially in the western Long Island Sound. We've had a study made, Mr. President. The bill that we passed two years ago set up this one hundred bycatch and prohibited the fishing in the western end of the sound at night, and we also in that bill called for a study of lobstering in Long Island Sound and we received that study this year and we got a report that was given to the Environment Committee from the department and based on that study, the department itself had recommended that two major recommendations - one, that a hundred bycatch from June 1st to December 31st, west of Faulkner's Island, which, incidentally, is the line that I'm trying to get in

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this particular amendment, but they would allow a five hundred bycatch from January 1st to May 31st west of Faulkner's. Now, what that means, in reality, if you allowed them to fish day and night from January 1st to May 31st, and you have ten to fourteen boats out there, that means a catch can conceivably of five hundred per boat per night and in other words we're talking almost five thousand lobsters by ten to fourteen of these people who could do this for a six month period which would intensely fish the western end of the sound. It also would allow trawling at night from January 1st to May 31st and prohibit it from June 1st to December 31st. Actually, after that report was submitted to the Environment Committee, we found out that the principle investigator, in other words the individual that had done the study, a professor at UConn on marine biology, Lance Stewart, was amazed at the proposal the department had made and we asked him to come in and he actually met with some of the members of the Environment Committee and actually he totally disagreed with the recommendations that were made by the department. He made five basic recommendations and I think they're very important. It's something that this circle should consider. First of all, he said there should be no directed fishing for lobsters by trawlers. Now what that means plain and simple is the trawler

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should not reek his nets to go down and catch lobsters in Long Island Sound under any circumstances. Trawlers are fin fisheries. They should not direct that catch to the lobster itself and incidentally, when you're talking about night, remember lobsters are not turtle animals. Their greatest activity is at night. The second recommendation he made was a hundred bycatch for the whole sound. The third one was no night fishing. Fourth was change the gear for the trawling nets which can be done by regulation. He also asked for a change in regulation on lobster pots, to have a degradable slat on the bottom so that if they're lost or if the buoys are disconnected for whatever reason those pots would ultimately break down and allow those lobsters to go out. Now this amendment would merely accomplish what was suggested by the expert in that particular study, and I say it's very important to the western end of the sound, in fact, as far as we're concerned, for the entire Long Island Sound because we're talking about a resource for the past two or three years we had a damn good fishery out there and if you can visualize what these otter trawlers are with the huge doors that spread the nets out bouncing off the bottom of the state of Connecticut, and incidentally, we had one of the people in the department that said, look, it doesn't hurt. It stirs up the

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bottom and it gets things, you know, a little activated down there, and it almost implied that it was like the farmer who plows the field before he plants it. Well, you know, doing a parallel on that, you don't plow your field after you plant your seeds. You don't plow and plow and plow. You never get a crop, so that actually, when we open it up for the night fishing, we go to the hundred bycatch leaving it into the Milford-New Haven area, we really are doing a disservice to the fishery out there, and as far as I'm concerned, I think the amendment's absolutely essential to take and be sure that for the next year, at least, we're going to have some protection of that resource while we're fooling around with the rest of the bill which calls for setting up a regulation. I would strongly recommend we take and pass this amendment. I think it makes it a good amendment. Put it back down to the House because with them taking and putting all night fishing into the present law and then just restricting it to the hundred pieces from West Haven, there's absolutely nothing for the trawlers.

THE CHAIR:

Senator, for those of us who are not conversant with nautical terms, seventy-two degrees, forty minutes, where would that ...

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SENATOR GUNTHER:

That's at Faulkner's Island, that's just off of Branford.
Incidentally, that was what the ...

THE CHAIR:

I didn't want you to plow more ground, I just wanted to
know.

SENATOR GUNTHER:

Well, we have to plow a little bit in order to take and
impress you with the fact that that's what the department,
itself, had recommended at one point.

THE CHAIR:

Thank you very much. I hope this didn't invite debate
because I see Senator Santaniello, who is a lobsterman too,
is getting up. Senator Benson.

SENATOR BENSON:

Thank you, Mr. President.

THE CHAIR:

Let's keep the remarks very brief because we're really
plowing too much territory as it is.

SENATOR BENSON:

Thank you. While I find myself aligned in spirit with

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Senator Gunther's concerns in this matter, I do have to rise in opposition to this amendment. What we have before us in this bill represents a great deal of negotiations. I have to say that this particular bill represents probably as much time in deliberations as we spent on the big (inaudible) bill this year. Clearly, what we're trying to do, and I want the record to so note, is we're trying to protect that resource, the resource of lobsters within Long Island Sound, and what we want to do with this legislation is to enable the Department of Environmental Protection to establish regulations that will clearly do that. However, in the light of the concerns that have been expressed, we are imposing a one hundred piece by-catch while these regulations are being imposed, and by the way, once these regulations are adopted, they will have to be passed by Regulation Review. The legislature has another opportunity, another stab at it, in case those regulations that are adopted clearly do not reflect the legislative intent. A lot of people have come a long way on this particular issue and it is clear that the resource is what is in mind and I urge rejection of this amendment.

THE CHAIR:

Senator Santaniello.

SENATOR SANTANIELLO:

I wish to associate myself with the remarks of my esteemed

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colleague, Senator Gunther, but I do wish to - I'm glad he came out and used the longitude, latitude there, seventy-two degrees and forty minutes there, because when he mentioned Faulkner Island, I thought we were going to extend it down off the coast of Argentine there, and we might get in trouble there and I didn't know whether Connecticut was - whether our armed forces, our national guard and the Governor's Foot Guards was ready to be mobilized at a minute's - going in and invade those islands there. I hadn't had a chance to talk ...

THE CHAIR:

You're plowing new ground now, Senator. I think that you're too far afield. That's down in South America. We're talking about seventy-two degrees forty minutes.

SENATOR SANTANIELLO:

I'm glad that came up 'cause now I know exactly where it is, but, there is a known and dominate danger to the lobster industry and trawlers are devastating. There's no question about it. You know, what you're going to do is have a surplus of lobsters. The price is going to remain the same, and then the shortage will come and everybody likes to go out and get a lobster dinner from anywheres from twelve to fifteen bucks. We'll be paying more, because we haven't practiced simple conservation. This is something to bear in mind. These dragnets

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that do come, they scrape the bottom, they grab everything, anything that's on it. Lobsters have a tendency to be a bottom type of an animal. They carry their eggs with them under their tails and what happens you not only get the, not only do you get the legal ones, but you get the illegal ones and you do damage when you throw them back in on it, and that's the point I want to point out. The main point I want to point out is the conservation aspect on it and that I feel that the trawlers on there take too much at one time. Now if they can come up with a method of taking five hundred that are all legal, I would have no opposition, but there's no assurance that you're getting. You may have a run there and you may get two hundred fifty illegals and two hundred fifty legals there. If you take the two hundred fifty illegals and you throw them back in again there you're going to have a certain percentage of them that are not going to survive. That's the whole point I'm making.

THE CHAIR:

Will you remark further? I didn't know that there were so many lobster experts. I hope that we can really contract the debate. It's now six o'clock and we're not really making too much headway with the rest of the calendar, so make your remarks brief, please. Senator Miller followed by Senator

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Eaton and Senator Barrows.

SENATOR MILLER:

Thank you, Mr. President. My remarks will be brief. Having worked on most types of vessels myself, night fishing is very dangerous especially in a small body of water like Long Island Sound. They put them on automatic pilot and they don't pay attention and that end of Long Island Sound has quite a bit of heavy traffic at night with sport fishing. Automatic pilots are no good, so public safety is in danger. When they drag up the lobsters there's so much damage done to the seed carriers, the females, that they're ruined. The eggs are gone. Thousands of eggs, so the reproduction is not there, and they cannot throw them back without damage. When they hit the deck, and on that vessel, you're walking on them. You're walking on them and there's severe damage done to those lobsters and I think we should pass Senator Gunther's amendment. Thank you.

THE CHAIR:

Senator Eaton.

SENATOR EATON:

Yes, Mr. President. I'll be very brief, but there is one fact (inaudible) stated here today that I cannot let go unchallenged. I would not deign to question Senator Gunther or

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for that matter the Chairman of the Environment Committee expertise in the area of lobstering, but they are somewhat off in their location of Faulkner's Island. Senator, it is just off of Guilford not Branford and the lobster captains who hope this bill passes, many of them operate out of Guilford. Thank you.

THE CHAIR:

Senator Barrows.

SENATOR BARROWS:

Mr. President, through you to Senator Gunther, I'm a great lover of lobsters but I also love crabs too. Is there any provisions for crabs?

THE CHAIR:

Senator Gunther, do you have a response to that?

SENATOR GUNTHER:

No. That leaves us open to a wide discussion. We ought to say the blue crabs or the type that we have out in Long Island Sound 'cause we might get some others into this discussion, but no, we don't have the problem off shore. Most of our crabbery is in the estrian areas, inshore, where nobody is allowed to trawl or to net. We have a manhedan fishery line, we have a trawler fishing line and that, so you don't find, you find some out there but you won't find them as much as you will in

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the estrin area where they do feed and spawn and that sort of thing so it isn't a problem with the crabs. The problem here is with lobsters.

THE CHAIR:

Thank you. Further remarks? Senator Hampton.

SENATOR HAMPTON:

I'll make it very brief, Mr. President. As I go through the bill I see that there is a very heavy fine for those that bring ashore more than they are supposed to starting with twenty-five dollars for the first one and going up to a hundred dollars for each one so that seems to me that they're being caught, the people that are doing this, breaking the law, they're being caught, they're being punished and I think that was the thing and I would just remind those Senators that were here about two years ago when we talked about this and remind you that two percent are what we're talking about. Two percent of the lobsters that are captured out there are captured by trawlers. The rest of 'em are caught by pot fishermen, so if we visualize a stack of books a hundred high only two of them are the ones that we're talking about, so I think it's really an overkill. I would hope that the Environmental Protection will ride regulations. I'm sure that they can supervise Long Island Sound and do the job properly. Thank you.

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THE CHAIR:

Further remarks? Clerk, please make an announcement ...
do you want a roll call vote, Senator?

SENATOR GUNTHER:

Oh, yes. We'll have to have a roll call, Mr. President.

THE CHAIR:

I thought that's what you were getting up for.

SENATOR GUNTHER:

No, I just wanted to clarify something. Senator Hampton talked about the fines. For every one we catch, they get away with it a dozen times or more. Yes, we've got some fines in there. We made them heavy fines because we know darn right well it's a hell of a job with two enforcement officers in the western end of the sound that we have a devil of a job trying to catch 'em and when we catch 'em, boy, there's a bright light out in the east that I keep looking for because they're very difficult to catch. Fellas'll be carrying 'em on the back of the boat where they can dump 'em, and I know it's against the law, but you do have to take and see 'em dumping. As far as the Regulation Review, remember the legislative intent that was presented to the committee was this recommendation by the department contrary to what the primary survey person, the person that conducted a study out there had recommended. The department

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had recommended a bycatch of five hundred pieces from January to May. They recommended night fishing from January to May. They made all sorts of recommendations and as a Regulation Review member for quite a few years, what's the legislative intent? Is it what the department come in there and presented to that committee? It's got to go through the process. There's no question about that, but as far as I'm concerned, Mr. President, I think it's what we're worried about between now and the time the regulations are put on line, and that's where they're going to have a field day out there because I know the remarks that have been made by a couple of these trawlers that they're just waiting until we pull off the night restriction, they'll be out there working all night long preferably. I think that what Senator Miller said about them night fishing - how do they site buoys? How do they site anything out there of the traps that are out there and the conflict? I think you have to realize, Mr. President, that we have four hundred and eighty-four commercial lobstermen in the State of Connecticut. They can have anywhere from as little as a hundred pots to a thousand pots out there. Two hundred and seventy-six of those, incidentally, are in the western end of Long Island Sound. You have twenty-five hundred recreational pot licenses out. Now that means they can have from one to ten pots and we're talk-

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ing about fourteen major trawlers who say they want their share, but their share is half of the catch in the state of Connecticut, and I can tell you that there aren't any of 'em on that list that I see that we don't know have been out there pirating and violating the law now and trying to catch them with two conservation officers with limited equipment, no radar on 'em, in fact, much of the equipment has been donated to 'em by the recreational fishermen in order to try to take and get this enforcement done. This is an important regulation. It's an important bill. This is an important amendment, and I'd like to see it supported and pass it.

THE CHAIR:

Clerk, please make an announcement for immediate roll call.

THE CLERK:

An immediate roll call has been ordered in the Senate.

Will all Senators please return to the chamber. An immediate roll call has been ordered in the Senate. Will all Senators return to the chamber.

