

Act Number:	09-173	
Bill Number:	5875	
Senate Pages:	5717-5718, 5786-5788	5
House Pages:	5894-5976	83
Committee:	None	0
	Page Total:	88

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Thank you.

Mr. Clerk.

THE CLERK:

Calendar Page 16, Calendar 687, File 323, House Bill 5875, AN ACT AUTHORIZING SPECIAL DISTRICTS TO MAINTAIN THE WATER QUALITY IN LAKES, as amended by House Amendment Schedule A; favorable report of the Committees on Planning and Development, Environment, and Finance, Revenue and Bonding.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Thank you, Mr. President. I move acceptance of the joint committees' favorable report and passage of the bill, in concurrence with the House.

THE CHAIR:

Acting on acceptance and approval of the bill, in concurrence with the House, would you like to remark further, sir?

SENATOR COLEMAN:

Yes, just briefly, Mr. President. This bill, House Bill 5875, enables municipalities to establish a process for the maintenance of water quality in lakes, by special districts. The House passed House A, which includes a no-net-loss hunting areas' provision as

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well as provisions regarding marine fishing licenses, increased protection for federal appropriations to the State from a 10-to-11 percent Excise Tax on most hunting and fishing equipment.

And the immediate impetus for the passage of the marine fishing license is that either Connecticut passes this bill and retains the revenue, potentially \$1 million or the federal government will impose a registration system on the State and retain the revenue from such a registration system. I urge support for the bill, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark further on House Bill 5875? Will you remark further on House Bill 5875? If not, Senator Coleman.

SENATOR COLEMAN:

I have no further comment, and if there is no objection, Mr. President, I'd ask that the matter be placed on the Consent Calendar.

THE CHAIR:

Motion on the floor to place House Bill 5875 on the Consent Calendar. Without objection, so ordered.

Mr. Clerk.

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Senate A is adopted. Will you remark further on House Bill 6426, as amended by Senate A?

Senator Fonfara.

SENATOR FONFARA:

Unless there's objection, Mr. President, I move this to the Consent Calendar.

THE CHAIR:

There's a motion on the floor to place the item on Consent. Without objection, so ordered.

Senator Looney.

SENATOR LOONEY:

Mr. -- Thank you, Mr. President. Mr. President, if the Clerk would call the items on the Third Consent Calendar.

THE CHAIR:

Mr. Clerk, please call Consent Calendar Number 3.

THE CLERK:

Immediate roll call has been ordered in the Senate on Consent Calendar 3. Will all Senators please return to the chamber. Immediate roll call has been ordered in the Senate on Consent Calendar Number 3. Will all Senators please return to the chamber.

Mr. President, Consent Calendar Number 3 begins on Senate Agenda Number 2, House Joint Resolution

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Number 123. Calendar Page 9, Calendar Number 621,
substitute for House Bill 6467; Calendar Page 13 --
correction -- Calendar Page 12, Calendar Number 653,
substitute for House Bill 6426; Calendar Page 13,
Calendar 659, House Bill 6459; Calendar Page 16,
Calendar Number 687, House Bill 6 -- correction --
House Bill 5875; and, Calendar Page 18, Calendar 698,
substitute for House Bill 6339. Mr. President, that
completes those items placed on the Third Consent
Calendar.

THE CHAIR:

If you can call Consent Calendar Number 3, again,
the machine will be open.

THE CLERK:

The Senate is now voting by roll call on the
Consent Calendar. Will all Senators please return to
the chamber. The Senate is now voting by roll call on
the Consent Calendar. Will all Senators please return
to the chamber.

THE CHAIR:

Have all Senators voted? If all Senators have
voted, please check your vote. The machine will be
locked. The Clerk will call the tally.

THE CLERK:

Motion is on adoption of Consent Calendar

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Number 3:

Total Number Voting	36
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

Consent Calendar Number 3 passes.

Senator Looney.

SENATOR LOONEY:

Yes; thank you, Mr. President. Mr. President, would move for immediate transmittal to the House of Representatives of any items acted upon since our last -- since the last motion, including those on Consent Calendar Number 3 that may require additional action by the House of Representatives.

THE CHAIR:

Seeing no objection, so ordered, sir.

Senator Looney.

SENATOR LOONEY:

Yes; thank you, Mr. President. Mr. President, one additional item to mark go, to be taken up at this time as our final item of business for this evening. And that is on Calendar Page 23, Calendar 722, House Bill 6097.

