

Legislative History for Connecticut Act

HB 6338	PA 333	1991
House	7404-7427	(24)
Senate	3223-3225, 3250-3251	(5)
Environment	606, 659-660, 661, 662, 680-681, 882	(8)
		Total- 37p

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

Tuesday, May 28, 1991

is to protect the growing indigenous shellfish industry of Connecticut primarily by preventing the import of diseased shellfish from out of state which could contaminate our waters and to prevent the premature export from within the state of the shellfish that have been cultivated through the state's aquaculture program.

This bill will help protect the \$4 million investment the state has made in the aquaculture industry.

Madam Speaker, the Clerk has an amendment, LCO6471. May he call and I be permitted to summarize.

DEPUTY SPEAKER POLINSKY:

The Clerk please call LCO6471, which is designated House Amendment "A".

CLERK:

LCO6471, House "A", offered by Representative Pelto, et al.

DEPUTY SPEAKER POLINSKY:

The gentleman has asked leave of the Chamber to summarize. Without objection, please proceed, Representative Knopp.

REP. KNOPP: (139th)

Thank you, Madam Speaker. Madam Speaker, this amendment does several things. First, it makes some

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House Bill 5739, as amended by House Amendment
Schedule "A".

Total Number Voting	146
Necessary for Passage	74
Those voting Yea	146
Those voting Nay	0
Those absent and not Voting	5

DEPUTY SPEAKER POLINSKY:

The bill as amended is passed.

CLERK:

Calendar 15 -- Page 15, Calendar 456, Substitute
for House Bill 6338, AN ACT CONCERNING PROTECTION OF
SHELLFISH.

Favorable Report of the Committee on Finance,
Revenue and Bonding.

DEPUTY SPEAKER POLINSKY:

Representative Knopp.

REP. KNOPP: (139th)

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

DEPUTY SPEAKER POLINSKY:

The question is on acceptance and passage. Will
you remark?

REP. KNOPP: (139th)

Thank you, Mr. Speaker. The purpose of this bill

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is to protect the growing indigenous shellfish industry of Connecticut primarily by preventing the import of diseased shellfish from out of state which could contaminate our waters and to prevent the premature export from within the state of the shellfish that have been cultivated through the state's aquaculture program.

This bill will help protect the \$4 million investment the state has made in the aquaculture industry.

Madam Speaker, the Clerk has an amendment, LCO6471. May he call and I be permitted to summarize.

DEPUTY SPEAKER POLINSKY:

The Clerk please call LCO6471, which is designated House Amendment "A".

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DEPUTY SPEAKER POLINSKY:

The gentleman has asked leave of the Chamber to summarize. Without objection, please proceed, Representative Knopp.

REP. KNOPP: (139th)

Thank you, Madam Speaker. Madam Speaker, this amendment does several things. First, it makes some

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technical corrections in the spelling of the latin designation of the shellfish.

Second, it clears up the issue raised in the comment in the OLR report by making clear that the question of export does not prevent the aquaculture relay within the state's waters, and third, it deletes Section 4 of the file copy which deals with a jurisdictional issue that's not really the purpose of the bill that was submitted.

Madam Speaker, I move its adoption.

DEPUTY SPEAKER POLINSKY:

The question is on adoption of House "A". Will you remark further? Will you remark further? If not, all those in favor please indicate --. Representative Cocco. Sorry.

REP. COCCO: (127th)

Thank you, Madam Speaker. Madam Speaker, through you, to the proponent of the amendment please.

DEPUTY SPEAKER POLINSKY:

Please frame your question.

REP. COCCO: (127th)

Representative Knopp, for legislative intent, I'd like to know whether with the deletion of Section 4 people from without the borders of Westport will be able to clam in the waters off Cochini?

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DEPUTY SPEAKER POLINSKY:

Representative Knopp.

REP. KNOPP: (139th)

Through you, Madam Speaker, the deletion of Section 4 would keep the situation at the status quo. Currently those people are able to clam in this area.

DEPUTY SPEAKER POLINSKY:

Representative Cocco.

REP. COCCO: (127th)

Through you, Madam Speaker, is not Section 4, and I'm sorry that I don't have the bill before me, but is not Section 4 the section which deals with the jurisdiction and states plainly that the State of Connecticut which now has jurisdiction over those waters will continue to have jurisdiction over those waters, through you, Madam Speaker?

DEPUTY SPEAKER POLINSKY:

Representative Knopp.

REP. KNOPP: (139th)

Madam Speaker, I would suggest to the Representative that she can read Section 4 and determine what it says. The matter has been in some dispute in the courts and the purpose of my moving to delete Section 4 is in large measure to say that part of the file copy was added as an amendment in the

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committee. It did not receive a full hearing. It's been in court for a number of years and I don't wish to change the status quo one way or the other. As I understand it, those people are able to do clamming in this area and this is a very productive bed and there's no prohibition or in any way discrimination against individuals from that are doing clamming in here.