THE CHAIR:

Now we can debate this ad infinitum and we're repeating ourselves over and over again and I think there comes a time when we have to bring some finality to the debate. Senator Consoli.

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SENATOR CONSOLI:

I don't wish to debate further, Mr. President. I wish to ask a question to clarify something in my mind.

THE CHAIR:

Well, I hope it isn't so provocative that it's going to involve now prolonged, protracted debate. Proceed with your question.

SENATOR CONSOLI:

It shouldn't. It requires a simple answer.

THE CHAIR:

Are you going to ask Senator Gunther?

SENATOR CONSOLI:

This question of Senator Gunther. In the amendment, section 6, using trawling in the waters so designated would be prohibited on hour after sunset, one hour before sunrise, in section 2, part 7, line 37, it states, "No person shall set, tend or assist in setting or tending any lobster pot trap or similar device for the catching of lobsters from one half hour before sunset and one half hour before sunrise. I was just wondering why we have a difference?"

THE CHAIR:

Senator Gunther.

SENATOR GUNTHER:

Mr. President, the traditional and what has been here

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before on the books has been one hour and the reason for that is when a trawler sets his net, many times he'll trawl for two, well, anywhere from an hour to two or three hours, so that is a real advantage to the trawler to have it for an hour, he can set up before sunrise and he can trawl for an hour after sunrise because he might have a net, he might be making a tow, he might have set it just after or just before sunset and you allow him to have that tow. It's the only reason for the time.

THE CHAIR:

Senator Benson.

SENATOR BENSON:

Not to belabor the issue, Mr. President, thank you, but I do like to urge to the circle that this bill needs to be passed because if this bill fails this General Assembly, there, in fact, will be no regulations in effect regulating the take of lobsters within Long Island Sound, and it is my understanding that the members in the House, who have come a long way in negotiations in this particular bill, are standing ready with bated breath to do just that, tank this bill, and I feel as though they may seriously compromise the resource of lobsters in Long Island Sound and we do, as I said before, as the Chairman of Environment Committee want to make clear that it is the legislative intent that the resources of

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lobsters in Long Island Sound is our principle concern. Thank you, Mr. President.

THE CHAIR:

Clerk, please make an announcement for immediate roll call. Senator, this is the third time.

SENATOR GUNTHER:

I know, but very briefly ...

THE CHAIR:

I think at this time I'm going to try to limit the debate and ask you if you're going to elucidate something's been said, fine, but if it's going to introduce something new, please desist.

SENATOR GUNTHER:

This is just a rebuttal to the last remarks that were made. As far as I'm concerned, Mr. President, we have three weeks before the end of this session and as far as getting up here and saying that this amendment cannot be passed and brought back to the House with a threat that they'll kill the bill, and then that we'll have no enforcement and have no regulation, the onus would be on the House of Representatives then, and if that's what they want, then by golly, I'd like to see it done because I don't want to see no regulations in this, but it's important that we have a proper bill in the state of Connecticut to protect

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the resource.

THE CHAIR:

Clerk, please make an announcement for immediate roll call.

THE CLERK:

An immediate roll call has been ordered in the Senate.
Will all Senators please return to the chamber. An immediate roll call has been ordered in the Senate. Will all Senators please return to the chamber.

THE CHAIR:

Question before the chamber is a motion to adopt Amendment Schedule "A", LCO No. 6472. Machine is open. Please record your vote. Has everyone voted? Machine is closed. Clerk, please tally the vote. Result of the vote, 26 yea, 9 nay.
the amendment is adopted. Further amendments?

THE CLERK:

No, no further amendments.

THE CHAIR:

Senator Benson. We're on the bill as amended by House Amendment "A" and Senate Amendment "A".

SENATOR BENSON:

Thank you, Mr. President. What this bill will do is allow the Department of Environmental Protection to establish regu-

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lations relative to the taking of lobsters within Long Island Sound as amended by Senate Amendment "A" will now preclude the night trawling in Long Island Sound and will extend the hundred piece bycatch until July 1st of 1986 as amended by House Amendment "A", and if there is no objection, I would move this item to the consent calendar.

THE CHAIR:

Any objection? Hearing none, so ordered. Senator Santaniello.

SENATOR SANTANIELLO:

With your indulgence and I want to apologize to the circle for another delay, but I missed the calendar vote, the roll call vote on calendar 544, House Bill 7770. I was out on liason work downstairs in the House of Representatives at the time of the roll call vote. I wish to be recorded if I were here in the affirmative on it.

THE CHAIR:

The record will so note.

THE CLERK:

Page 9, calendar 563, Substitute for House Bill 7611, File 375. An Act Concerning The Protection Of Public Water Supplies.

Favorable Report of the Committee on Judiciary.

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sent calendar? If not, the machine will be opened.

THE CLERK:

On page 8, calendar No. HB 7439 560 also.

THE CHAIR:

Do you all understand the consent calendar that you're voting on also includes calendar No. 560 which was not initially announced? All right. The machine will be closed. Clerk, please take a tally. Bill passes 35 to zero. Senator Smith.

SENATOR SMITH:

Mr. President, I'd just like to announce the next session day will be Wednesday, May 22nd at 2:00 P.M. The Republican Senate caucus at 11:00 A.M.

THE CHAIR:

Are there further announcements or points of personal privilege? Senator Casey with the hat on.

SENATOR CASEY:

Mr. President, a question through you to Senator Larson. Is there an appropriate colored slack to be worn with the Senate uniform?

THE CHAIR:

Certainly not what you wore last year. Senator Larson, do you wish to respond?

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no objection, I urge that this be placed on Consent.

THE CHAIR:

Any objection? Hearing none, so ordered.

THE CLERK:

Page 32, Calendar 560, Substitute for House Bill 7439,
File 318 and 822, AN ACT CONCERNING THE TAKING OF
LOBSTERS AND THE USE OF LOBSTER TRAWLS, as amended by
House Amendment, Schedule A and Senate Amendment,
Schedule A, House rejected Senate A, Favorable Report of
the Committee on Judiciary.

THE CHAIR:

Senator Benson.

SENATOR BENSON:

Thank you Mr. President. I move acceptance of the
Committee's Joint Favorable Report and passage of the
Bill in concurrence with the House. I believe the Clerk
is in possession of an Amendment.

THE CHAIR:

Clerk has an Amendment.

THE CLERK:

Senate Amendment, Schedule A, LCO 6499, introduced by
Senator Gunther.

THE CHAIR:

Senator Gunther.

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SENATOR GUNTHER:

Mr. President--

THE CLERK:

Senate Amendment, Schedule B.

SENATOR GUNTHER:

That 6499. Mr. President, I move adoption of the Amendment; I'll waive the reading. I'll explain it.

THE CHAIR:

I beg your pardon.

SENATOR GUNTHER:

I move adoption of the Amendment and I'll waive the reading. I'll explain.

THE CHAIR:

Without objection you may proceed.

SENATOR GUNTHER:

What this Amendment does--or let me take you a little walk thru what has been happening in the House. The House of course, rejected the other Amendment that I had put on this particular Bill which would have given us 72 degrees and 40 minutes as a line West of which you could not operate a trawler at night or you couldn't have more than a hundred lobsters aboard on each trip that you took on that vessel. That was rejected in the House. Frankly, I

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find that most members of the House, after going down there and discussing the whole Bill, are totally unaware of what was happening down there.

THE CHAIR:

Senator Benson wishes to be recognized--

SENATOR BENSON:

A Point of Order Mr. President.

THE CHAIR:

Please state your Point of Order.

SENATOR BENSON:

I would like a ruling from the Chair if I could. There doesn't seem to be sufficient enough substantive change from the initial Amendment that we acted upon last week in the changing of the degrees and--by only 8 minutes. It's approximately three miles as the line is drawn and I take exception to the claim of playing legislative ping-pong with this particular Bill and I would ask for a Ruling of the Chair.

SENATOR GUNTHER:

May I address you?

THE CHAIR:

May we stand at ease please. Do you wish to be heard on the Point of Order? Senator Gunther.

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SENATOR GUNTHER:

Yes Mr. President. Senator Benson may think that this is not a great deviation from the Senate A, but--

THE CHAIR:

What is the change that you are making? In other words-- excuse me. He's asserting by reason of his Point of Order, that this is substantially the same Amendment which you offered and was passed here but defeated in the House.

Am I correct?

SENATOR GUNTHER:

No. I don't consider that correct.

THE CHAIR:

Am I correct?

SENATOR GUNTHER:

His assumption that this has not substantially changed.

THE CHAIR:

How do you explain the applicability and the relevance of your Amendment at this time?

SENATOR GUNTHER:

Actually, in changing the degrees, although it may seem to be miniscule in minutes according to longitude, it is quite a distance between--

THE CHAIR:

You had 40 minutes in the other Amendment.

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SENATOR GUNTHER:

That's correct.

THE CHAIR:

You have 48 minutes in this.

SENATOR GUNTHER:

That's correct.

THE CHAIR:

And--explain that in lay language, what you mean.

SENATOR GUNTHER:

Actually this is a longitudinal setting that the distance between the previous Amendment and this Amendment is going from Faulkner's Island off of Guilford, better than three miles westerly to a point off of Branford. Now, that's substantial Mr. President. It is not a miniscule change in the particular Amendment. The next move would be back to 73 degrees which is off of West Haven. There is a reason for trying to delete the area between West Haven and Branford and that is the entrance of New Haven Harbor and an area where we have an extreme difficulty in enforcing the existing law. We have conceded a major change by not going all the way up to Faulkner's and the reason that I went up to Faulkner's was to allow for passage of the Stonington Fleet into the Stonington area and the New London area. So this is not a

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minimal change, but it's a big change in the Amendment as opposed to the Amendment A.

THE CHAIR:

Senator Benson, do you wish to be heard?

SENATOR BENSON:

Thank you Mr. President. In light of the circumstances I really don't see where a three mile change in the circumstances is going to make any significant change, either qualitatively or quantitatively in the effectiveness of enforcement. So therefore I would uphold my motion on a Point of Order on this particular--

THE CHAIR:

The Senate will stand at ease.

Senator Benson, what rule do you have reference to?

SENATOR BENSON:

I'm begging the chamber's pardon. I would have to defer to the President Pro Tem to cite the rule for me.

THE CHAIR:

I'm asking you for the time being. The President Pro Tem can take care of himself. What is the rule that you're relying on for your position?

SENATOR BENSON:

Could we pass temporarily on this so I might find out

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that rule for you?

THE CHAIR:

It may be passed temporarily.

SENATOR BENSON:

Thank you Mr. President.

THE CLERK:

Page 33, Calendar 115, Substitute for Senate Bill 343, File 123, AN ACT CONCERNING HUNTING BY MINORS, REGULATION OF RAW FUR DEALERS AND ISSUANCE OF SALMON, PHEASANT AND TURKEY TAGS AND STAMPS, as amended by Senate Amendment, Schedule A under Committee on Conference.

THE CHAIR:

Senator Benson. Committee on Conference, Calendar 115 on page 33.

SENATOR BENSON:

Thank you. I beg the pardon of the chamber for my tardiness and I would at this time make a motion to pass and retain on the Calendar that particular item as the Committee on Confernece has not had the opportunity to meet yet and intends to do so tomorrow.

THE CHAIR:

Pass retaining, any objection? The item is passed retained.

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Resolution 65, File 790, RESOLUTION PROPOSING AN AMENDMENT
TO THE CONSTITUTION WITH RESPECT TO THE SELECTION OF JUDGES,
Favorable Report of the Committee on Judiciary.

THE CHAIR:

The Senate will stand at ease. Senator Richard Johnston.

SENATOR RICHARD JOHNSTON:

I would ask that we pass retain this Mr. President.

THE CHAIR:

Without objection, the item is passed retained.

We'll go back now to the item that was passed tempor-HB 7439
arily, Senator Benson had the floor.

SENATOR BENSON:

Thank you Mr. President. Again, I beg the pardon of
both the Chair and the chamber for my tardiness in being
able to cite the rule under which I raised my Point of
Order. I raised my Point of Order under Mason's Rules
401, Subsection 4 and I contend that the Amendment for
all intents and purposes relative to this Bill is not
either quantitatively or qualitatively any different
than the Amendment that was before us last week. The
only difference is really in terms of semantics and as
far as enforceability I believe that there really is no
change whatsoever from the Amendment that was before us
last week.

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THE CHAIR:

The difference Senator Gunther is you're talking in the first instance of 72 degrees, 40 minutes and in the instant Amendment which we have before us, you're talking about 72 degrees, 48 minutes. Let's assume for the purpose of argument that this Amendment were defeated and you introduced another Amendment tomorrow claiming 49 minutes. And you could carry on this argument ad nosium, saying that it's a new Amendment. How do you respond to that?