THE CHAIR:

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freedom ring, let freedom ring. Well, I hope on this vote we'll vote loud enough so that these walls will ring with freedom. Let me try your minds. All those in favor, please signify by saying, aye.

REPRESENTATIVES:

Aye.

SPEAKER DONOVAN:

All those opposed, nay.

The ayes have it. The resolution is adopted.

The chamber will stand at ease.

(Chamber at ease.)

SPEAKER DONOVAN:

Will the Clerk please call Calendar 236.

THE CLERK:

On page 32, Calendar 236, House Bill Number 5875,
AN ACT AUTHORIZING SPECIAL DISTRICTS TO MAINTAIN WATER
QUALITY IN LAKES, favorable report of the Committee on
Finance Revenue and Bonding.

SPEAKER DONOVAN:

Representative Drew.

REP. DREW (132nd):

Thank you, Mr. Speaker. I move for acceptance of

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the joint committee's favorable report and passage of the bill.

SPEAKER DONOVAN:

Question is acceptance of the joint committee's favorable report and passage of the bill. Will you remark, sir?

REP. DREW (132nd):

Yeah. Thank you, Mr. Speaker. Actually, Mr. Speaker, there is an amendment to be called, and if I'm not mistaken, Representative Miner is planning on bringing up that amendment and I'm pleased to yield to him.

So with the Speaker's deference, of course, if we'd like to stand in recess or pause momentarily or otherwise, I can bring that out. They're, I believe, looking for him at the moment, Mr. Speaker.

SPEAKER DONOVAN:

Representative, actually, it would be better for you not to yield. You can relinquish the floor and I get call on the Representative, or if your choice be, I would just call on you and you can call out the amendment.

REP. DREW (132nd):

Thank you, Mr. Speaker. The Clerk is in

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regarding waterways. Section 3 of the bill also permits hunting space be preserved. That being if any hunting space is reduced, then that hunting space be replaced, so to speak, by an equal amount of land in another location in the state of Connecticut.

Section 4 further requires license for marine fishing for individuals 16 years of age and older. And I move adoption.

SPEAKER DONOVAN:

The question before the chamber is an adoption of House Amendment Schedule A. Will you remark on the amendment? Will you remark on the amendment? Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker. I'm trying to catch up here. Mr. Speaker, I thank the gentleman for bringing out both the bill and the amendment.

As I heard him say, the purpose of the amendment is to do a number of things. Section 1 cleans up the language in the underlying bill, which would allow municipalities to develop districts, taxing districts in an effort to try to and deal with water quality issues around lakes. I think most of us are pretty familiar with the fact that the State has limited

dollars. The people that adjoin lakes throughout the state are concerned about water quality, perhaps more than some others and this provides that an opportunity through an expansion of what we already allow, which is taxing districts.

Section 3 of the bill does, as I heard the gentleman say, which is maintains the level of property in the state of Connecticut that the DEP currently allows hunting on for those in the state of Connecticut that do participate in that policy and that practice, and that's the basis for section 3.

Section 4 begins to get into what we call the marine fisheries license. Members of the chamber may remember that this issue has been before the chamber -- perhaps not before the chamber, but certainly before the Environment Committee and a number of others over the last two years.

In 2004, the federal government began a process of looking at developing a registry for all adjoining states to the oceans, Atlantic, Pacific and gulf. States like Alaska have had marine fishing licenses for decades, but what the federal government has determined is that they want to have a registry that would make it easier for them to determine effort to

get information with regard to catch of certain species, in an effort to try to maintain the quality of our fisheries along the Atlantic Ocean, actually, everywhere around the United States.

So section 4 talks about how we would provide that marine fisheries license -- kind of mirrors the recreational licenses that we currently have.

Section 5 talks about reciprocity arrangement. It's an important feature in New England, especially for states that surround the Long Island Sound. For all of those of you who are boaters, you probably know that if you put your boat into Long Island Sound, probably east of the Connecticut River, doesn't take too long before you're in Rhode Island waters, Massachusetts, New York and so on.