DEPUTY SPEAKER POLINSKY:

Representative Cocco, you still have the floor.

REP. COCCO: (127th)

Thank you, Madam Speaker. I rise to oppose this amendment. Despite what Representative Knopp is telling us, I have a very grave concern and I have received calls from my constituents regarding this matter. There are people from Bridgeport, from other areas surrounding Cochini Island who go there to clam frequently during the summer months. I have a neighbor who lives across the street who every year brings me clams from the area, so I might have a little personal interest in this also, but I have received those calls.

It seems to me that this might be a little elitist in nature. Now we all have people in our constituencies who are interested in using those waters. If we delete this section and the State of Connecticut no longer has jurisdiction over those

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waters, we don't know what might happen in the future and we don't know whether indeed the Town of Westport might decide that they are not going to give permits to those people to clam.

So I ask that body to be very careful in the voting on this amendment and I would ask that that vote be taken by roll.

DEPUTY SPEAKER POLINSKY:

The lady has asked for a roll call vote. All those in favor please indicate by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER POLINSKY:

The requisite 20 percent having been met, when the vote is taken, it shall be taken by roll. Will you remark further on this --.

REP. KNOPP: (139th)

Madam Speaker.

DEPUTY SPEAKER POLINSKY:

Representative Knopp.

REP. KNOPP: (139th)

Thank you, Madam Speaker. Let me just make a brief response to Representative Cocco because I respect her views a great deal. Currently anyone from anywhere in the state can take clams from these waters. The only

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issue is whether they have to obtain a permit from the town. People in the town and from outside the town have to obtain the same permit and the funds, the \$10 permit fee is used to manage this bed. The fees are used to restock the bed with clams to patrol it, to do water quality testing and that's really the only question and I think, as I mentioned, it was put on as an amendment in the committee. It really didn't have a fair kind of hearing and no one is denied access to these beds. The only question is do they pay a fee, a user fee that goes to maintain the beds and these are some of the best beds in the state and all the amendment would do would be to keep it at the status quo in which anybody from anywhere can use them subject to paying the user fee that's used to restock and inspect, do the water quality inspections, the patrolling and every other thing.

Aquaculture is an expensive proposition. You have to manage beds. They don't just develop naturally and the purpose of this is to make sure that these beds are continuing to be managed.

DEPUTY SPEAKER POLINSKY:

Will you remark further on this amendment?

Representative Fuchs.

REP. FUCHS: (136th)

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Thank you, Madam Speaker. I rise in support of this amendment, and with all due respect to Representative Cocco, whom I admire greatly, this is not an elitist amendment. Westport has done this well and they have done it for a long time.

It is also my understanding that the state may not be able to keep the waters open, and therefore, I would request that this body think carefully about this and let Westport continue doing what it has done well for a long time.

DEPUTY SPEAKER POLINSKY:

Thank you, madam. Will you remark further on this amendment? Representative Emmons.

REP. EMMONS: (101st)

Madam Speaker, through you, a question to the proponent of the amendment.

DEPUTY SPEAKER POLINSKY:

Please frame your question, madam.

REP. EMMONS: (101st)

Thank you. In your amendment you strike on line 47 "or harvest". Would you explain to me exactly why you are dropping the word "harvest"?

DEPUTY SPEAKER POLINSKY:

Representative Knopp.

REP. KNOPP: (139th)

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Yes, through you, Madam Speaker, it was just thought that since the question of harvest is dealt with in Section 2, the purpose of the amendment is to make sure that the movement within the state for aquaculture purposes is not inhibited by the amendment and that the lines on 41 --.

REP. EMMONS: (101st)

Madam Speaker. Madam Speaker, I cannot hear him.

DEPUTY SPEAKER POLINSKY:

(Gavel) It's very warm outside and not too cool inside and it promises to get warmer outside and inside. Please, please take your conversations outside, out into the lobby please. My apologies, Representative Emmons. Please proceed.

REP. KNOPP: (139th)

Through you, Madam Speaker, in response to Representative Emmons question, I think the reason why the word "or harvest" is sticken is primarily because it would seem redundant to leave those words in given the language on lines 41 through 44 which indicate limitations on harvest.

Lines 41 through 44 limit the harvest. We just want to make clear that that does not in any way limit the movement of oysters prior to harvest within the state for aquaculture purposes.

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DEPUTY SPEAKER POLINSKY:

Representative Emmons, you still have the floor.

REP. EMMONS: (101st)

Thank you, Madam Speaker. Through you, Representative Knopp -- Madam Speaker, when this section was put together and you had the relay or harvest, was there any testimony to try and delete the word "or harvest"?

DEPUTY SPEAKER POLINSKY:

Representative Knopp.

REP. KNOPP: (139th)

Through you, Madam Speaker, there was no testimony to that effect.

DEPUTY SPEAKER POLINSKY:

Representative Emmons.