SENATOR GUNTHER:

Mr. President, the remarks by Senator Benson shows his obvious lack of knowledge and I say that I even I don't want to reflect on the President because--

THE CHAIR:

I don't mind you reflecting--

SENATOR GUNTHER:

Well, all right.

THE CHAIR:

But I'm asking--j ust a moment please. I'm asking you now, how do you rationalize the argument now that would be put forward; that if this Amendment were defeated, could you tomorrow now put in another Amendment increasing or decreasing the degrees and claiming that it is a new

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Amendment and thus this body should vote on it.

SENATOR GUNTHER:

If it was qualitative and quantitative enough as this Amendment is, compared to the other one, I'd say yes, it is possible, but you have to take into consideration that what you're talking about there, the geodetic, the topographical involvement of why you would put that Amendment in there and there is a quantitative difference between it and there's a qualitative difference and in order to take and understand that Mr. President, you have to realize what we're talking about in Long Island Sound.

THE CHAIR:

You're talking about Branford in the first instance and now you're talking about Guilford; is that what you are saying?

SENATOR GUNTHER:

No, it was Guilford--we use those terms, Mr. President, so that--

THE CHAIR:

Go ahead, follow the argument. Let me follow your argument. Guilford in the first instance?

SENATOR GUNTHER:

In the first instance, that is what is what we used to illustrate--

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THE CHAIR:

And what is it now under your present Amendment?

SENATOR GUNTHER:

It would be in Branford. The whole short front of Branford, Mr. President, is not something that you can identify down to a foot. You can identify this longitudinal on a Loran, down to the exact foot of what you are talking about and it is quite different.

THE CHAIR:

Senator Benson.

SENATOR BENSON:

Thank you Mr. President. When the original Amendment was before us in testimony of Senator Gunther, his concerns were principally that all of Faulkner Island be included and all of the New Haven port and I think that we could be drawing lines between the point that was created in the last Amendment on infinitum, taking it down not only into minutes, but also into seconds. And I beg the ruling in favor of my Point of Order.

THE CHAIR:

Senate A was adopted here but it was rejected by the House. I'm going to rule in favor of the Amendment, Senator Gunther. Under the rules, the presiding officer shall never rule an Amendment out of order unless he is

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certain that it is and while you don't make out the strongest case in the world, I hope tomorrow I don't see another one that is brought up here which merely changes the degrees which I think is not as substantial as reasonable people might agree. Now, reasonable people may disagree even with my ruling. I'm going to permit this but with a caveat because there is a doubt and I'll give the benefit of the doubt in this case on your side and to you. Please bear in mind that we ought not stretch the imagination, however.

SENATOR GUNTHER:

Mr. President, thank you for the ruling first of all. Second of all, if I were going to come in here tomorrow with another Amendment, I certainly would bring a geodetic map of Long Island Sound where I could identify for those in the Circle that aren't acquainted with what we're talking about when we talk about minutes, seconds and degrees.

Very frankly Mr. President, I believe that we should be able to satisfy all of us here tonight if we'll take a good look at this particular Amendment and realize what we have before us. I know we were successful with the other one, the other Amendment, Amendment A which was brought down here and I would have been very happy to have

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seen that sustained down in the House. Unfortunately, in talking to House members, nobody has really gone into the details of this particular law that we're trying to pass here and also the understanding including the Chairman, the House Chairman of the Environment Committee as recent as seven or 8:00 tonight at the Governor's affair, didn't know that the Bill before you without this Amendment actually takes and repeals the section in the law in the state of Connecticut which prohibits the trawlers from trawling at night in the Western end of Long Island Sound.

Now, this Amendment will take it from Branford and prohibit trawling at night and if you have any questions in your mind as to whether trawlers should trawl at night or not, you ought to go out and see the operation. When a trawler in working in Long Island Sound with these trawls behind them at night invariably automatic pilot, even if they weren't, if you're steering, can you imagine being able to see lobster pots, even small boats at times, and if you have an automatic pilot on, that thing is running out there and just remember the Karen. That was one that the tug went over and these boats incidentally are no little teenie boats that you see out there, 14, 15 foot long.

We're talking about 10 to 14 trawlers that will run .

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between 65 and 85 feet long that are making trawls out there one and two hours long.

THE CHAIR:

Wish to remark further?

SENATOR GUNTHER:

I'm not through, I was just taking a breather.

THE CHAIR:

Do you need a little more time?

SENATOR GUNTHER:

I am very concerned Mr. President, over a particular letter that was circulated here tonight. I have been a long time friend and cohort of the Commissioner of Environmental Protection and tonight is probably the first time that I ever took and really seriously questioned his integrity and credibility through this letter that was submitted to us. And I think it's important to read it. And I'd like to give you the background.

THE CHAIR:

Senator, please confine your remarks to Senate B and--

SENATOR GUNTHER:

This does relate to B or to any Amendment that's going to come before us on the floor Mr. President. Because this particular letter who incidentally the Commissioner about a week to ten days ago, solicited me and said, you

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know, you're right. We can't have night fishing in Long Island Sound with these trawlers; you're right. There shouldn't be more than 100 bi-catch and agreed with me and said he was going to back me up.

Now, as recent as last Friday, when the House rejected Amendment A, which would have taken and put this line way up on Faulkner's Island, where it belongs Mr. President, he was going to take and make some calls and I thought we were going to get some support. Now I get this letter here tonight that says the changes suggested by Senate Amendment A will simply further complicate the issue. It will confuse the commercial fishermen. Let me tell you, any commercial fisherman that's out there--

THE CHAIR:

Senator, we're not with Senate A now. We're with Senate B. You're claiming that Senate A and B are now identical. You're really refuting your own argument. Let's proceed with Senate B.

SENATOR GUNTHER:

Mr. President, I'm not refuting or I'm not refuting the fact that I say there's a difference. The content of this letter applies to A and to B, not because they're identical. It's because it involves the same philosophy that he was taking and reacting in this letter and which I questioned

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very strongly in this coming over here at the twelfth hour and especially under the circumstances. --said that we'll have confusion and I'll take and paraphrase it so I won't have to be tied to this letter.

It says it will confuse the commercial fishermen. Let me tell you the commercial trawlers in the Long Island Sound don't get confused, not with the Loran, not with radar. They know where these lines are. They knew where 73 degrees was and they know when to get in there and get the hell out of there in order not to get caught violating the mean fishery laws because we caught them--we caught nine of them and if we had more enforcement people there would have been ten times that.

It says it will increase our enforcement costs unnecessarily if we pass laws and amendments up here to alter the line and to prohibit night fishing. We only have two conservation officers that cover that whole area and unless they take and work them 24 hours a day how can it increase the cost? In fact, if anything, if we were going to have those fellows out there with night fishing, we have trouble enough catching these people violating this line in the daytime. You're going to have an increase in cost, yeah, if you're going to take and knock off that no night fishing section of the law.

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Furthermore, there's an argument here that we should determine the control of the lobsters by a broad public hearing process. Mr. President, two years ago, we had broad hearing processes at three locations in this state. The turnout was overwhelming against allowing the trawlers to take and take lobsters in Long Island Sound. We went with a compromise Bill two years ago and during that two year period when we set up the line and we prohibited night fishing and the hundred bi-catch, what did we get? We got people flaunting the law and just begging us to take and get out there and get after it and nine out of fourteen trawlers was arrested and that's the whole story behind this whole thing.

It goes on further, that the regulatory process should be completed during the next session. Mr. President, the law that's on the books with this Amendment is only a law that's going to be on line until January 1st of next. We're talking about allowing for the promulgation of regulations. Now, for a six month period, with this Bill and I'll say almost inadvertently if I can believe what the House members are telling us, that they didn't know the night fishing prohibition was removed from the law then by golly, they ought to want this one as much as anybody else. The reason that I'd like to see this

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Amendment on it and go back to the House is to give them a chance to know what they're voting about because the reaction and the dialogue I've had from them, none of them knew anything. There was no discussion. It was taken up late at night and the discussion didn't bring out anything as far as the House is concerned.

All I can without this Amendment Mr. President, we have 484 commercial pot lops on Long Island Sound with anywhere from 100 to 1000 pots. You've got 2500 recreational fishermen out there and I'm talking lobster pot fishermen with anywhere from one to ten pots. We have ten to fourteen trawlers that are causing all the problems that we have out there with gear conflict. They've been scofflaws for the two years we've had the law in here and I'll tell you, for the amount of mileage we had trying to get a Bill through here and it would almost appear that ten to fourteen trawlers run this entire legislature around by the nose.

All I can say I hope that you remember how you voted the last time. I would like to see this returned to the House to give them another shot at having--doing the proper thing to protect the fishery in Long Island Sound of not only the lobsters but we've had problems because of this with other fisheries. There used to be a time you'

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could out on Long Island Sound and catch porgies. Go on out there now; you're lucky if you find anything. We had people testify at the hearing on retaining the restriction of night fishing and the 100 pot lobsters or the 100 lobsters per trawler who came from New York state and he says over there they were trawling intensively in his area, even within the legal limits of this law and his best lobster fishery, there's nothing there. He doesn't put pots there anymore.

Now, if you can't see the handwriting on the wall, if we don't take and pass this type of amendment to this Bill and get this passed up here, you're going to just open the whole western end of Long Island Sound to a raid by the trawlers and I'll tell you, you might take and wake up one of these days and find out that resource is just beat to beans.

So I'd say let's get the Amendment on here; let's send it back to the House and let's have them take a good look at the Bill.

THE CHAIR:

Senator Benson.

SENATOR BENSON:

Thank you Mr. President. I do beg the pardon of the chamber for the length of the debate on this particular

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issue but I do urge the rejection of this particular Amendment and I feel as though I must clarify something. There never was any confusion about the removal of the prohibition of night trawler, but some clarification is necessary. That in existing statute, the only prohibition of night trawling exists between Stratford and Milford, a very, very, very small piece of the Sound and if you refer to your map, that will be pointed out quite clearly and the reason why that particular region has been deleted and night trawling prohibition has been taken off is so that the DEP may develop regulations governing the entire Sound so that we may protect the resource.

This particular issue with the Environment Committee, consumed an awful lot of time; there was a lot of negotiations, a lot of individuals came along way to end up at the point where we are at now. And what I fear is that the legislative ping-pong that we're playing with this particular Bill back and forth may very well lose the Bill. If we lose this particular Bill it will be open season on Long Island Sound. There will be no regulations relative to the taking of lobsters within Long Island Sound. This Bill does restrict it to a hundred piece limit; it does require the establishment of regulations

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which have to be reviewed by the legislature and clearly, as I have stated before, it is the legislative intent of the Environment Committee as well as this General Assembly that the protection of that resource within the Sound is tantamount. It is the most significant thing that we are trying to accomplish in this legislation.

The hundred piece limit will be in place; it will be in place well beyond the next legislative session so that if the regulations, when adopted, come before the General Assembly for our review, there is opportunity to make statutory changes if we find within the Environment Committee, that our resource within the Sound is not protected. I urge rejection of this Amendment. Thank you Mr. President.

THE CHAIR:

Senator Eaton, you wish to be recognized?

SENATOR EATON:

Yes Mr. President. Thank you and through you to Senator Benson. I have two questions. I'm just going to let one go for now, but the--it seems to me that there are four groups of people who should be concerned about this Bill between us, in addition to us. One group are the people who eat lobsters; the other group are the people who sell lobsters; the other group of people are those

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who fish for lobsters; and a fourth group of people who want to preserve lobsters to the point where they remain available for people to eat, sell and fish.

Senator Benson, with all these Amendments and moving the lines from one place to another, when all is said and done, will people be able to eat, fish and sell any better because of these Amendments and I guess that applies to the main body of the Bill as well. The bottom line, Senator please, because I don't think--we don't have the geadedic map here. The only person in the world I think, other than Senator Gunther and you and I who understand where those lines are, and it's moved five times within my district, not in Stratford, not in Milford, not in any other place and I think the people in my district are going to resent, at 12:30 at night moving the line around their district. So let's get down to business. Eat, sell, buy and preserve. When all is said and done, are we going to be able to do that better as a result of this Bill or the Amendments? If it's the Bill, let's go for the Bill; if it's the Amendments, let's go for the Amendments.

Thank you.

THE CHAIR:

Senator Benson.

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SENATOR BENSON:

Thank you Mr. President. Through you to Senator Eaton, I am personally of the opinion that we will be able to eat more lobster, catch more lobster and whatever the other two options were, protect and so on, if we reject the Amendment and pass the Bill.

THE CHAIR:

Senator Smith.

SENATOR SMITH:

Mr. President, I think we should move on this item. People sleep at night; lobsters crawl. I'd like to go home.

THE CHAIR:

Senator Gunther.