And so we have reciprocity language in section 5. And in section -- the second section, section 5 -- section 6, excuse me. One would allow that if states provide us the courtesy of getting an in-state license at their in-state rate, we would offer them the same courtesy. In the second case, section 6, we would allow their in-state license to qualify in the state of Connecticut and the benefit of that is, again, for those who fish in Long Island Sound, those who boat in

Long Island Sound, that you would be able to drift back and forth across the boundary waters and not have to worry about which license you had on which day.

Section 7 deals with some language having to do with a federal audit. The state of Connecticut receives, as other states do, federal dollars through Wallop-Breaux and Magnuson-Stevens, and this deals with allocating, being sure that the State's allocation of their resources mirrors the federal allocation of their resources. Section -- so that's section 7.

Section 8 and section 9 deals with a clamming situation for our good friend, the Representative from down around the Westport area, having to do with reducing increasing the actual dollar fine, but reducing the language relative to imprisonment so that you ended up with more clams than you were supposed to, you'd to get a hefty fine and a non jail sentence.

And if I can just go back, I guess, to this section 4, which is really the meat of the marine fisheries license. This is the area in which we talk about trying to match our language with the federal language. The federal language includes the legislation and a series of rules. The rules, which I

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have some copies of, allow us to do certain things and still qualify as an exemption. For instance, our current fishing license exempt people under the age of 16, so if we want to take a child fishing, the federal government is saying, you can be exempt; you don't have to require someone under the age of 16 to have a license. We have an exemption for people over the age of 65. That's an exemption that would still qualify us as a registry under the guise of the federal government, so that we can, in place of having a fee for that license, we can offer that for free just as we do with our inland fisheries license.

Under the federal guidelines, they have exceptions for certain boats. Those exemptions include primarily passengers on party puts, charter boats at what they call head boats, six-pack boats, which would be smaller licensed vehicles through the DEP -- not drinking, thank you. Licensed boats that would take people out on a charter, so that you would not be required to have a license. The federal registry wouldn't require you to have a license either for that purpose and you would be allowed to fish off of that boat, take your catch and the boat would be recording that kind of information that the federal

government would be looking for.

Mr. Speaker, the intention, as I said at the beginning of this bill, isn't something that was really up for debate here. This was an issue that came up at the federal level where the federal level, federal government determined that they needed to try and keep better records, get more information in an effort to maintain our fisheries or improve our fisheries. And it's -- kind of focuses around the issue of effort, how much time, how much energy, how much money, how much you catch, those kind of details. And currently, what happens is they have a contractor that dials phone numbers and they do it randomly. And as a process of doing randomly, they're finding that a lot of the information they get isn't helpful to determine really what's in Long Island Sound or in some of these other fisheries around the nation.

And so what they had determined in 2004, 2005, through a series of studies was that the better way to do this was to register people, either at the federal level or allow municipal -- I mean, states to do it at the state level through a registry. And most states have opted to do it through a licensure process. So in this case, the license is the offset to a federal

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registry. And if we develop our license process in compliance with the registry, then you would be exempt from having a federal -- you would be exempt from registering at the federal level.

So that's the purpose of the amendment and I'd be glad to try to answer any questions if anybody has them.

SPEAKER DONOVAN:

Thank you, Representative.

Will you remark further on the amendment?

Representative Moukawsher.

REP. MOUKAWSHER (40th):

Thank you, Mr. Speaker. Remarking on the amendment, particularly the provisions having to do with the saltwater fishing license. I just wanted to give a little background on how this was developed. I know Representative Miner has done that, but I have opposed this new license for a while.

And the Genesis of it is, I think as he's explained, under the Magnuson act, the federal government wanted a new fishing registry. And when they enacted it, it was supposed to be done by January 1 of 2009. And also, because it's a federal enactment, it was enacted by Congress, it was limited

to federal waters. And what has happened is we are now -- we could comply with that, but what we are doing now is we are actually extending what would be a registry that would spare our anglers from registering or needing to pay anything for our state waters. We are now creating a license that will require all saltwater fisherman to pay a fee to fish in our waters.

Now under the bill enacted by Congress, if we did nothing we would -- our residents would be able to, or nonresidents would be able to fish in our state waters, which are roughly three miles from shore, out to three miles, without paying anything and that the only exception was if they fished for striped bass. So this is enactment that Congress created. And what happened last year is we chose not to do it. We chose not to create a license, but there are parties that have been advocating for this, the National Marine Fisheries and our DEP and when we didn't enact it last year, they collaborated and extended, without any authorization from Congress, the time to comply with this to January 1 of 2010, and they also enacted a rule, which exceeds the language of the enactment by Congress, which requires everyone to register whether

they're in state or federal waters.