REP. EMMONS: (101st)

Thank you, Madam Speaker. Madam Speaker, I'm going to vote against this amendment. Madison has a very active Shellfish Commission. We are doing our own water protection and control. My Shellfish Commission has been very concerned about this bill because there was -- it appeared to be in the original bill some protectionism and some unfair language.

My commission has looked it over. They agree with what's in the file. I think it's unfortunate and I

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understand that there's some names on here who, you know, I presume to be knowledgeable about shellfishing, although I don't think they're as knowledgeable as my Shellfish Commission and therefore I'm really concerned about taking out "or harvest" because their fear is that there will be a prohibiting on harvesting.

DEPUTY SPEAKER POLINSKY:

Thank you, madam. Will you remark further?
Representative Smith of the 119th.

REP. SMITH: (119th)

Thank you, Madam Speaker. I just wanted to comment briefly on this amendment. One of the concerns that I have about some of the testimony that I've heard is the staffing levels that we have within the Department of Aquaculture. The Department of Aquaculture is the state agency that has to oversee and certify shellfish beds, thus opening them.

One of the problems that we would have is if we put the control back on this -- with the State of Connecticut over these beds that we're talking about in Westport is potentially the State of Connecticut does not have enough staff to certify those beds, so what we may find is that surely they now are open and they are now state beds, but they're not open for the consumption of shellfish. In other words, we don't

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have the staff available to keep those beds open.

I think the issue before us is before us, as Representative Knopp mentioned, through an amendment process. It wasn't necessarily done through the normal committee process where we could have gotten good input from the Department of Aquaculture. I think it's important if we have a concern, if any of us have a concern about getting shellfish from this particular area that we go ahead and remove the amendment that was put on the Environment Committee, keep the status quo and then if this indeed is an issue that becomes a major problem, then we would deal with it in a more normal process in the next legislative session. Thank you.

DEPUTY SPEAKER POLINSKY:

Will you remark further on this amendment?

Representative Cocco.

REP. COCCO: (127th)

Thank you, Madam Speaker. Another question, if you will, Madam Speaker, through you, to the proponent.

DEPUTY SPEAKER POLINSKY:

Please frame your question.

REP. COCCO: (127th)

Representative Knopp, I've heard that in the Environment Committee there was some testimony given

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concerning people being arrested who were clamming in state waters off Cochini. Can you tell me whether or not that is true, if you have any knowledge of that, through you, Madam Speaker?

DEPUTY SPEAKER POLINSKY:

Representative Knopp.

REP. KNOPP: (139th)

Thank you, Madam Speaker. There was testimony about the question of jurisdiction. What you claim to have happened may very well have happened. It was all such a shock that this came up that because the matter has been pending in the courts, apparently the courts have ruled that in order to clam in these waters, you need a permit from the Town of Westport. Some people are not happy with this and try to go clamming without a permit. Now I don't recall the testimony. I'm not saying it didn't happen, but the whole point was that anyone has access to these waters with a permit. Some people want to clam without a permit. That may expose them to enforcement, through you, Madam Speaker.

DEPUTY SPEAKER POLINSKY:

Representative Cocco.

REP. COCCO: (127th)

Thank you, Madam Speaker. One more question, Madam Speaker, through you. Representative Knopp, can you

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tell me who replenishes those beds?

REP. KNOPP: (139th)

Through you, Madam Speaker, the Town of Westport Shellfish Commission purchases replacement shellfish with money from the permits and refurbishes those beds. If the amendment does not pass and this section is not deleted, then there's a question about whether or not the state would be able to afford to keep up the management which includes not only replacement, but also water quality testing and other enforcement and management measures, through you, Madam Speaker.

DEPUTY SPEAKER POLINSKY:

Representative Cocco.

REP. COCCO: (127th)

Thank you, Madam Speaker. Through you, it's my understanding in reading that in reality those beds have been considered under the jurisdiction of the State of Connecticut for quite some time and that this removal would be something new, but despite that, the Town of Westport was replenishing the beds. I'm wondering why they would stop doing that at this point in time if indeed the state was and will continue to be holding the jurisdiction over that area, through you, Madam Speaker.

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Representative Knopp.

REP. KNOPP: (139th)

Madam Speaker, through you, it seems that the town and the Department of Agriculture, through the Aquaculture Division have worked out a very cooperative arrangement and the fees from the permit go to take care of the management.

The Aquaculture Section, as Representative Smith mentioned, is understaffed and overworked. They have a hard time doing this job, and as a result, the role that Westport plays, with the full understanding of the Aquaculture Section, allows these beds to remain open. Aquaculture did not support the amendment that was added on, and indeed as far as I can tell, just you know, cannot say that if the amendment were to pass, they would be able to step in and replace these resources.

There are many other shellfish beds in the state that are under municipal control, including Norwalk and Fairfield, Stonington, Guilford, Old Saybrook, almost every municipality along the coast has these types of beds in which there usually is a fee charge for a permit and then hopefully those monies are dedicated to continued shellfish management, Madam Speaker.

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Will you remark? Excuse me, Representative Cocco, you still have the floor.