SENATOR GUNTHER:

Mr. President, I just can't have the last remarks that were made.

THE CHAIR:

Senator Gunther, this is for the second time. Please remember that you went over this ground now on Senate A; you're going over it around with Senate B. You claimed it was new. Now, please not overwork it.

SENATOR GUNTHER:

Mr. President, I know the hour is late too and I don't

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appreciate to have to stand up here for any length of time but when a statement's made here that shows the apparent lack of knowledge relative to marine fisheries law, then it has to be corrected for the record, if for no other reason than that nobody's listening to it.

THE CHAIR:

The trouble is that the House didn't listen to you and you're a member of this chamber. Now, let's get on with the further arguments that are new and please bring it to a conclusion.

SENATOR GUNTHER:

Mr. President, I wasn't speaking to the House, for the record.

THE CHAIR:

Well, you make reference to the House at least several times. They didn't understand it and so forth and so on, so let's try to bring it to a conclusion.

SENATOR GUNTHER:

Well, all I can say is when the Chairman of the Committee comes up and explains his Bill and said there's a little tiny piece that night fishing was prohibited, he should have read the Bill just like the House members should have. And I'll bring it in to Section 26-183 and if you read that and section a, you'll get your little

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talk about the small area in Stratford but Section b is what the Chairman should read. It says no person shall operate and outer trawler in any of the waters of Long Island Sound lying west of the line drawn from Stratford Shoul Light to the easterly breakwater of the Housatonic River in Milford from one after sunset to one hour after sundown. There is another section also that prohibits all westerly fishing of the trawlers. All I can say is that is not a small area. That's a huge area and these people have had to take and watch their step to get in and out of that area.

I don't like to prolong this Mr. President, but I'll tell you, when we get remarks up here by people that don't think three miles is much of a distance and if I had a farm in Ledyard that was three miles long, it's a helluva distance. All I know is when we're talking about whether there's going to be more lobster; whether there is going to be better eating; whether you're going to have more of them, in a few years you fool around with Bills like this, without the Amendment, I want to hear you talking about what happened to the lobsters because this year we're already seeing a marked reduction in the amount of lobsters that are being caught in western Long Island Sound and if you think it's funny, go to Maine, go

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to Massachusetts, go to Rhode Island. They want to know what happened to their resource and mind you, Rhode Island won't let you take more than 100. Massachusetts will not let you take more than 100 and they're passing a regulation on night trawling. Maine, the lobster state, you're not allowed one lobster on a trawler. The State of New York, the whole Long Island Sound, not one lobster or not more than 100 pieces in the whole state.

You cannot trawl and you cannot set a trap for lobster in New York State at night and in the state of Connecticut--

THE CHAIR:

Senator Benson.

SENATOR BENSON:

I believe a motion was made by the Majority Leader to move the question.

SENATOR GUNTHER:

I'll challenge that, Mr. President. I don't think he made the motion to move the question.

THE CHAIR:

There was no such motion made.

SENATOR GUNTHER:

I never heard it in the Senate or the state of Connecticut since I've been here.

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THE CHAIR:

Senator Hampton, for what reason do you rise?

SENATOR HAMPTON:

Mr. President, for three years we have heard this same argument. I move that we vote on the question.

THE CHAIR:

Are you moving the question?

SENATOR HAMPTON:

I'm moving the question, sir.

THE CHAIR:

Debate has come to an end. Question has been moved. All those in favor of Senate B indicate by saying aye. Those opposed? We'll have a standing vote. All those in favor of Senate B please stand. This is in favor of Senate B. 23. All those against. Senate B is adopted. Senator Benson.

SENATOR BENSON:

Thank you Mr. President. I move adoption and passage of this Bill as amended and if there are no objections, that the item be placed on the Consent Calendar.

THE CHAIR:

Any objection? The item is placed on the Consent Calendar. There's no further business. Senator Smith.

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SENATE

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3419 396
LFU

I think we're now ready to call a Consent Calendar.

SENATOR SMITH:

Yes Mr. President, I think that would be in order at this time.

THE CLERK:

An immediate Roll Call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the chamber. An immediate Roll Call on the Consent Calendar has been ordered in the Senate. Will all Senators please return to the chamber.

THE CHAIR:

Please give your attention to the Senate Clerk who will read all those items that have been referred to the Senate Consent Calendar.

THE CLERK:

Page 4, Calendar 518; page 6, Calendar 581; page 7, SB 334 HB 7719
SB 802 SB 582, SB 775, SB 120, SB 448
Calendar 587; page 31, Calendar 165, 266, 276 and 350.
SB 443, HB 6001, SB 946, SB 943, HB 7439
On page 32, Calendar 361, 375, 426, 445 and 560.

THE CHAIR:

Any changes or omissions? The machine is open. Please record your vote. Has everyone voted? The machine is closed. Clerk please tally the vote.

The result of the vote: 36 yea 0 nay

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SENATE

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3420 397
LFU

The Consent Calendar is adopted. Senator Larson, you wish to be recognized?

SENATOR LARSON:

Yes Mr. President. I was out of the chamber on legislative business and I missed about four votes and I'd like to, for the record, state that I would have voted in the affirmative on Calendar 586; vote in the negative on Calendar 596 and 599 and in the affirmative on Calendar 600.

THE CHAIR:

The record will so note.

SENATOR LARSON:

Thank you Mr. President.

THE CHAIR:

Further announcements?

THE CLERK:

The President Pro Tem has appointed a Committee on Conference on Senate Bill 943, Calendar 445, File 680, Senator Richard Johnston, Senator Upson and Senator DiBella.

THE CHAIR:

The record will so note. Further announcements?
Senator Smith.

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4538⁴²³
LFU

SENATOR JOHNSTON:

I wish to yield to the Senate Chairman of Environment.

THE CHAIR:

Senator Benson.

SENATOR BENSON:

Thank you Mr. President. I would ask that we pass temporarily on this particular item. I don't have the file as this was a Transportation Bill.

THE CHAIR:

Any objection? It may be passed temporarily.

THE CLERK:

Page 24, Calendar 560, Substitute for House Bill 7439, File 318, 822, AN ACT CONCERNING THE TAKING OF LOBSTERS AND THE USE OF LOBSTER TRAWLS, as amended by House Amendment, Schedules A, B and Senate Amendment, Schedules A and B, Favorable Report of the Committee on the Judiciary. House passed with House A, 5-8; Senate passed with House A and Senate A, 5-15; House rejected Senate A and passed with House A, 5-17; Senate passed with House A and Senate B, 5-22; Senate rejected Senate A, 5-22; House rejected Senate B and passed with House A and B, 5-24.

THE CHAIR:

This really has a long history and somewhat

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LFU

circuitous but we'll get on the track again. Senator Benson.

SENATOR BENSON:

Thank you Mr. President. I move acceptance of the Committee's Joint Favorable Report and passage of the Bill as amended by House Amendment Schedule A and B. And Senate--

THE CHAIR:

A and B, correct.

SENATOR BENSON:

And Senate Amendments, Schedules A and B.

THE CHAIR:

Why don't you just mention that it's in concurrence with the House?

SENATOR BENSON:

In concurrence with the House.

THE CHAIR:

Thank you. Will you remark?

SENATOR BENSON:

The hour is late.

THE CHAIR:

I think we've remarked on this extensively once before. Do you have anything new to add?

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SENATOR BENSON:

Only that Senate Amendment B basically accomplishes 95 percent of what Senator Gunther was most concerned about. It reinstates the prohibition of night trawling that was in place at the time that the Bill was first sent before us. However, it does sunset that provision of the prohibition of night trawling July 1st of 1986 and the thought being that once regulations are adopted, those regulations will attempt to address both gear conflict as well as the prohibition of night trawling within the Sound. I would urge passage in concurrence with the House.

THE CHAIR:

Senator Gunther.

SENATOR GUNTHER:

Mr. President, we've clawed our way through this to this point and inasmuch as we adopted Nathan Hale, I'm sorry I don't have another Amendment to give to this Bill.

THE CHAIR:

We're not too sorry but you can go ahead.

SENATOR GUNTHER

Had they listened to me in the first place, Mr. President, we wouldn't have had to go through this waltz because the Bill as it had been reported, is now in the

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LFU

file in that form so I'm very happy I can say I concur with the Chairman of the Environment Committee at this stage and we'll suffer through another year. I would have preferred Senate A and B, but I can't stand for anymore of this clawing.

THE CHAIR:

Any objection to placing this on the Consent Calendar?
Hearing none, the item is placed on the Consent Calendar.

THE CLERK:

Page 25, Calendar 174, Public Act 85-180, matter recalled from the Governor's Office, File 222, Substitute for Senate Bill 634, AN ACT CONCERNING MOTOR VEHICLE SERVICE AGREEMENTS, as amended by Senate Amendment, Schedule A, Favorable Report of the Committee on Insurance and Real Estate.

THE CHAIR:

Senator Schoolcraft.

SENATOR SCHOOLCRAFT

Mr. President, I move adoption of the Committee's Favorable Report and passage of the Bill. I believe there is Amendments.

THE CLERK:

Senate Amendment, Schedule B, LCO 5193, introduced by Senator Schoolcraft.

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4549 434
LFU

THE CLERK:

An immediate Roll Call has been called for in the Senate. Will all Senators please return to the chamber. An immediate Roll Call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the chamber.

THE CHAIR:

Clerk please call all of the items that have been placed on the Consent Calendar. Senator O'Leary.

SENATOR O'LEARY:

I'd like to remove one. Shall I wait until he calls them or shall I remove it now?

THE CHAIR:

As he calls them and then he comes to that point, you'll ask that it be removed. Clerk, you may proceed.

THE CLERK:

Page 2, Calendar HB 7613; page 5, Calendar HB 7832; page 9, Calendar HB 7520; page 10, Calendar HB 7055; page 21, Calendar SB 974; page 22, Calendar SB 641; page 23, Calendar HB 6680, SB 885; page 24, Calendar HB 6463, HB 5777, HB 7439, 543, 553, 560--

THE CHAIR:

Senator O'Leary,

SENATOR O'LEARY:

Mr. President, thank you. Mr. President, the top of

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LFU

page 24, Calendar 553, House Bill 5777, File 678, that's
the one I'd like to remove from Consent.

THE CHAIR:

All right. That will be removed and a separate vote
will be taken after the Consent Calendar.

THE CLERK:

Page 24, Calendar 560 and page 25, Calendar 174. SB 634

THE CHAIR:

Any changes or omissions? The machine is open. Please
record your vote. Senator Richard Johnston. Has everyone
voted? The machine is closed. Clerk please tally the
vote.

The result of the vote:

36 YEA

0 NAY

The Consent Calendar is adopted. There's an item
that was removed from the Consent Calendar.

THE CLERK:

An immediate Roll Call in the Senate. All Senators
please return to the chamber. An immediate Roll Call
in the Senate. Will all Senators please return to the
chamber.

THE CHAIR:

Question before the chamber is a motion to adopt

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COMM. PAC: (Continued)

we think this bill addresses itself to the question of size of boat, and that isn't an appropriate question. That kind of a boat is banned right now.

S.B. #4, an act concerning the lobster limit for trawlers. We are opposed to this bill for the reasons that I'll cite in the Committee Bill, H.B. #7439, that I'll be addressing in a minute.

S.B. #3, an act concerning registration of commercial fishing vessels. Although the Department does not oppose this bill, its passage will cause some significant impact. This act as the effect of increasing the license fees of every commercial fishermen, both up to an amount of \$100. The amount may be inconsequential to the larger full-time operators. Unfortunately, it would include the smaller boats and even the younster who goes out there to take bait species to earn a little living or something for his education.

H.B. #7439, an act concerning the taking of lobsters and the use of lobster trawls. This is the Committee's bill. We strongly support this bill. This is a very important bill which sets into motion a process by which the lobster resource can be scientifically harvested and controlled based on studies such as this recently completely study that you have before you or you have seen. This bill freezes at present levels the number of lobsters that can be taken by a trawl. That number is 100 taken west of longitude 73°. It's somewhere about Milford/New Haven area. However, it authorizes the adoption of regulations governing this resource. This puts into motion the adoption of regulations recommended in this particular study. We would have to come up with a recommendation that would be based on a study and our experience. We'd have to go through the regulatory process, public hearings and your bill says in effect it must be done by October 1.

So those comments would be appropriate for the next bill HB 5837 that calls for the establishment of a task force. There simply wouldn't be time for task force. The recommendations are there. We can have the public hearings. All concerned can come to these hearings and what emanates from these hearings, of course, will go to the Regulations and Rules

COMM. PAC: (Continued)

Committee. They, in turn, will have the last say on it. And this has to be done by October. So that is the extent of my remarks on all the bills before us. If you have any questions, I have with me, Bob Jones, one of the top marine fishery experts in the East. Dennis DeCarli, our Deputy Commissioner. I have someone from our enforcement section, Bob Buyak, who just ascended to that position, Fred Fogmore retired last week, and Randy Dill, also involved in enforcement. They are all prepared to try and answer any questions you might have.