And I had sent by e-mail a copy of an OLR report and that report makes it pretty clear that the language of the enactment by Congress did not require our people fishing in state waters to do anything. They would have been free of any kind of registry requirement. And what's happened is our DEP now, you know, again, has advocated for this. I know that they need money and they are, you know, seeking this license in order to raise, you know, revenue.

And one of the -- and the principle objection I've had about this is that last year, when this came up, we were told it would require all people who fish in saltwater to register and that was not true. And I also sent by e-mail a copy of a set of frequently asked questions, which national Marine Fisheries had promulgated, put on their website. And if we were to look at them, one of the questions is, whether all state fisherman have to -- or will all fisherman have to register? And the answer was no. If you fish in state waters, you won't have to register. And then there was a further question, and again it made the point that nothing would be required of people fishing in state waters unless they fished for striped bass.

And so that was the law. That was a law passed by Congress. That was the interpretation by the National Marine Fisheries, even though that we were told that it, you know, last year it was applied. We found out different. We found out when we looked into it we did not have to require our residents to have to get a license to fish in our state waters.

None of the states that did not have a saltwater license, none of them last year, maybe in one exception, enacted a saltwater license. Everybody saw that this was not necessary and they didn't enact one. In the meantime, because of that, you know, without authority of Congress, in my opinion, beyond what the provisions of the federal law where, the National Marine Fisheries created a new rule and extended the time to create this fishing license or registry. And they also created a new rule requiring all state -- all people fishing in state waters to have to register.

So the argument then finally became, look, if you have to do it, let's keep the money in state. I mean, it really -- this has been a collaboration between state agencies that administer fisheries, in our case, the DEP, and the National Marine Fisheries. The

National Marine Fisheries would be collecting all this information. People would be registering with them unless a state created a license. And so they're unburdening themselves of the necessity of getting all this information and we're taking advantage of it by creating a license in order to get more revenue.

Now, there have been a couple of different fiscal notes on the amount of money that this will raise. The fiscal note for this particular amendment says that it's going to raise \$982,000. And it's been, you know, more than once argued to me that, well, the DEP really needs the money. But, you know, there's a bigger problem with the DEP and our funding of it. In our appropriations budget, right now, it's stripping \$58 million from the DEP. The Governor's budget also strips \$58 million from DEP. Those are non general fund accounts such as the conservation fund and others like it.

And so, you know, the urgency of, you know, that has been impressed upon me to create this new revenue source is really more a product of our budget trimming, which we have full power to change, and I should point out that the money that we're stripping from the DEP license funds that people have paid

already are being stripped out of there.

Now, I understand there's a mitigation plan that's going to do a little less, but in any case, you know, we're making out like we're creating a new revenue source, but at the same time, we're taking license funds from the DEP. So it's kind of a fiction, you know, to say that the DEP needs this money or that it will always be there, it will always be there for us when we have a budget deficit to strip out. And, you know, there's been arguments made that, well, this is going to, in some way, enhance saltwater fishing, but I have heard of no programs that the money is going to go to. I've been told it's really to make up for money we're taking away from the DEP. If everybody has to have a license to fish, there's going to have to be greater enforcement. So I imagine, there will be, you know, additional enforcement personnel, you know, that need to be hired. They'll need to have boats to check people's licenses.

So what I'm seeing is really a situation that has been created. It's not a necessity. We don't have to create a license. We're taking money from the DEP. We could easily put it back and there's no guarantee

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they're going to be able to use it. And my fundamental problem with this -- I've fished in the ocean for 30 years, 40 years. I've known a lot of other people that have too, and there's something special about being able to go out, you know, without any, you know, license or anything. I mean, it's been an expanse, an area that has always been free to our residents. And now, we're taking that away. I mean, it's been something, you know, precious that all shoreline communities and even anybody in Connecticut that's ever taken advantage of it, I think is really appreciated. And by doing this today, we are losing something precious, something priceless, you know, something that we've been able to extend to our residents and our visitors without any cost. And that's going to change forever if we do this.