REP. COCCO: (127th)

Thank you, Madam Speaker. It's my understanding that the State of Connecticut in the last four years has put \$4 million into that area in replenishing those shellfish beds. It's also my understanding that the water in that area has to be tested by the state since there's a state park there. So we're not talking about something that is very costly for us to continue if the State of Connecticut maintains jurisdiction and I would ask this body please to make sure that the state does maintain jurisdiction over these waters so that all of our constituents, should they want to, be able to go there and clam and use the waters. Thank you, Madam Speaker.

DEPUTY SPEAKER POLINSKY:

Thank you. Will you remark further on this amendment? Will you remark further? Representative Emmons for the second time.

REP. EMMONS: (101st)

Thank you, Madam Speaker. Madam Speaker, through you, a question to the proponent of the amendment. Representative Knopp, please prepare yourself. Please frame your question, Representative Emmons.

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REP. EMMONS: (101st)

Thank you. Representative Knopp, it is getting back to the same subject that I started with before and in your answer to my question, it doesn't really satisfy me, so I'm going to try it again. The way I read the statutes, that section, is that you're not allowed to take oysters that are less than three inches from the waters of Connecticut or if they're not ready to be harvested, you can't take them, but it says then when you go on, it says, "except that the taking of such oysters for sale, transplant, relay or harvest for aquacultural purposes shall not be prohibited."

By taking out "or harvest" you're now saying that that harvesting could be prohibited. I mean you can't harvest as shellfish less than three inches, but let's say it's more than three inches, you're now allowing the taking of shellfish more than three inches to be prohibited. Is that not correct?

DEPUTY SPEAKER POLINSKY:

Representative Knopp.

REP. KNOPP: (139th)

Through you, Madam Speaker, as I said in my previous answer, when the amendment was being drawn up, this was looked at really as a question of grammatical redundancy, not as a substantive issue in any kind of

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way. The language in the amendment makes clear that with the prohibition on export or harvest within the first -- lines 41 through 44, then we then get down to the question of what's the exception and the exception is that aquaculture is a very active management process in which seed oysters from one bed are moved to a different bed because the water temperature is different, the water depth is different. The water currents are different and different beds in different parts of the Sound produce different growing results.

That being the case, we wanted to make clear that the part of the file copy that prohibits the taking of these oysters prematurely for harvest should not in any way limit the movement of the oysters for aquaculture purposes and I assure Representative Emmons it was entirely thought to be a matter of grammatical redundancy to remove that section.

REP. EMMONS: (101st)

Madam Speaker, I think I've heard my answer.

DEPUTY SPEAKER POLINSKY:

Representative Emmons, I think it would be courteous to allow Representative Knopp to complete his sentence. Representative Knopp, are you finished.

REP. KNOPP: (139th)

Not quite, Madam Speaker, thank you. As I was

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saying, the reason for this is that it's felt that for the state to protect its \$4 million investment, there needs to be a protection of the seed oyster during its rich spawning period so that we do not export these oysters prematurely. As I'm sure every member of this body knows, oysters are alternative hermaphrodites which means the species has the ability to change sex in its lifetime. The way that the spawning process works, the greatest amount of eggs and sperm in a ratio of male to female oysters does not really come until the third year and that's how we want to protect this industry.

I'll be glad to answer any more questions, through you, Madam Speaker, about oyster sperm that are put to me.

LAUGHTER

DEPUTY SPEAKER POLINSKY:

Thank you, sir. Representative Emmons, you still have the floor.

REP. EMMONS: (101st)

Thank you, Madam Speaker. I'm glad to be enlightened on the sex life of an oyster.

LAUGHTER

But, Madam Speaker, I do not think dropping out "or harvest" is just a grammatical change. One of the

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arguments of the bill as it was flowing through was the fear by the Shellfish Commissions in my area that they would be prohibited from harvesting to the advantage of some commercial harvesters.

Additionally, by not being able to harvest, they felt that the -- and they could only harvest and sell to this commercial dealer, that the prices would be fixed and they would not get the same amount of money as they could if they went out of state.

So, therefore, Madam Speaker, I'm still as concerned with this section as I was -- or almost more concerned as I read it because I think what has happened is that the intent of the bill as it started its way through the process and has been amended is not going back to what was objectionable by the local Shellfish Commissions. Thank you, Madam Speaker.

DEPUTY SPEAKER POLINSKY:

Thank you, madam. Will you remark further on this amendment?

REP. KNOPP: (139th)

Madam Speaker.

DEPUTY SPEAKER POLINSKY:

Representative Knopp.

REP. KNOPP: (139th)

Madam Speaker, for the second time on the

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amendment.

REP. EMMONS: (101st)

Madam Speaker, that's for the third time.

DEPUTY SPEAKER POLINSKY:

Representative Emmons. Representative Emmons, I count it as the second time and I would ask when you rise to interrupt that you ask for a Point of Inquiry.

Representative Knopp, for the second time.