SEN. BENSON: Any members have any questions? Rep. Beckett-Rinker.

REP. BECKETT-RINKER: Commissioner, I live in the Branford area and this is, of course, a very important issue for people in our area. I have some serious questions about the sample used in the document that we have. The reasons that I have those questions are because you state that there was a total of 484 pot fishermen in 1983. Two hundred and seventy six of these fished the Sound, but the reports on percentage are done on the basis of 18 or 22 pot fishermen. Also, as far as the trawlers go, you say trawlers comprise 119 members of which 63 took lobsters. The samples of these members give number of 18 to 22 trawlers. The sample does not seem to be drawn scientifically because the percentages of fishermen from both sides do not appear to give any decent numbers as to any scientific data that would in fact bear up the sample. So I have serious questions about the validity of the sample taken in the first place.

Beyond that I have some questions about disturbance of the Sound. My husband has been diving the Sound for 20 years for lobster and he has serious questions about what has happened to the floor of the Sound. He would not, of course, attribute all of that to dragging and not in any way does he state that that's true, however, he says that there has been tremendous change in the bottom of the Sound. Also, questions as to when the Sound sediment is stirred up and there are eggs present, even in that first 1", there

REP. BECKETT-RINKER: (Continued)

are questions as to what happens to that. Because my understanding is once that is churned off, and I've seen this myself as a diver, you get feeding off of the, and the eggs are gone because they're eaten by other fish. I'm really trying to look at this scientifically and not from an emotional point of view, but I want data to look as if, in fact, it does give a good sample.

COMM. PAC: Your point is well taken, Representative. I think we have to shine all the light in science we can on it and reasonable people make reasonable decisions.

In regard to some of the stirring of muck, etc., I've been lead to believe that it tends to help productivity. Unfortunately, that's a nice word, but what it means is predators prey on their victims, etc. but that keeps the eco system going. I must say that before I got involved in the controversy, I was predisposed and biased toward the lobster fishermen, the pot lobstermen. However, I have to bow to science on this one and I do have here Bob Jones and I think Eric Smith is here. He participated directly in the study. Now Bob can you respond to some of the questions that were raised.

MR. ROBERT JONES: Thank you, Commissioner. Frankly, if the Chairman will allow, I think Mr. Smith can most correctly answer the specifics that you have asked.

SEN. BENSON: No problem. Once you approach the microphone, could you please identify yourself for the record.

MR. ERIC SMITH: My name is Eric Smith. I'm Assistant Director of Fisheries for the Department.

SEN. BENSON: Could you pick up the microphone, please, and hold it.

MR. SMITH: The question relating to the sample design, I'd like to explain. There were 3 individual topics that we investigated. The first was the investigation of damage and mortality to lobsters and in that we selected more than half of the trawl fishermen that fished full time from Branford, west, in the Sound. The part you're referring to was the second part of socioeconomic survey. That was used to identify trends in the fisheries, the size of the

MR. SMITH: (Continued)

fleet, numbers of boats and how many had purchased new boats in the last 3 years. We did not use that data to expand our sample to the total 484 that were reporters of lobster in the year.

In other words, the biological data in part I is in no way related to the economic work in part II.

Regarding your comment about the disruption of the bottom, I think the Commissioner's point is well taken. That is, in the opinion of the Undersea Research Program staff that did this direct visual observation, that was a very minimal disturbance to the bottom and the point is in many cases, it increased the feeding behaviour of species in the area in which the trawl passed. In many cases it merely served to stir up a cloud of sediment and minute organisms. You say eggs, but really the things that get stirred up are small worms and small mollusks and, of course, fish, flounders and crabs love that. They're just waiting in the wings for that type of turbulence to create a free meal for them.

REP. BECKETT-RINKER: I just want to make a comment that the basis, I think, of making a judgment on this is going to be based on both the scientific data and the data that comes from, this is a social problem as well as an ecological problem. It is not simply an ecological problem. They are interrelated and I think better data on the social side of it might have been good. In the sense that if the survey had been more complete, I think that side of it would have been, made it easier for me to say I've got everything I need here to make a decision and at this point I don't.

SEN. BENSON: Any members have any further questions? Rep. Casey.

REP. CASEY: Commissioner, according to the study, the most serious problem facing the lobster resource in Long Island Sound are the very high rate of fishing on the stock regardless of source. And the close proximity of the size at maturity to the minimum length limit, what is the Department of Environmental Protection going to recommend to us as legislators in order to deal with that particular problem.

COMM. PAC: I would refer you to a point in the study made that is something like 85% of lobsters escape the trawl nets as they were dragged. 85% and they have some basis for that. Now we have the statistics that show 1982 as a record year. If it was overfished, then the question comes up, 1983 was still a higher than the previous record year and 1984 surpassed that. If there is any decline in the species, we are in a position to fine tune it. If we see there is overfishing, why we can at any time through our regulations come right back to you and say we've got to cut back on it in whatever manner.

REP. CASEY: So we can control it and that's what we're saying through the regulatory process. I'll ask Bob Jones, maybe he has some more comments.

REP. CASEY: Well, I hope he has more comments because this is the report that is going to be quoted and we're going forward with and it says either an increase --

COMM. PAC: -- through a control mechanism -- if you ask

REP. CASEY: Well, granted but these are pretty strong statements. It says either an increase in the length limit to the point well above the 50% length at maturity or rather drastic decrease in fishing mortality may be necessary in the future to ensure the long-term subility of the resource.

COMM. PAC: I think you ought to talk to the biologist on that.

SEN. BENSON: Identify your name for the record, please.

MR. ROBERT JONES: Robert Jones, Director of Fisheries. There are a couple of points that need to be made. Long Island Sound is rather unique. The size and maturity of lobsters, particularly in Western Long Island Sound is significantly smaller than is almost anywhere, or anywhere, along the coast. In other words, lobsters in Long Island Sound, at the minimum legal length are able, more of them are able to spawn than they are virtually anywhere else along the coast. The statements in the report simply indicate that at some point in time in the future it may in fact be necessary

MR. JONES: (Continued)

to take some action to either increase the size to provide for additional spawning or take some other action to reduce the exploitation. We are not in the position to predict at this point in time when that might be. Again, we feel that the regulatory authority suggested in the appropriate bill will allow us to, in fact as the Commissioner said, fine tune the management of this species and address those questions when and if they do occur.

REP. CASEY: Commissioner, a question back to you and it will be on a related matter to the fishery itself. Although the task force in the bill that you reported on might not be geared, you might not be able to respond to by October 1. My question goes further, do you believe it's time that we statutorially request you to provide a comprehensive study on the marine fisheries in Long Island Sound.

COMM. PAC: I think that might be a consideration. I'd be prepared to support this bill for this task force if you gave us more time. In your Committee bill you ask us to adopt regulations by October 1. Now either extend that time for the task force to report or one way or another give us the time to do it.

SEN. BENSON: I would ask that any other members that have questions, if they could see the Commissioner some other time in view of the hour. Commissioner, we would appreciate it if you could provide to us your testimony here tonight.

Next on the list is Paul Schur from Department of Health Services, followed by Sen. Gunther.

MR. PAUL SCHUR: Mr. Chairman, members of the Committee. My name is Paul Schur. I am the Chief of the Environmental Health Section for the State Department Health Services. I'm here to speak on Raised Committee Bill #841 an act concerning shellfish licenses. The State Department of Health Services supports this bill. The changes will result in increased incentive to comply with shellfishing regulations and licensing requirements. The proposed changes will bring the State Department of Health Services shellfish program into closer conformance

SEN. GUNTHER: (continued)

probably one of the most important things there to get that type of suspension, because with the threat of a suspension, the operation of the boat, that guy will fish according to our laws. Incidentally, on 5837, another task force, I'd like to oppose that. You know, we have a law on the books of the state of Connecticut that I got passed in 1972, a bystate Long Island Sound Marine Resources Committee to be established. We passed our law. We are still waiting for New York to pass their law. If we got that on line, we would then have a legislative committee that could coordinate the various laws that were passed in both our states and really have a close coordination between the states instead of this business of we moving in one direction and New York moving in another. people out there that were

As I say, I'd like to oppose 7439. I think giving the department the right to promogate a regulation based on the study that we have before us, I think is something that we don't want to do. I normally come up and I support regulation, but in this particular instance what we are talking about is conclusions that are based in this study, and as far as I'm concerned, this study has so many holes you can drive a truck through them, and I'm sure you are going to have some dialogue here. I think that Rep. Beckett-Rinker brought out some of them. I think certainly Rep. Casey and the rest of them but you really get in looking at what's going on in Long Island Sound, and this report as I say, I think this report was done at a most favorable conditions. I don't think it was done in what you might say in the adverse side or any long term look at what's going on out there.

Incidentally it is too bad the lobsters don't read and talk as I think they could tell you what's wrong with this report, but there are really, we are talking about. We have a situation on Long Island Sound that's being caused by 14 to 17 large trollers. It's admitted it in this report, and incidentally, 2 years ago when we passed this bill that we have on the line and which I'd like to see extended to the Sound, entire Sound, that you know you'd think that would give warning to these, let us say 11 to 14 boats our there. It hasn't given them much of a warning. They have been the violators out there because out of those 11 boats, there is about 9 of

SEN. GUNTHER: (continued)

them that have been caught on violations out there in the past 2 years while this law is in effect, and some of them are repeat violators. And when you take a look at the names, and incidentally, I loved it when I read the acknowledgements in the front of the book, because the acknowledgements of the people that participated in this study with our department, I think are real banners. Because there are 6 of the individuals that were trollers were violators out there and found and convicted of violating the laws that we have passed the the past year or 2 that are acknowledged for their great assistance in helping with this study. I think -- you know we often talk about the fox in the hen house. Well, I don't know how many foxes are out in Long Island Sound, but I know there is a lot of people out there that were assisting that believe me wouldn't leave a nice shadow on the whole thing.

I think it is interesting to note, in talking about the fishery, and incidentally nobody has said up here at least, I know there is emotional statements that are made by fishermen that you are going to clean out the whole Sound, nobody is talking about cleaning out the Sound now, but what we are talking about is in the future and the resource ought to be protected. It takes 9 years for a lobster to grow to the point of fertilization until it is an acceptable lobster in the state of Connecticut. Now if you want to close your eyes and let the boys do what they want out there, and incidentally, that's what's happening. Why if you do make a mistake, why then you can stop them, and we can get into controlling them, by this regulation that we are talking about.

Then you've got to wait 9 years to get growth into these animals out there that are growing. If you've gone in there and done one hell of a job on them, all I can tell you is that's hind sightedness in my book. And I think that right now, what we are concerned about, is the type of fishery that is out there. And incidentally, the people that I would like to see here today are not the enforcement officers but the enforcement officers themselves that are dealing with the problems that we have found in the western end of the Sound, and let them tell you what the story is down there. The violations that we have the troller law, are just the ones that we catch, and you are

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kck

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SEN. GUNTHER: (continued)
damned lucky if you catch them 1 out of 10 times, and everybody acknowledges that. There has been violation after violation down there and we all know who is doing it, but you've got to have enough people out there and have to have equipment out there to catch these violators. Now, as far as this report goes, I think it says very favorably everybody is a nice guy out there. They all report their total catch. Let me tell you, if the total catch on the trawlers was ever tabulated, we'd have them arrested regularly because you could take and find out what their catch was because they never will go over 100 pieces when they report it or if they do report over 100 there are never fishing in western Long Island Sound.

When you put the comparison up of some 22 boats that are fishing in the western end of the Long Island Sound or the total 60 trawlers, against 484 pot lobsters and you've got 2,500 pot lobstermen, and you are trying to balance that off and you have 11 or 12 or 13 boats out there that are violating our laws, we are having a hell of a job enforcing it, then I say it is time to tighten up and what we need is the 100 by catch law. We don't need a 500 and allow them to fish at night, and I see I am going a little over time. I get a little emotional about this, but there is a lot more that I can say, but let me leave a little more time for other people.

SEN. BENSON: Any members have any questions?

REP. MORDASKY: Sen. Gunther, I don't have lobsters in my territory, but there is just a curiosity question. Could you tell me what percentage of lobsters are taken by trawlermen and what percentage is taken by the pots?

SEN. GUNTHER: If you go by the statistics in this report, 2,000,000 pounds are caught by pot lobstermen, the rest are caught by trawlers. By this report --

REP. MORDASKY: You are not telling me percentages.