So I have an amendment, which I'm going to offer, you know, after the vote on this, on the principal bill, but I really feel that we're making a terrible, terrible mistake in reversing a tradition that we've had forever, that our waters that are in the public domain are now going to have a price tag on them and they're going to be restricted from our residents and our visitors. Thank you, Mr. Speaker.

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SPEAKER DONOVAN:

Thank you, Representative.

Representative Urban.

REP. URBAN (43rd):

Thank you, Mr. Speaker. To the proponent of the amendment, through you, Mr. Speaker.

SPEAKER DONOVAN:

Please proceed, madam.

REP. URBAN (43rd):

For the purposes of legislative intent, would the proponent of the amendment agree that the intent in section 3 is not to deprive the residents of Connecticut of recreational land use for purposes other than hunting? Through you, Mr. Speaker.

SPEAKER DONOVAN:

I think we'll direct that -- this question to Representative Miner. Representative Miner.

REP. MINER (66th):

Thank you. Thank you, Mr. Speaker. Mr. Speaker, I think the answer to the question is yes, that that is not the intent. In fact, I think history will show that despite what people think the obvious differences are between, for instance, bird watching or hiking or any of those other uses, which we normally associate

with public property, that because of the way these two things interact naturally that it doesn't necessarily mean that one takes away from the other. And I think history also shows that the hunting community actually supports a lot of the things that I think Representative Urban is asking whether the intent is to take it away.

SPEAKER DONOVAN:

Thank you.

Representative Urban.

REP. URBAN (43rd):

Mr. Speaker, then I would stand in support of this amendment and I agree with the Marine Fisheries aspect of this license, the licensing. And I would urge my colleagues to vote in favor of the amendment.

SPEAKER DONOVAN:

Thank you, Representative.

Representative Brian O'Connor.

REP. O'CONNOR (35th):

Thank you, Mr. Speaker. A question or two to the proponent of the amendment, please.

SPEAKER DONOVAN:

Please proceed, sir.

REP. O'CONNOR (35th):

And I just want to follow up on what Representative Moukawsher said in regards to what we had to do and, you know, I guess what DEP would like us to do.

Is it true that in order to comply with the federal requirements, Connecticut would only have to register or set up a registration system within the state if you're going to take a certain species of fish such as shad or striped bass? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker. Mr. Speaker, my understanding of the rule, and there are two rules. There was an initial rule and then a public hearing process last summer and then a final rule -- is that you would be required to have a marine fisheries license or be registered through some registry, which doesn't necessarily have to be a license, either through the State or the federal government, if that's where you're headed, merely to fish in an area where you could catch one.

So, for instance, if you fished from shore, the

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rule clearly states that you would have to have your name registered either with the federal government or registered with the state of Connecticut either through a license process or a registry process. So you don't have to be targeting those species, you merely need to be in an area where you could catch one. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative O'Connor.

REP. O'CONNOR (35th):

Thank you, Mr. Speaker. Through you, does that mean that the State DEP is going to have all the names and contact information for people with a saltwater fishing license? Through you.

SPEAKER DONOVAN:

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker. The answer to that is yes. My understanding is that the license would be handled identically to the way we handle our other inland fisheries license and our other recreational hunting licenses and that you would supply a series of information. In fact, there's some detailed requirements for us to qualify and be exempted from

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the federal process in that we have to have a system in place that will allow us to transfer that detailed information to the federal government. Through you.

SPEAKER DONOVAN:

Representative O'Connor.

REP. O'CONNOR (35th):

Thank you, Mr. Speaker. And with those registration information, what safety provisions or privacy provisions have been put in place by DEP to make sure that the -- that there's no identity theft or that these registration and names are used for something else that's within the domain -- let's say, the Department of Public Safety would be interested in finding out who may own firearms and have a registration for firearms, as well. Is that a concern of yours? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker. And I thank the gentleman for his question. I've been getting hunting and fishing licenses since I was 14. And I don't know how the State currently handles that information.

It's my understanding that this would be dealt with

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the very same way. In fact, when I ordered my Maine fishing license, I did it over the intranet and my assumption is that it's protected the way we protect ours.

I can't tell you under what statute it's protected or what's redacted, but my understanding is they don't have the ability to sell or transfer that information to anyone other than possibly law enforcement or the federal government. Through you.

SPEAKER DONOVAN:

Representative O'Connor.

REP. O'CONNOR (35th):

Thank you, Mr. Speaker. Is there an estimation as to how many licenses will be issued, and saltwater fishing licenses in particular? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Miner.