REP. KNOPP: (139th)

Thank you, Madam Speaker. I rise for the second time only to try to make clear again the purpose of the language of the bill because I respect the individuals who have spoken so much.

First of all, in response to my friend, Representative Cocco, who said that the state has spent \$4 million in the oyster program to buy shells, some of which went on this bed, not a single oyster shell purchased by the state went on this bed.

Second, in response to Representative Emmons, that it's clear in the language that shellfish which are three inches or more can be harvested or sold and that any that are less than that, in line 46, may be sold, transplanted or relayed within the state for aquaculture purposes.

Again, I try to assure her the best I can this bill

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-- the idea for this bill originated with the shellfishermen. We had shellfishermen from the eastern part of the state testify in favor of it as well as the Aquaculture Division, Terry Backer, the Soundkeeper and shellfishermen from other parts of the state as well, who believe that this part of the bill is important to protect the state's \$4 million investment and I just again try to assure her that the language she's concerned about was a matter of grammatical drafting and not in any way a substantive issue.

DEPUTY SPEAKER POLINSKY:

Will you remark further on this amendment? Will you remark further? If not, will all members please take their seats. Staff and guests to the well of the House. The machine will be opened.

CLERK:

The House of Representatives is voting by roll.
Members please report to the Chamber. The House is voting by roll call. Members to the Chamber please.

DEPUTY SPEAKER POLINSKY:

Have all members voted? Have all members voted and is your vote properly recorded? If all members have voted, the machine will be locked and the Clerk will

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take a tally.

The Clerk will announce the tally.

CLERK:

House Amendment "A" to House Bill 6338.

Total Number Voting	147
Necessary for Adoption	74
Those voting Yea	114
Those voting Nay	33
Those absent and not Voting	4

DEPUTY SPEAKER POLINSKY:

The amendment is adopted and ruled technical.

House Amendment Schedule "A":

In line 42, after "Crassostrea", strike "Virginica" and insert in lieu thereof "virginica"

In line 47, after "transplant" strike the comma and insert in lieu thereof "AND", and after "relay" strike "or harvest"

In line 48, after "purposes" insert "within the waters of the state"

Delete section 4 in its entirety.

DEPUTY SPEAKER POLINSKY:

Will you remark further on the bill as amended? If not, will all members please take their seats. Staff and guests to the well of the House. The machine will be opened.

CLERK:

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The House of Representatives is voting by roll call. Members kindly report to the Chamber. The House of Representatives is taking a roll call vote. Will members kindly report to the Chamber.

DEPUTY SPEAKER POLINSKY:

Have all members voted? Have all members voted and is your vote properly recorded? If all members have voted, the machine will be locked and the Clerk will take a tally.

The Clerk will announce the tally.

CLERK:

House Bill 6338, as amended by House Amendment Schedule "A".

Total Number Voting	147
Necessary for Passage	74
Those voting Yea	130
Those voting Nay	17
Those absent and not Voting	4

DEPUTY SPEAKER POLINSKY:

The bill as amended is passed.

The Clerk please return to the Call of the Calendar.

CLERK:

Page 12, Calendar 689, Substitute for Senate Bill 745, AN ACT CONCERNING THE AGGREGATE AMOUNT OF BONDS

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SENATE

PROCEEDINGS

1991

TRAILER SESSION

VOL. 34

PART 10

3281-3627

TUESDAY
June 4, 1991

003223

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1 Absent

The amendment is adopted.

Senator Spellman, you now have before you the bill as amended.

SENATOR SPELLMAN:

Madam President, I would ask that the bill be PT'd.

THE CHAIR:

Thank you very much. Madam Clerk.

THE CLERK:

Calendar Page 7, Calendar 592, Files 527 and 855, Substitute HB6338, AN ACT CONCERNING PROTECTION OF SHELLFISH. As amended by House Amendment Schedule "A". Favorable Report of the Committee on FINANCE, REVENUE AND BONDING.

THE CHAIR:

Thank you very much. The Chair would recognize Senator Spellman.

SENATOR SPELLMAN:

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

THE CHAIR:

In concurrence with the action of the House.

SENATOR SPELLMAN:

The bill forbids deposit of imported shellfish in

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shellfish state waters, unless they have been approved by the Connecticut Department of Agriculture. It also forbids taking oysters less than three inches long not ready for harvest. It declares that certain shores and waters, known as Pocono Flats that were under state jurisdiction before and after October 1, 83 are to remain under state jurisdiction and finally it expands the no discharge zone regulation which was passed during the previous session of the General Assembly to include the zone from Sheffield Island in Norwalk to Ash Creek on the Bridgeport Fairfield line.

The most important aspect of the bill, I believe, is the first part I mentioned in regard to the forbidding deposit of imported shellfish. The bonding authority of the State of Connecticut over a number of years has committed millions of dollars of Connecticut taxpayers money for seeding these beds and I think it is important that we provide necessary protection so that that money is not wasted.