SEN. GUNTHER: Oh, percentage wise, you want me to figure that out for you. I don't have a calculator here either. I think there is some -- well, it would be roughly, --

REP. MORDASKY: I should ask that to the Commissioner then, right?

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kck

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SEN. GUNTHER: That's right, but we are talking about 300,000 pounds compared to 2,000,000. But divide that -- to go by the statistics in this report, where --

REP. MORDASKY: I've got the report here that say 6%.

SEN. GUNTHER: It's less than 10% according to our authority.

REP. MORDASKY: Thank you.

SEN. GUNTHER: May I point out to you that's the reported fishery. And let me tell you the reported fishery doesn't exceed a 100 count in the western end of Long Island Sound. If you believe that, I'll tell you about Santa Claus and the Easter Bunny.

SEN. BENSON: Any other members have any questions?

Cass. 2

REP. MORDASKY: It's not what you are doing, it's what you get caught doing.

SEN. BENSON: Thank you very much. Next we will call Sen. Miller, followed by John Volk.

SEN. MILLER: Sen. Miller, 24th District. I would like to go on record here opposing Bill 7439 for a number of reasons. I grew up in the fish business and I've seen what trawlers can do and dredgers, whatever you want to call them can do.

And by catch we have now, and Doc wants to have put back in of a 100, as I disagree with that too so far as I am concerned, 100 lobsters is not a by catch. When a lobster trap fisherman goes out and pulls 250 traps, and gets 150, then a 100 is not considered a by catch. And my personal opinion and the reason that I am here is to state that if we allow dredgers to go all out in recreational areas, we won't have a resource to protect. I can point a couple of harbors where they allow dredging and you can't get a founder today, so lobsters is not just the issue here tonight. It is the entire marine resource from flounders on up.

And I think I will end it there except to say that I could speak first hand because I have worked on lobster boats, trawlers, and gill netters, and I'll close with that.

REP. RUDOLF: (continued)

illegal operations going on probably in the western end of the Sound. So I come to this committee tonight very concerned as to the future of Long Island Sound and the species that we are supposed to be protecting.

Proposed bill 519, prohibits the use of trawlers or boats over the 44-foot length, and when we observe trawlers and draggers in the western part of the Sound 60, 70 and 80 feet long, you can imagine what we are facing when we look at the destruction being caused by the operators of these boats. So I come here tonight to support this bill to prohibit these large boats in Long Island Sound below the 70 degree line.

Committee Bill 113 dealing with lobster pots on oyster beds is a concern to me because I represent the largest as a constituent the largest oyster and clam business in Connecticut, and I think it very important that the at least the permission of the owner be sought out before anybody places lobster pots on oyster grounds. Senate Bill, Committee Bill No. 2, which establishes the fine of no more than \$1,000 is certainly one that I support. We should go higher if we could.

Proposed Bill No. 4, An Act Concerning the Lobster Limits for Trawlers, and I support Sen. Gunther's position on this is that we must maintain the 100 limit on lobsters for the entire Long Island Sound area. Committee Bill 7439 is a bill that places the regulations in the Sound under the Commissioner of Environmental Protection. And at this time, I will oppose this bill simply because I am looking for this committee to once and for all establish a task force that will look at the entire picture in Long Island Sound, and Sen. Gunther's remark concerning a bystate study commission is a very positive one, and I support that also, and I think the committee should consider establishing an in depth study of all resources dealing with fishing and enforcement in the Sound and once and for all establish a firm set of laws to suit all parties concerned, and I probably one of our most valuable natural assets to the Long Island Sound area. Thank you Mr. Chairman.

SEN. BENSON: Any members have any questions? Thank you very

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SEN. BENSON: Thank you.

MR. MAKOWSKY: My name is John Makowsky. I'm presently a full time commercial lobster fisherman, and 100% of my families income is derived from my lobster fishing effort, and I have been fishing in the western end of Long Island Sound for the past 15 years. I am presently a member of the Connecticut Commercial Fishermen's Association, and have been since its conception.

I am also a member of the New England Lobster Council which is comprised of representatives in Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut. It is extremely important to my family and myself and many other commercial lobster fishermen in western Long Island Sound that there are strict laws and enforcement activity that governs the commercial lobster fishing industry. It is to everyone's benefit that we all involve ourselves in protecting the future of the ecological and economically important natural resource.

After reading Committee Bill No. 7439, I am quite concerned that the check and balance system that we presently have would be thrown out the door. As you know, the Commissioner of Environmental Protection wants to control of conserving and managing the population of the American Lobster. They state that upon receiving control they will have power to repeal all the present laws that the fishermen and the state worked on together to preserve lobster population. It is DEP's intention to allow trawlers to fish at night, which other commercial fishermen are prohibited from doing. It is also the DEP's intention to allow trawlers to catch 500 pieces of lobster per trip, which is an increase of 400 pieces allowed presently.

As far as I am concerned, any group that makes these kinds of recommendations is not a group interested in conservation of the lobster fishery. The DEP wants to allow trawlers the opportunity to fish for lobster despite their track record. Trawlers as a group have a history of disregard for conservation. We have witnessed this in exploitation of the southern shrimper and the northern fin fisheries. Now these trawlers whose fin fisheries will fluctuate with the season are interested in making a directed fishing effort for the lobster. If we allow

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MR. MAKOWSKY: (continued)

the 119 registered in Connecticut to fish for lobster from December 31 to May 31 and the DEP would like to do, this would result in a daily catch of 59,500 pieces per day. Over that 5 month period it is possible for these trawlers to catch 8.9 million pieces if indeed that many exist. Using more realistic figures, however, we still result in over fishing the lobster population.

The DEP states in their February 1, 1985, study of the lobster fisheries that only 63 trawlers took lobster in 1983. If we use that figure and assume that only 63 trawlers will fish for lobster --

SEN. BENSON: Thank you very much. Any members have any questions? We thank you. If you could bring down your copy of that report, drop it in the basket here, it would be great. You've already done that? Steve Cook, followed by Paul Kotowski.

STEVE COOK: Good evening, my name is Steve Cook. I am presently the manager of Rowayton Lobster and Seafood in Norwalk, Connecticut. My first experience in Long Island Sound was as a mate on a dragger in 1977. I was able to study first hand lobsters and fin fish coming on board from trawl net and many lobsters are obviously damaged coming up on a trawl. DEP says 5% is a reasonable amount of damage mortality. I find that unacceptable being 5% of a very important resource is being damaged by a small fishery or a small fishing attempt, which are the draggers. My business is lobster and seafood. Half of our business is comes from local lobsters.

The western Sound is a small fishery, the population of lobsters is a resident population. They don't migrate, they don't move anywhere else, between deep water and shallow water within the western Sound. If draggers are allowed to take 500 pieces per day from the western Sound, it can only mean a limited future for fishery. I'd like to go on record as being for bills No. 4, and 519, in front of this committee and to be against bill 7439.

SEN. BENSON: Any members have any questions? Thank you very much. Paul Kotowski.

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PAUL KOTOWSKI: I'm Paul Kotowski, the lobbyist for the Connecticut Commercial Fishermen. I also fish part time. I'd like to speak favorably on Bill No. 2. This is a civil action that is taking place when you are violating the marine fishery laws, and we feel that the courts will take better notice with the passage of Senate Bill No. 158. In part this will also improve marine law enforcement by putting the tangible vs. the intangible, that is the commercial fishermen will be looking at his catch instead of the contemplation of monetary value. On Senate Bill No. 3, I'd like to speak favorably for that because it puts the vessel responsible for any violation of law. If a vessel has a registration suspended, this to the fishermen represents money tied up and therefore puts it in a much more demanding prospective, that is you don't want the boat tied up to dock side.

SEN. We'd also like to speak favorably on Senate Bill 519. It is from my experience that you can rig a boat of 44 feet up pretty much anyway you want to do whatever you want. This has been pointed out earlier. It's the power and the rig not the length of the vessel that determines how it fishes. Further neighboring states are considering limits of dragger size, specifically Massachusetts right now is entering the preliminary stages of this.

HOUSE BILL 5837, I feel that that bill does not go far enough. We cannot limit that just to a task force of lobster resource. We have to consider all the resource in the Sound. If certain proposals go through after a person is through exploiting the lobster fisheries, then they can move on to the next fishery and the next fishery. If we consider the resource as a whole, hopefully, we will have continuous management. And House bill 7439, and Senate Bill No. 4, our concern is very much with the lobster limit. Currently right now, we are harvesting almost twice as much as was previously harvested out of the Sound. Specifically, 1,000,000 pounds in 1982, vs. 2,000,000 pounds in 1983. It is also, if you get the limits proposed by the DEP of 500 pieces this will allow for a fishery of opportunists, specifically if we look at the state of Nebraska with the King Crab fishery, we had several boats entering with a length of about 130 at a cost of \$1 to \$2 million each. The fishery peaked

MR. KATOWSKI: (continued)

at 130 vessels, the collapse in, I believe, 1983 at present there are now 30 vessels fishing for King Crab, another 20 vessels trying to make do trawling for Link Cod and the balance are sitting idle or have gone elsewhere.

The second issue here is -- neither of these bills really address the gear conflict issue. So we are still going to be back where we started. On that point, we should set our limits to encourage continuous harvest. So that there will always be lobster available. And I tell you I drag. I like going out dragging. I like coming back for lobster. I would hate to see draggers eliminated from taking lobsters as they are in certain other neighborhood states. Thank you.

SEN. BENSON: Any members have any further questions? Thank you very much. Richard and Barbara Gullotta. Followed by Bob Crook.

RICHARD GULLOTTA: My name is Richard Gullotta, and I have got a dragger. We go along with the DEP here but with his recommendations, I believe that if there is some sort of a limit, this limit should be applied to everybody, if you are just trying to save the resource. And the whole thing here seems to come down to one thing which if you get out there you will see it seems to be a gear conflict with everybody. And my recommendation to this is that they would look at the set up some sort of trawl lanes for the draggers and potting areas for the lobster men. This way nobody would get near nobody, and you won't even have half these problems in the first place. That's all I've got to say to this committee.

SEN. BENSON: Any members have any questions? Barbara Gullotta? You are not coming up? Bob Crook, please, Bob Crook will be followed by Cynthia Yerman.

BOB CROOK: Mr. Chairman, my name is Bob Crook. I am legislative director of the Connecticut Sportsmen Alliance and also the lobbyist for the Connecticut Marine Trades Association. I am testifying on SB 45, An Act Concerning Funds for the Federal Fish Restoration Projects. What this bill does is divert road taxes currently paid on motor boat fuel to a program to promote sport fishing and boating activities.

MR. CROOK: (continued)

Currently, with proper receipts fuel taxes paid on motor boat fuel can be reimbursed to individuals by the department of revenue services. The concept is that road taxes should not be paid if the fuel is not used on the roads. Two bills were submitted this session addressing this tax. The first would have completely eliminated this tax on boat fuel, and this bill the intent of which is to retain this tax, but use it to enhance the marine activities.

Eliminating the tax would save boaters 5 cents per gallon not a significant savings. We believe the concept of this bill is much better. 5 cents will not be missed and sport fishing and marine activities will be enhanced. This will also eliminate the option for applying for reimbursement. Fiscal note on the bill should show no cost to the state and administrate a savings of revenue services by canceling the reimbursement option. The corrections required on lines 22 to 24 to correspond to the new act passed last year by congress, the new bill title is Boating Safety and Sport Fish Restoration Act, Public Law 98-369.

This bill is extremely important to sport fishermen and boaters. Most important it supports the concept to use the fee that benefits those who pay for them. We are in support. The second bill I'd like to testify on for the Sportsmen's Alliances is HB 7439, the taking of lobsters. Three major problems appear in the DEP lobster studies. "The most serious problem is the high rate of fishing regardless of the method of capture." (2) Gear conflict, that is trawls vs. pots, and (3) economic based upon multiple use. Sportsmen Alliance is concerned foremost with the proper management of the resource to prevent over fishing.

If indeed the most serious problem is the high rate of fishing, we would suggest that regardless of the decisions made concerning this bill tonight the DEP place priority effort on the management of lobster resources. New aspects that might be considered if required are not only seasons but the number of take, the number and take applied to all users, not just the trawlers, but the potting too. Gear conflict is difficult to solve without discarding the multiple use concept. We feel fishing zones

MR. CROOK: (continued)

as recommended by the DEP, maybe the answer. Multiple use is a problem on land and sea. We believe that many of the current laws address the issue and should remain in effect. Night trawling, as recommended, appears to increase gear conflict, therefore, we oppose that option.