REP. MINER (66th):

Well, I wish I could remember that number. I don't know the estimate. I'm looking down into the gallery just because I knew the question was going to come up and I apologize, I don't have it. I think there's some estimate, and if I could get it back to

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the gentleman, perhaps, privately, I'd be glad to do that.

I think it's a significant number. If I said a hundred thousand, I'm not so sure that that's the right number, but it is a significant number. Through you.

SPEAKER DONOVAN:

Representative O'Connor.

REP. O'CONNOR (35th):

Through you, Mr. Speaker, since it's a significant number, I guess one of the questions I have is that it, you know, based on the \$10 fee of in-state and a \$15 out-of-state fishing license fee and the revenue that it will generate, I was wondering how that money is proposed to be used. Is it going to go into environmental the conservation fund or the environmental quality fund? Is it going to be used for saltwater fishing purposes or is it going to be used for inland fishing purposes, such as fish ladders or stacking of fish, where the value of that license will be lost and basically used by inland fishermen or women. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Miner.

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REP. MINER (66th):

Thank you, Mr. Speaker. Mr. Speaker, the fiscal note indicates that there are approximately -- I was right -- a hundred thousand licenses anticipated. And I believe the way the bill is drafted, it is drafted in such a way that this would be a new license and therefore, the money would be directed to the environmental conservation fund and those dollars would be restricted for use in that arena.

I don't believe, right now, under DEP's regulations they necessarily separate those dollars that come in on a freshwater license from some of the interests that currently go on along Long Island Sound. I would expect that they would be able to allocate these dollars more closely to the Sound and perhaps, return some of the dollars that have historically flowed down to the efforts along Long Island Sound in an effort to try and keep the dollars in those two different areas, because that's actually where people are participating in the experience. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative O'Connor.

REP. O'CONNOR (35th):

Thank you, Mr. Speaker. Along those same lines, you know, there's been various proposals, I believe even in one of the current proposals that's on the table, is that some of these funds will be swept into the general fund. What assurances do we have that this will not happen? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker. There are a number of budget proposals currently before the legislature. The three separate proposals deal with this issue in the different ways. I would say that the philosophical discussion about these funds themselves is something that the Legislature needs to agree to. Under current law, those dollars are separate. There have been, because of our current financial situation, efforts to look at all of these funds, not just these two, but all of the funds of the State of Connecticut, as we find ourselves this year in a billion dollar deficit and at least an \$8 billion deficit plus over the next two years.

So I think the answer to the question is this is not something that I would like to see us take out of

these funds. I think the point of keeping them and adding to them is to try and provide the kind of situation with the marine fisheries that speaks to what Representative Moukawsher said which was that it is priceless and that we should be dedicating these funds that way. But I don't think there's any way for us, in truth, to handicap or tie the hands of a future legislature, because whatever bill we pass today could be changed by any legislator in the future. Through you.

SPEAKER DONOVAN:

Representative O'Connor.

REP. O'CONNOR (35th):

Thank you, Mr. Speaker. And as far as the catch, you know, what kind of information is going to be collected? Is it -- you said that, I guess, after going out on a day of fishing, is there any requirement on the fishermen to actually report to the DEP or to the federal government? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker. My understanding is that

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the process will work different ways for different individuals. Those that have exemptions under the federal rule and under our licensing process, such as those that operate charter boats will be keeping detailed information. And so I'm sure the hope is that because they collect a lot of it that that information will be given pretty freely.

I don't know what will happen if they call the Miner household and get my wife, whether she would be able to tell them what I caught. And if I didn't tell her how many days I went, she may not know exactly what that information is. But I think the intent of the law and intent of the rule is that we provide as much information as we can to the State and the federal government when that time comes. So I don't think there's a requirement that I understand within the Connecticut licensing policy, but I do think there certainly is an assumption on the part of the federal government, but if we're going to try and maintain this jewel of oceanic life that we all talk about, that we're going to need some detailed information in an effort to try and figure that out. Through you.

SPEAKER DONOVAN:

Representative O'Connor.

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REP. O'CONNOR (35th):

Thank you, Mr. Speaker. I want to go into a couple other items within the bill regarding to the sport fishing license. You know, my understanding is that sport fishing is basically for sport or recreation. And I guess my question, if you look at it, I believe it's line 111, says that the taking of fish and bait species shall be regarded as sport fishing.