THE CHAIR:

Thank you very much, Senator. Would anyone else wish to remark on Senate Calendar 592? Any further remarks? If not, because we are moving this in concurrence with the action of the House, Senator, I would suggest Senator that perhaps you would like to

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place it on the Consent Calendar?

SENATOR SPELLMAN:

Yes, Madam President, would you please put this on the Consent Calendar.

THE CHAIR:

Is there any objection in placing Calendar 592, Substitute HB6338 on the Consent Calendar? Any objection? Hearing none, so ordered.

THE CLERK:

Calendar 595, File 484 and 825, Substitute HB7216,
AN ACT CONCERNING MERCURY BATTERIES. Favorable Report
of the Committee on APPROPRIATIONS.

THE CHAIR:

Thank you. The Chair would recognize Senator Spellman.

SENATOR SPELLMAN:

Yes, Madam President, I move acceptance of the Joint Committee's Favorable Report and passage of the bill.

THE CHAIR:

Thank you Senator, would you like to remark further?

SENATOR SPELLMAN:

Thank you, Madam President. This bill prohibits disposal of mecuricoxide batteries. They are button

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to the Chamber.

THE CHAIR:

Thank you very much. The issue before the Chamber is Consent Calendar #1. Would you give your attention to the Clerk who will read the items placed on the Consent Calendar?

THE CLERK:

Madam President, the first Consent Calendar begins on Calendar Page 6, Calendar 585, Substitute HB7358, Calendar 587, Substitute HB6852. Calendar Page 7, Calendar 592, Substitute HB6338. Calendar 594, Substitute HB7270. Calendar 595, Substitute HB7216,

Calendar Page 8, Calendar 599, Substitute HB7327. Calendar 602, HB6457. Calendar Page 10, Calendar 611, Substitute HB7300. Calendar 612, Substitute HB7351. Calendar Page 11, Calendar 616, Substitute HB5045. Calendar Page 16, Calendar 389, Substitute HB6624. Calendar Page 17, Calendar 111, Substitute SB701. Calendar Page 18, Calendar 400, Substitute SB292. Calendar 520, Substitute SB907. Calendar 523, Substitute SB342. Calendar Page 19, Calendar 536, Substitute HB5396. Madam President, that completes the first Consent Calendar.

THE CHAIR:

Thank you very much. You have heard the items that

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have been placed on the Consent Calendar #1. The machine is on. You may record your vote. Thank you very much. The machine is closed.

The result of the vote.

36 Yea

0 Nay

0 Absent

The Consent Calendar is adopted.

Senator DiBella.

SENATOR DIBELLA:

Thank you, Madam President. Calendar 591, Page 6, Calendar 591, I voted in the affirmative on that piece of legislation and I would like to move consideration.

THE CHAIR:

Are you talking about the amendment? There is a motion on the floor to reconsider LC07248 which was an amendment to Senate Calendar 591, which you will find on Page 6. 591 is Substitute HB5427. There is a motion to reconsider that amendment, made by Senator DiBella who is on the prevailing side.

SENATOR DIBELLA:

May we have a roll call on that.

THE CHAIR:

And he has also requested a roll call vote on the motion to reconsider only. Is there anyone who would

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spawning potential out in Long Island Sound. So once again, the department strongly supports that bill.

Proposed HB6338, AN ACT CONCERNING THE PROTECTION OF INDIGENOUS SHELLFISH, that is, native shellfish, the Department of Agriculture strongly supports this bill that would prohibit the introduction of shellfish into the state's waters from sources outside the state with the exception of sea-produced by inspected and approved hatcheries.

Connecticut over the last decade has rebuilt the oyster populations to now where there are levels previously we've never had as many oysters as we do now. It's really a tribute to the waters in Long Island Sound that we grow the shellfish in.

Our neighboring states, both on the Chesapeake Bay and North of us in Massachusetts and Maine, they've been impacted by some very, very serious oyster diseases and parasites.

This bill, if passed, will be a very important protective measure to assure that our populations remain healthy and viable, and once again, the department has a very strong supportive position on this particular bill.

The other two bills that remain before you, Proposed SB147, AN ACT CONCERNING SHELLFISH, since we have not seen any text on this bill, the department really has not comment at this time.

And the remaining bill, Proposed HB5649, AN ACT CONCERNING THE TAKING OF SHELLFISH AT SAUGATUCK SHORES IN WESTPORT, the department has no comment on this particular bill. We would defer to the sponsor and authors of that particular bill.

REP. MUSHINSKY: We are going to need your comments on this bill. Maybe you could listen to the testimony and comment later, but this bill, when we first raised it, thought it was a pretty simple issue. It's turning out to be a real mess and I do need your advice on this even if it's a few days from now.

REP. O'ROURKE: Okay, I just want to ask one more quick question. Is it fair to say that the large chain grocery stores have a very, very tiny profit on their flowers that they sell and that it's really an attempt to bring in customers that they have a flowershop in the Super Stop & Shops.