We are also concerned with conflicting laws between New York and Connecticut. It appears reasonable that laws of both states should coincide to insure coordination of management and enforcement of all the resources on Long Island Sound. We see no real solution to this problem through the legislative debate since the parties involved haven't gotten together to determine what common ground they may have. We suggest that and maybe we could do something with this bill, hold it in abeyance or give a further expiration date on the affective date of the previous bill that we passed. We think that through cooperation and communication before legislation possibly more solutions can be found. Thank you.

SEN. BENSON: Any members have any questions? Cynthia Yerman.

CYNTHIA YERMAN: My name is Cynthia Yerman, and I've been SB 4 closely involved in the commercial fishing industry for SB 519 the past 10 years as my husband is a commercial trawlerman.

Two years ago, accusations and allegations were made against my husband and his fishing colleagues that made people believe that they were criminals and they were breaking the fishing laws within Long Island Sound. These trawlermen were fishing within the guidelines of their fishing licenses. Then, through panic within the legislature, laws were passed 2 years ago to limit these trawlermen to limit what these trawlermen could catch especially during the winter time. This has greatly affected our personal lives, as I'm sure it has the other trawlermen.

These laws have driven my husband out of Long Island Sound and now he must travel 70 to 80 miles off shore during the winter in order to make a living. He is away usually 3 to 7 days at a time, dealing with harsh weather conditions, heavy seas, in a boat he had purchased specifically to fish only on Long Island Sound. I must remain at home and be both mother and

MR. BRANCATO: (Continued)

into the middle where we're at. And I feel that we're not depleting anything. I've been fishing for 36 years and it has been getting better and better every year, not less. Thank you.

SEN. BENSON: Any members have any questions? Thank you. David, I believe it's Striker, followed by Terry Backer. If you could spell your name for the record, sir.

MR. DAVID STRACHAN: The last name is S-T-R-A-C-H-A-N.

SEN. BENSON: You may proceed.

MR. STRACHAN: I'd like to say that I think you've been very abusive to the draggers in the law that you set up in 2 years. I also have been fishing with Pete off and on for the last 36 years. If you are worried about the depletion of lobsters in Long Island Sound, I believe you ought to also limit the potmen, as well as us. And I'd like to say this. You in the past 2 years have restricted my living from my family and I also had to go offshore to go fishing in rough weather. And that's all I'd like to say.

SEN. BENSON: Any members have any questions? Thank you very much. Terry Backer, please, followed by John Bonney.

MR. TERRY BACKER: My name is Terry Backer. I'm a commercial trap fisherman out of Norwalk and that's in the western end of the Sound for those of you who may not know. I'd like to say I support Sen. Gunther's proposed bill #4 and #519. I strongly opposed #5837 and #7439. And I'd like to know where that 1,500 pounds of lobster are coming in in traps because my catches aren't all that great. That's all I have to say.

SEN. BENSON: Any members have any questions? Thank you very much. John Bonney, please, followed by Bruce Williams.

MR. JOHN BONNEY: My name is John Bonney. I've lobstered for 22 years and I've spent an enormous amount of time on the Sound since I was a youngster. Even then I lobstered with an older fellow. I have read and studied the recommendations recently released by the DEP concerning the lobster dragger issue.

- MR. WILLIAMS: (Continued)
in the current regulation and particularly the 100 piece limit.
- SEN. BENSON: Any members have any questions? Thank you very much. Chris Stapelfeldt, followed by Tony Charlone. Chris, please. Could you spell your name for the record.
- MR. CHRIS STAPELFELDT: I'll give you a copy of this, I had 15 copies made of this speech. If you'd like I'll submit it after this.
- SEN. BENSON: Yes, please. After you speak.
- MR. STAPELFELDT: My name is Chris Stapelfeldt and I make my living full time pot fishing for lobsters in western Long Island Sound from Norwalk, Connecticut. I would like to comment on some proposed legislation that would affect my livelihood.
- Proposed bill #519 and proposed bill #4. Both these bills are absolutely necessary to protect the lobster resource in Long Island Sound. We need uniform laws for both sides of the Sound, both Connecticut and New York. If the catch limits differ, then you create loopholes. Border jumping occurs and the enforcement becomes almost impossible.
- Proposed bill #5837. This is a good idea, but it cannot be tolerated in its present form as it depends upon the Connecticut DEP for its source of information. These people seem to be totally oblivious to the environment and the damage being done to the resource. If a neutral and non-biased source of biological information could be used, then we might be able to consider this.
- Proposed bill #7439. This bill also cannot be tolerated --
- SEN. BENSON: Could you hold the microphone a little closer, sir. Hold the microphone a little closer.
- MR. STAPELFELDT: I'm sorry. This bill also cannot be tolerated as it would make the Commissioner of the DEP God, to do as he pleases with the environment and remove the present systems of checks and balances.

MR. STAPELFELDT: (Continued)

To give you a good example of just how bad I consider the DEP to be is the recently released so-called Study of Lobster Fisheries in Long Island Sound with Special Reference to the Effects of Trawling and Lobsters, released February 1. To me, this report was written by a group of people totally interested in protecting their pensions, jobs, and trying to justify their existence on the state payroll, rather than protect a very valuable resource.

A good example of this would be on page 12 of this report. There are 4 diagrams showing both immediate and delayed mortality to sublegal lobsters as high as up to 21% of the harvest per tow and as low as 1%. Some of these figures don't sound too bad for one tow with a net. What the DEP fails to address is the fact that we are not dealing with one net tow. If there are say 10 boats working an area and each boat makes 8 1-hour tows in a 10 hour day that amounts to 80 tows at 21% mortality each tow.

They say that the bottom is disturbed to a maximum of 1" in 1 tow. What about 80 tows. Now what about 20, 30 or 40 or 50 boats working an area. What about the ones that want to work 24 hours a day. Page 46 states that with a 100 piece by-catch there are 200 to 300 pieces sublegal caught each tow during the most vulnerable period of 21% mortality. 21% of 300 pieces equals 63 pieces per tow. 10 boats or 80 tows equals 504 dead sublegal per day per boat. Again what about 20, 30, 40 and 50 boats working.

Mr. Eric Smith once told me that a trawl net being towed was like a farmer tilling his field. This sounds good, but let me ask you, what would grow in a farmer's field if he was to till it every day.

Another subject the DEP fails to mention at all is the fact that trawling possibly should not even be allowed in Long Island Sound. It is an estuary into which almost every species of fish that migrates here, comes here to spawn. Most trawlers use a fine mesh bag on the cod end of the net so they can catch squid. I think most people here would be astounded in they could see the amount of

MR. STAPELFELDT: (Continued)
baby butterfish, flounder, weakfish, bluefish, etc. all
1 or 2 inches long that get gilled and killed.

On page 37, the DEP is trying to protect 11 trawlers west
of the Connecticut river. Why they insist on protecting
these people is beyond me as 8 of the 11 have been arrested
on some fishery violations in the past year and some of
them twice.

I could go on all evening telling you how bad this latest
DEP report is and possibly it would be a mistake not doing
so. However, I would like to say in closing that I am
seriously interested in preserving the future of Long
Island Sound and I am very disappointed at how badly our
own Department of Environmental Protection is doing their
job.

SEN. BENSON: Any members have any questions? Thank you very
much. Tony Charlone, please. This other name, I'm going
to have trouble with. Todd Thegopul. You may proceed
Tony. Thank you.

MR. TONY CHARLONE: Mr. Chairman, with your permission I would
like to have my space on the speakers list waived right
now. I'd like to have Mr. Gary Yerman speak in my behalf
or in my stead, with your permission.

SEN. BENSON: Any objections? You may proceed.

MR. GARY YERMAN: My name is Gary Yerman. I'm the President
of Long Island Sound Draggermen's Association and I'd
like to thank you for this time to speak.

Gentlemen, our association is representing all the trawler-
men who are currently working in Long Island Sound and
for those whom would choose to supply seafood to people
like yourself in the future. We believe that what has
happened to our industry in the last 3 years has been a
great Connecticut injustice. Through nobody's fault but
ignorance, a very small fishing industry has been perse-
cuted and treated like criminals. In most cases, where
people are afraid of wrongdoings there was a study done
and then through educated recommendations they come up
with solutions to problems.

MR. FROENZA: (Continued)

I'm also against bill #519, that's a terrible law. We had a 75' tug ocean going tug sink in Long Island this morning and the weather wasn't even half bad. Trawlers need a little boat underneath them for comfort. They stay out. They could use all the help they can get. They shouldn't be limited, not at all. Maybe they should be limited to where they tow, but in the same respect, keep the lobster pots in a certain place.

Like I said, I do vote and I'm just so sorry that I've got to be up here.

Bill #5837 has some good properties and should be looked into a little further and #7439 also has some good properties and should be looked into a little further. They're both similar and maybe they can be tied in together somehow. I thank you very much ladies and gentlemen.

SEN. BENSON: Any members have any questions? Rep. Beckett-Rinker, please, approach the podium.

REP. BECKETT-RINKER: In the beginning of your statement you talked about a numbers game and you said, in the beginning of your statement you talked about the use of a numbers game and you said that in fact 6% of the lobsters were taken by trawlers. According to the numbers in this study, 2,320,000 pounds of lobster are taken. Of those, 31% are taken by trawlers and 69% by potmen. According to the figures here.

MR. FROENZA: I don't know where you're getting your figures. The figures by Mr. Pac, the Environmental Committee, earlier were 120,000 pounds by trawlers and 2.something million pounds at least by commercial fishermen. And I'm sure the 900 or 1,500 part timers report nothing at all. The numbers here are right. It's something I see because I live in both industries. And you can't and shouldn't limit the catch of a trawler when lobstermen aren't limited.

SEN. BENSON: Any other members have any questions? Rep. Holbrook.

REP. HOLBROOK: I'm listening to some of this testimony here and you get the impression that there are so many trawlers out there and they're dragging the entire bottom of Long Island Sound and eating up the whole Sound. I wonder if you could tell me what's the width of your trawl and what area are you really concentrated to as far as Long Island Sound is concerned.

MR. FROENZA: Mr. Holbrook, if we had a topographic map here of Long Island Sound and of the bottom, you would see how limited a trawler is as to where he goes. He cannot go over 80% of the bottom of Long Island Sound. He is limited to certain areas because of its detriments, shall we say. Sunken barges, shallow reefs, and so on. The size of nets at different times of the year, if you have a 70' net, you might get a mouth opening of only 15'. And somebody will come along and tell you, well they're using 100' net and they're raping the bottom. It's impossible. Long Island Sound has its own built-in protective system. You cannot rig to dig as some of these alarmists are trying to make you believe, simply because you cannot dig in Long Island Sound. It is mud and you will lose your gear. And I have, I've lost one set of doors and nets simply because I did not realize this. \$5,000 gone. I don't need these people to tell me anything about Long Island Sound. I know. It's a unique place. It sure is and we'd all like to see it go on forever. And it will if we just all work together. So don't restrict one user group and give the other one a free hand because they'll take it.

SEN. BENSON: Any further members of the Committee? We thank you very much. Pat Piscitelle, followed by Robert Conroy. I know I didn't mess that one up.

MR. PAT PISCITELLE: My name is Pat Piscitelle. I am not a member of nor do I represent any organization. I am an independent commercial fisherman. I am against proposed bill #519, proposed bill #4 and lines #29 through 38 of Raised Committee bill #7439 for the following reasons.

A 2 year study was conducted by the Department of Environmental Protection to determine the effects of trawling for lobster in Long Island Sound. The study shows that trawling is not endangering the resources of Long Island Sound. In fact, the study specifically states that greater

MR. PISCITELLE: (Continued)

than 80% of all the lobster and crabs in the path of trawl gear avoid capture. I feel, based on the findings of the study, there should be no limitation on the amount of lobsters caught on any vessels using an outer trawl, beam trawl, or similar device, in any Connecticut waters of Long Island Sound. Nor should there be any net or boat size limitation in any Connecticut waters of Long Island Sound.

Therefore, it is obvious to anyone that has read the complete study, why I do not agree with all of the DEP recommendations. Thank you.

SEN. BENSON: Approach, Rep. Metsopoulos.

REP. METSOPOULOS: A quick question. You're basing this on the DEP study and maybe you can answer my question more directly. If the study is a 2 year study and if it takes 7 to 10 years for lobsters to mature, how can we be sure that there is no damage to the lobster population based on that study.

MR. PISCITELLE: You're asking a fantasy question. Let me answer you. In the first place, the State of Connecticut spent approximately \$50,000 to have a study. The study is complete. The study said there is not a resource problem. Everyone here seems to disagree with the study. Why have it to begin with if you don't believe the scientists that do the study, what is the purpose of spending \$50,000 of taxpayers money for a study.

REP. METSOPOULOS: Well, studies have been proved wrong over history. Twenty years ago smoking was not harmful to your health. Today it causes cancer. And I'm not saying the study has not validity. I asked the question if it takes 7 to 10 years for a lobster to mature, how can we based on a 2 year study be sure that there is no damage to the lobster population.