Am I correct in interpreting this to mean that an individual that fishes for sustenance or food is exempt from getting a license? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker. There is language in the rule with regard to the issue of sustenance. And I don't know that I can speak for the federal government, but I do know that there are some provisions for American Indians, for instance, because that is an issue that they are entitled to. I don't know whether that would pertain to someone from Warren, if they made the claim that stripped bass

fishing was, you know, part of their sustenance, in terms of them being able to feed themselves and their family. I doubt that it would, but I do believe that there is a provision in the federal exemption for that issue. And I'm not clear as to how DEP intends to interpret it, but I suspect certainly Native Americans would be one. Through you.

SPEAKER DONOVAN:

Representative O'Connor.

REP. O'CONNOR (35th):

Through you, Mr. Speaker, you know, there's another instance. For instance, I represent the town of Westbrook and we have a jetty where people go off of. And I guess along those same lines of line 111, where it says, bait species, is there anything in this bill that would make an individual that collects muscles and then goes crabbing, you know, with their son or daughter, would they be required to get a fishing license? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Miner.

REP. MINER (66th):

I knew we'd get back to the clams, Mr. Speaker. My understanding is that crabbing is not part of this

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licensing process and neither would be the taking of muscles. Through you.

SPEAKER DONOVAN:

Representative O'Connor.

REP. O'CONNOR (35th):

Thank you, Mr. Speaker. Just a couple more questions. I'd like to, if we could, get to lines 116 and 120 -- through 122, where there's a description of an exemption for fishing derbies, which are conducted by a nonprofit. Does this mean any nonprofit or is it limited to nonprofits that currently do it by tradition and have they been grandfathered?

I guess, basically, could any nonprofit from the enactment of this bill on, would they be able to host a fishing derby and have a, basically a license free day? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker. I actually looked into a fishing derby this winter for the Boy Scouts. And my understanding of the way they handle that process, at least with regard to inland fisheries, is that you are not required to have a license if there is no prize,

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meaning no monetary prize. So in terms of the current regulations with the DEP, I suspected if it followed that model, you would not have to have a license.

It's when you have for-profits running fishing derbies for, you know, to raise revenue, I suspect that, where is -- that where you'd end up with the rub, where someone would have to have a marine fisheries license in order to participate in that. But under my understanding of the nonprofit status is that you would not be required to have one. Through you.

SPEAKER DONOVAN:

Representative O'Connor.

REP. O'CONNOR (35th):

Thank you, Mr. Speaker. And in regards to the DEP Commissioner designating a day each year on the calendar, I guess, what was the rationale for that where no license shall be required for a sport fishing in a marine district. And if you could, in that answer, define or describe to me what is considered a marine district. I that all of Long Island Sound, or is that just a particular area that's already been defined by the DEP? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Miner.

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REP. MINER (66th):

Thank you, Mr. Speaker. I believe that is Long Island Sound. I think it's probably the title waters, as well. There is a one-day free fishing opportunity for inland waters already. And I don't know if that was something that is Commissioner started as part of her no child left inside, or whether it was just an initiative of the agency, but it's an initiative that is shared nationwide.

There are many states that provide this kind of opportunity for people so that an individual doesn't have to go out and buy a license to try. And I suspect that this mirrors the inland fisheries opportunity and I suspect that the Marine aspect would be Long Island Sound, the shore and the title waters up from Long Island Sound. Through you.

SPEAKER DONOVAN:

Representative O'Connor.

REP. O'CONNOR (35th):

Thank you, Mr. Speaker. Going back to lines 108 to 110, and also if we can, kind of, flip the page and go over to 123 to 126, I guess I just need a little bit of clarification. It says that no marine waters fishing license shall be required for any person who

is rowing a boat or operating the motor of a boat from which other people are taking or attempting to take fish.

And if you go to 123 to 126, the individuals that are on a party boat are exempt from having a license. In the case of the party boat or a fishing chartered boat, does anyone have to have a fishing license in those situations? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker. With regard to lines 123 to 126, it's my understanding that anyone participating in the recreational fishing aspect, meaning someone who paid a fee to get onto the charter boat would not have to have a license. With regard to the -- so if you're doing the recreational fishing and you are someone who signed up to go, you do not have to have a license. There's an exemption for that, I believe, both in what the state intends in terms of its licensing and also in the federal rule.