GRACE NOME: The way I can answer that question is the across-the-board profits in a grocery store, across the board. A florist is not any different. Some items are higher than the other, but the average is only a half a percent. We're only making that much profit in a grocery store. We have a very competitive retail business in Connecticut so, yes, I don't know on florists whether it's 10 percent of 15 percent, but it isn't to drag in anybody, it's the way the retailers market.

REP. O'ROURKE: Do you really think it's unfair for the state to help little guys, small businessmen to band together who don't have the large resources of large supermarket chains so that they can promote their industry?

GRACE NOME: Well, I think if you were going to do it then for all the small independent grocers, for all the convenience stores, for all the -- it's unfortunate, but that's the market. I represent all the independents in the State of Connecticut. Every single independent grocery store, all the IGAs are mine, yet I can't do very much about, for instance, what a Stop & Shop is doing to them.

REP. O'ROURKE: I appreciate your comments. Thank you.

SEN. SPELLMAN: Okay, thank you, Grace. Terry Backer to be followed by John Hibbard.

TERRY BACKER: Hi, Senator. Hello, everybody. We'll keep it real brief. With me is Joe Gilbert from Stonington. We came down to provide testimony on two bills. My name is Terry Backer. I'm the Long Island Sound Keeper for the Long Island Sound Keeper Fund and we want to support HB6338, which is AN ACT CONCERNING THE PROTECTION OF INDIGENOUS SHELLFISH.

All around us, the State of Connecticut and Long Island Sound are surrounded by diseases, MSX and dermal. Both are -- well, they, you know, will kill the oysters, will kill them in two years time.

Delaware Bay, both the Delaware Bay and the Chesapeake Bay once boasted ten million bushel per year, as little as five years ago and six years ago, are now combined producing less than one million bushel.

Connecticut is moving into a leadership position in the production of the Eastern oyster and if we don't take steps to stop those shellfish from being introduced into the Long Island Sound waters, we'll be in the same boat as they are. I've provided some brief written testimony, double spaced, to explain that.

Another bill we wanted to support was HB6335 and that's AN ACT CONCERNING THE TAKING OF EASTERN OYSTERS. The act states that oysters under the age of three years won't be removed from the waters of the state. It's implicit that it's designed just for natural recruitment. So more oysters will be in Long Island Sound. If you take away all the babies and you don't have any adults grow up, you don't have any future stock.

So I just urge the passage of both those bills and I'll cut it short because I'm hungry. (laughter)

SEN. SPELLMAN: Thank you.

JOE GILBERT: Just to spare the redundancy, I support both bills. I think they're very timely and appropriate.

SEN. SPELLMAN: Okay, Terry, before you go I guess we're going to have a couple of questions. Alex Knopp.

REP. KNOPP: Actually, I'm also hungry, so I'll just say that these ideas did not come in the middle of the night, but are evolved out of conversations

with Terry and I think he deserves a lot of credit for all he's done to help protect the shellfish industry in the state.

REP. TIFFANY: Well, I've got a question.

TERRY BACKER: Yes, sir.

REP. TIFFANY: I was talking to Johnny Volk earlier. This bill, as drafted, is not workable. You can't tell a three-year old oyster from a four-year old oyster. It's got to be by size.

TERRY BACKER: Yes, well, that's fine. If John Volk would want to promulgate the necessary regulations to decide how that should be determined, we have no opposition to that.

REP. TIFFANY: That's correct, right? You can't tell a three-year old oyster from a four-year old?

TERRY BACKER: Sure you can. You can tell by growth rings, but it's more difficult to tell by growth rings rather than by an overall measurement. You can tell the difference.

One thing I omitted, sorry guys, is that researchers have been identified as bringing in HB 6338 diseases from universities in the water bodies all over the country and they should be accountable to the Department of Aquaculture in the State of Connecticut to get permission to do research on diseased shellfish. Thank you.

SEN. SPELLMAN: Representative Winkler.

REP. WINKLER: Yes, thank you. How often are these shellfish, or whatever, brought into Connecticut that are not inspected that you're aware of?

TERRY BACKER: I don't think it's that much of a problem currently, but what we're seeing is in other states such as Virginia, Maryland, New Jersey and Massachusetts is a move to get the oysters out of their own states into waters without the diseases and it can happen clandestinely if there isn't some kind of a preventative law in place and it would be a real tragedy.

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REP. WINKLER: Thank you.

TERRY BACKER: Yes, sir.

SEN. SPELLMAN: Representative Giordano.

REP. GIORDANO: Let me -- these diseases now, say somebody buys the oysters from out of state and they shuck them and use the product inside, but they have the shells left and they always shovel the shells overboard and to start new oyster beds. Is that how you're saying the diseases are spread or is it some other way?

TERRY BACKER: Actually one of the problems are some seafood markets -- this is away from the shellfish industry itself. Some seafood markets will have shellfish they imported from other states for retain state which is interstate commerce and we don't want to touch it, but as the shellfish start to get a little old, they don't want to waste them, so they'll throw them in the local waters and that's an education process and if we can just get notice out to fish markets and so forth, that go ahead and destroy these shellfish, you're better off.