MR. PISCITELLE: How can we, based on your question, if you were to conduct a 7 to 10 study for your answer of total truth so you seek, then if you want a 7 to 10 year study then have one, at the taxpayers expense. But do not convict us beforehand, before the study is done.

REP. METSOPOULOS: Nobody's convicting you of anything.

MR. PISCITELLE: Yes, we're convicted before the study. We were put restrictions on. The ideal situation would have been, have a study according to the findings make your restrictions. Not vice versa. If you want a 7 to 10 year study, fine. But take off all the restrictions until the study proves what it has to prove.

REP. METSOPOULOS: Well, that's not my department to set or place restriction. We're here holding a public hearing based on this study at this point.

MR. PISCITELLE: Okay, so if you're here to base on the study you have to take that --

SEN. BENSON: Gentlemen, this is not a debate. We're here to ask questions and have them answered. Any further questions of the Committee. Thank you very much. Robert Conroy, followed by Bill Filkin, or something like that. Robert Conroy, please.

MR. ROBERT CONROY: My name is Robert Conroy. I am a commercial lobsterman in Norwalk. I am opposed to bill #7439 and bill #5837. I am for bill #4, and for bill #519 and I agree with all the comments of Sen. Gunther.

I am a pot fisherman. I consider my business selective fishing. When I pull a pot, I check it immediately, keep the legal size lobsters. I return the small ones, or what we call shorts, egg bearing females and soft lobsters. I believe that a selective --

SEN. BENSON: Could you hold the mike up a little closer.

MR. CONROY: I believe that a selective fisherman returning what should be returned. I've seen soft lobsters die in my hands, fall apart. Now a trawler, trawling for hours and then pulling the catch on the deck and selecting and going through, I agree they do select, throw small lobsters back. I want to know what happens to the short lobsters, the soft ones and the egg bearing females while they're under tow for hours. I don't believe that's selective fishing. That's all I have to say.

SEN. BENSON: Any members of the committee? We thank you very much. Bill Filkin followed by Dan McCourt. Could you spell your name for the record, Bill? It's hard to make out your writing. It does say "please print" on the top, I may remind you.

MR. BRIAN SULLIVAN: My name is Brian Sullivan. B-r-i-a-n Sullivan, I don't print too well. Thank you for the opportunity to speak here. I am presently the current President of the Connecticut Commercial Fisherman's Association. We --

SEN. BENSON: -- You will have to speak up, Sir.

MR. SULLIVAN: I am the current President of the Connecticut Commercial Fishermen's Association. We are the largest group of commercial fishermen in the State of Connecticut. Are members are from Greenwich to Stonington. I am addressing you tonight on proposed bill 4. At our February 12 meeting, we voted unanimously to give wholehearted support to proposed bill number 4. Our reason for supporting boils down to two main issues. Number one, the State of New York addressed this problem 18 months ago and came up with the 100 piece limit. For the State of Connecticut not to conform with New York, is ludicrous and makes a mockery of existing laws.

Number two, for the DEP report on lobster dragging, 11 vessels are concerned with this fishery. A check of their violation record with the DEP is appalling. If 11 vessels cannot legally take 100 lobsters a day the thought of more vessels taking 500 vessels a day boggles the mind and is completely unenforceable. These are my comments at this time.

SEN. BENSON: Thank you. Could you loudly and clearly spell your name once more?

MR. SULLIVAN: It's B-r-i-a-n Sullivan. I do have a copy of this if I can put it in your basket.

SEN. BENSON: Yes, you may. Dan McCourt followed by Tony Charlone.

MR. DAN MC COURT: Ladies and gentlemen of the committee, my name is Dan McCourt. M-c-c-o-u-r-t, --

SEN. BENSON: -- Yours I could read, Sir.

MR. MC COURT: I'm a commercial fisherman in this state, an independent commercial fisherman. I fish with traps, I drag nets, I haul dredges by hand, whatever I gotta do to make a living. This whole thing to me is a real joke. I don't belong to any particular organization simply because most of them don't make any common sense. I'm really glad tonight that I'm not a member of the DEP. I highly support - I've supported them before and I'll continue to support the DEP. They can get on my boat anytime they want. They're a hard working group, a good bunch of men but to say they don't know what they are talking about doesn't make any common sense.

I'm all for common sense. That's why I'm wholeheartedly tonight supporting bill 5837. I want to see a task force or a committee formed. I want to talk to the recreational fisherman. I want to show him what we are doing and if I'm doing something wrong, change it. I'm for all user groups out there. I've got a 10 year old son myself. I want him to continue to go on. Any of the representatives and legislators here tonight, anybody here tonight, any time they want to get on the back of my boat, call Eric Smith, he's got my number.

Let's go back to pre-1982, let's listen to what the study says. If we're not going to go along with the studies, we shouldn't even bother having them. I'm wholeheartedly rejecting bills 234, 158, and 519, simply because they don't make common sense, ladies and gentlemen, at all. Thank you for your time.

SEN. BENSON: Any members have any questions? Thank you very much. Tony Ciarlone followed by Richard Saunders.

MR. TONY CIARLONE: Mr. Chairman, members of the committee, thank you very much for taking me out of order and I certainly appreciate that. My name is Anthony Ciarlone, C-i-a-r-l-o-n-e. I represent the Long Island Sound Draggers Association. For Mary's benefit, it's not dragmen's but draggers association. I'd like to take this opportunity to applaud the members of the committee for their interest in this matter because the livelihood of many people that make a living in this industry depends on what your decision will be here tonight or as the legislature comes to a conclusion. I believe, and you certainly agree with me I'm sure, that your responsibility is one of equity here tonight as you consider this

MR. CIARLONE: (continued)

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legislation. It's my judgment that the study of February of 1985 done by DEP portrays the facts as they really exist. If there is an endangerment of the extinction of the lobsters, then the trawlermen are not the cause of this extinction since they remove only 5-7% of the lobsters that are taken.

Trawlers also share the same concerns that we all have and that is not to endanger a particular specie. We are not about to point a finger to anyone as to who is causing the extinction of this particular resource. However, as you read the report you will draw the same conclusion that we do, that the trawlers are not the problem. When you stop and consider that the pots that are out there catching lobsters are doing basically the same thing as trawlers, a pot is staying in the water 7 days a week, 24 hours a day, trying to catch a lobster. So if there's a problem of extinction of the specie, I think we should consider the amount of pots we have in the water.

I ask the members of this committee to study this report that you have before you because I think and as you read it in depth you will draw the conclusion that the facts that are there will temper you in making your judgment as to how the trawling industry will be considered here in the future. I would also take this opportunity to lend our support to Senate Bill 113, House Bill 5837 and Senate Bill 7439 which is the commission bill, with certain amendments. I think if there is some way of getting the members of the Trawlers Association and pot fishermen to sit down in concert, I think some meaningful legislation and regulations can be adopted and perhaps it will eliminate this problem in the future.

Mr. Chairman, members of the committee, thank you for your indulgence.

SEN. BENSON: Any members have any questions? Thank you, Tony. Richard Saunders, please followed by Bert Bernstein. Mr. Saunders.

MR. RICHARD SAUNDERS: Yes, my name is Richard Saunders and I thank you ladies and gentlemen for the opportunity to speak to the Environment Committee. I've been an active commercial fisherman in the State of Connecticut, especially trawling for the past 17 years. I am the third generation

MR. SAUNDERS: (continued)

of my family to do this and I'd sure like to have it for the fourth generation, my son. I've been involved in many types of commercial fishing throughout the years in various places. I have fished anywhere from New Jersey to Massachusetts waters. I've been very concerned with the lobster controversy throughout the years and I've done my best to coincide with all laws and regulations. I've helped in very many studies throughout all the different waters that are fished in and I think that it is my opinion that the DEP study is fair and I hope you take a very close look at it.

Just for the record, I am opposed to bill 519 and number 4 and I strongly support bills 5837, 7439. I thank you very much for the opportunity to speak.

SEN. BENSON: Thank you. Any members have any questions? Thank you. Bert Bernstein followed by Fred Frillici. Bert.

MR. BERT BERNSTEIN: I'm - ladies and gentlemen, I'm Bert Bernstein and I'm President of the Fairfield County League of Sportsmens Clubs. To save you time, which I think you might appreciate, the county league happens to be in agreement with everything that Doc Gunther has said during his time at the microphone earlier. We have something to discuss here with you. I'm the only one who takes his glasses off to read. We find fault with the conclusions and recommendations in this report, the report being the study of lobster fisheries in Connecticut waters and Long Island Sound, this thing.

Also, with the way at which they were arrived, pardon me, under acknowledgments, many of the names are familiar. I've seen them in the newspapers has having arrests for breaking laws governing the same subjects being covered here this evening. Hardly a source for unbiased opinions given with clean hands. On page 46, the report suggests we increase the legal limit by trawlers to 500 lobsters per trip, January-April. It states elsewhere that 85% of the legal lobsters are presently removed each year. Another section tells us that trawl damage has gone up to 14%. This is suggestive of cleaning every lobsterer out of the Sound, hardly a good practice. On page 47 it suggests night trawling January 1 - April 30. This would be a choice opportunity for all of those thanked under

SEN. BENSON: Thank you. Any members have any questions? Thank you very much. Kevin Conroy, please followed by GEorge Doll.

MR. KEVIN CONROY: Mr. Chairman, ladies and gentlemen, my name is Kevin Conroy. I'm one of the owners of Rowayton Lobster Company which is located in Norwalk on the Long Island Sound and the company was started in 1975 by ten local fishermen who got together and formed a coop. They could all catch lobsters together and market them together. It was originally bought out by one lobsterman and I came into possession in 1978. We derive a large portion of our sales and support a lot of local people who work for us through buying lobsters from pot fishermen. I have been approached in the past couple of years to buy lobsters from some of the draggers and quite honestly, what worries me is if we are allowed to drag as intensely as I think some of the people here want to do for lobsters, that in a number of years we're going to lose that fishery that we have. My business will go down the hill, the people that I know that are second and third generation pot fishermen won't be able to continue to work, the people that I employ in my business who I pay taxes to to the state, to the town, unemployment taxes, all will change and I'll see a good portion of my business which makes me able to stay in business stop and I'm not saying that the people who are draggers are bad people because I know some of them and I know that they are not.

My honest opinion of what I've known over the last two or three years is that there seems to be more of an interest in directing that dragging not to just the fish but more to the lobsters and that maybe five years ago these guys didn't really realize they could catch that many lobsters and now all of a sudden they said, hey, we can catch a lot more lobsters and I'm not trying to put them out of business. What I'm trying to do is to avoid putting people out of business who have been in business for a long time. Pot fishing, the company that I now own and has been in existence since 1970. I don't want to see that go down the tube and you know there are a lot of shoreside facilities that handle a lot of lobsters and if we over fish the resource and it goes away, a lot of other things that are dependent upon it will also go away.

So, I would like to state for the record that I am against number 7439 and for bill 4 and bill 519.

- SEN. BENSON: Could you answer a question for me, please?
- MR. CONROY: Sure.
- SEN. BENSON: Did you participate in this DEP survey?
- MR. CONROY: No, I didn't. No one contacted me about it at all.
- SEN. BENSON: So apparently you weren't among the fifty that were questioned?
- MR. CONROY: Correct.
- SEN. BENSON: Thank you very much. Any further questions from the committee? Thank you very much. Goerge Doll followed by Joe Locurto.
- MR. GEORGE DOLL: My name is Goerge Doll. I'm from Northport, New York. I've been a commercial fisherman for the past 20 years, most of that time a lobsterman. I work in the Norwalk, Eaton's Neck, area. I don't agree with the conclusion of the DEP's report. I'm opposed to the whole list of suggestions that stem from this report. I find all of them not compatible with the lobster pot fishery.
- To say that repeated dragging in a confined area has no adverse effect is ridiculous. In the Spring of 1983, I went to an area that I traditionally fish after half a dozen draggers had worked there all winter. The place was barren. It hasn't been the same since which leads me to believe that the habitat of that area has been damaged.
- The report admits that lobsters are the most valuable resource of Long Island Sound. I'd like to keep it that way and I'd like to see Sen. Gunther's 100 piece bill supported. Thank you.
- SEN. BENSON: Any members have any questions? Thank you very much. Joe Locurto please followed by John Lheron.
- MR. JOE LOCURTO: My name is Joe Locurto. I represent lobstermen from the Huntington, Northwood area of western Long Island Sound. The point I wish to make is that of the 14 commercial fishermen acknowledged for this assistance in the trawl survey, 10 were dragmen and the other 4 pot fishermen. Seven of the ten dragmen were cited in the