REP. GIORDANO: Would it come from the shells if you're shoveling them overboard and then start the new beds?

TERRY BACKER: No, mostly not because the --.

REP. GIORDANO: It comes to be the live oyster?

TERRY BACKER: It has to be the live oyster. Most of the parasites on the outside of the shell will die in the drying process. It's inside the oyster we're concerned about.

SEN. SPELLMAN: Representative Holbrook.

: inaudible, mic not on).

TERRY BACKER: Thank you, Representative Collins.

SEN. SPELLMAN: That's to the point. Thank you very much. Anne Allen to be followed by Mark McClure.

ANNE ALLEN: I don't see my Representative, Dan Caruso here, but I'm here.

SEN. SPELLMAN: He was here.

: He's been here all day.

ANNE ALLEN: Was he here?

SEN. SPELLMAN: Yes.

: Danny isn't on this committee, Ma'am.

ANNE ALLEN: Oh, he isn't on here? Well, he put in a bill. I think it's HB5946, something like that on the discharge vessels beyond the South Pine Creek Shellfish area and so forth and I'm also on the bill, HB6338.

Okay, what I'm really here about is the disease of the seedling oysters and clams and our group, Residents Against Polluted Park Projects, have deep concerns on this bill.

As you know, the area west of Kinsey Point, Long Island Sound, has a water quality classification of SA. This class means that it will allow the harvesting of shellfish for direct human consumption. The area east of Kinsey Point has been impacted by Bridgeport Harbor and is classified as SC-SD, which is not suitable for harvesting shellfish for direct human consumption.

Now the problem in Fairfield is that our conservation directors using the 1987 Regulation Manual for his seed beds of oysters and clams in the tidal pond in a Fairfield municipal toxic waste landfill site which is in the vicinity of the solvent lagoons, storm water retentions ponds, which are filled with solvents, waste oil, PBCs and metal sludge.

This area, in March 10, 1989 was put on the EPA Superfund from a PA-SA Report which is a preliminary assessment, site assessment report,

with a CIRC list number and this includes the polluted Pine Creek, classified as SB-SA, which is water not suitable for harvesting shellfish for direct human consumption. The wetland, marshland in South Pine Creek is in the state Superfund.

Now this 1989 report should take precedent of the 1987 manual which our Shellfish Commission is using, since the groundwater in the area of the site is classified as GB-GC, which means it's contaminated.

The PCBs and heavy metals which migrate into the food chain gets into the meat and shells and a health risk exists. Even though the shellfish seedlings are taken out to clean water, the toxins such as PCBs and metal sludge still remain and those shells are sometimes brought back and more seedlings are planted on top of them which are inside that tidal pond is still toxic.

The 1989 report states that this is a screening site, inspection of top priority as it is on the EPA's Superfund with a CIRC list number and South Pine Creek area is on a state Superfund. So we have two of them.

The EPA environmental services, SD, has a site evaluation for determining whether this area poses immediate health threat. Therefore, our group states no shellfish should be seeded in this contaminated municipal landfill area to be transferred to shellfish beds for direct human consumption. I thank you.

SEN. SPELLMAN: Thank you.

ANNE ALLEN: Any questions?

SEN. SPELLMAN: I guess not. Mark McClure to be followed by Bob Crook.

MARK MCCLURE: Good afternoon. My name is Mark McClure and I'm submitting this testimony supporting HB6446 as President of the Connecticut Tree Protective Association.

This 400-plus member association which was founded in 1922 includes commercial arborists, utility line trimmers, foresters, researchers, educators, tree wardens and many other elements devoted to the appreciation, health and care of trees.

Our association is in favor of HB6446, especially as it pertains to licensing of utility line trimmers. We support the incorporation of utility line trimming under the existing arborist law, and furthermore, we favor expansion of the bill to include all individuals who practice tree care in the public domain.

Most importantly, we are opposed to the idea of a new separate license for utility line trimmers. We feel that in the best interest of all of Connecticut's trees, utility line trimmers should have the same knowledge and expertise as commercial arborists in all aspects of tree care.

A second license would be redundant, but even more importantly, it would significantly lower the present high standard of tree care inherent in the existing arborist license, a standard which the Connecticut Tree Protective Association has worked hard over the years to build and maintain.

There should be only one arborist license in Connecticut, the existing one. I'll be submitting a written version of this testimony on the position on behalf of the Connecticut Tree Protective Association in a day or two.

SEN. SPELLMAN: Representative Farr.

REP. FARR: Just quickly. The testimony before was that the criticism of the arborist license for tree trimming for utilities is a lot of that exam process requires knowledge of chemicals and the utilities don't use chemicals in the tree trimming process. Could you comment on that?

MARK MCCLURE: That's one aspect of the exam, but I think other aspects which were mentioned earlier relative to insects and diseases, I think it's