And then under 108 to 110, this again mirrors our freshwater opportunities so that if I was rowing you around Long Island Sound, you in a boat for instance,

not you physically, that I would not be required to have a license, but if you were fishing, you would.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative O'Connor.

REP. O'CONNOR (35th):

Thank you, Mr. Speaker and I thank the gentleman for his answers. I guess, I would just like to state, and you know, it's probably pretty obvious by some of my line of questioning, and where I stand. You know, I just won't align myself with the remarks of Representative Moukawsher, who's done a lot of good research on this bill, and basically state that I'm in opposition to the imposition of a saltwater fishing license on the, not only the people of Connecticut, but the people that visit us.

And it's not because I represent two shoreline towns, even though that's a part of it, but it's really basically the end of what I would say is one of the last free things that you can do in Connecticut. You know, you can't go anywhere today without being nicked and dimed somewhere. It's not about conservation, it's about filling a budget hole. And I think the part that really upsets me is basically the

threat of the federal government, about how they're going to come down upon us.

Basically, I look at it as an unfunded mandate on the people of Connecticut. No more will you be able to drive down to the beach, fish from the shore or take your boat, launch it off of a -- from a boat launch and go fishing without a fee. It's kind of sad, but at the same time, kind of funny. You know, you listen to a lot of old-timers talk about, you know, how things used to be, how quaint it was the way things used to be. And I guess, unfortunately for me and for a lot of people in my district, a lot of my friends who go fishing, I already know that I'm going to catch a lot of heat on this one when I get back, that this is the day that saltwater fishing, the freedom of doing that for no fee in the state of Connecticut will be how things used to be for me. Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Representative Jutila.

REP. JUTILA (37th):

Thank you, Mr. Speaker. I rise in opposition to the amendment based solely on section 5, the new

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marine fishing license proposal that Representatives Moukawsher and O'Connor have been speaking against. And they have articulated my position quite well and I share their arguments on each of their points.

And I'll say that I certainly respect the views of Representative Miner and the other proponents of the marine fishing license, the Sportsmen's Alliance, the Connecticut Marine Trades, who have all come out in support of this, at one point, to my surprise. I respect them all and in the end, maybe they'll turn out to be right on this. And it certainly has been an uphill battle the past couple of years as this has come up in the Environment Committee and as the support for it has gained.

And like Representative O'Connor, I think what he was saying and what I'm about to say is that this may be coming as much from the heart as from any analytical or logical skills I may have applied to it. I can tell you that, you know, at a very early age, I began fishing the waters of the Niantic Bay, Long Island Sound with my father and with my uncles. And we fished for flounder and blackfish, fluke, whatever would try to take our bait. And we had to pay for the bait and for the gas for the outboard motor, for

whatever refreshments we packed in the cooler, but what we didn't have to pay for was a fishing license.

And I've had this vision in my mind ever since this came up of my father, if he was still here, and the two of us hopping in the car now to go drive down to the dock and take out the small motor boat and go out into the bay. And we pull into the town hall or to a bait shop or whatever, and maybe we already had our bait and my dad says, you know, what are you doing? What are we stopping for? And I say, well, Dad, we've got to get a fishing license. And he'd turn to me and look and say, what are you crazy? We're not going to Lattamer Brook or, you know, to Dodge Pond to go trout fishing or bass fishing. We're going out in the bay to go for flounder. And I'd have to explain to him, you know, we've got this new law in Connecticut and now we have to do this.

I understand the argument that the conservation fund is crying out for funding and we certainly do need to put more emphasis in that area, but I share, again, the views that have been expressed by some of the prior speakers that the money may not stay in the conservation fund. It may find a way into the general fund, as we've certainly had some history of doing

that. Or it might end up being used in the conservation fund, but not applied to saltwater fishing. I know with freshwater, there's always been a good stocking program for trout. I doubt if we'll be stocking bluefish and striped bass out there.

The word "nickel and dimed" was used by Representative O'Connor. I share that view. I hear it from my constituents all the time and I'll hear it from them if we pass this bill when they have to go get their license. And what they'll be saying to me is, don't we pay enough taxes now? Can't we have one thing that we still get to do that we don't have to pay the government anything for? So I would prefer to maintain the long-standing tradition that we've had that, when you want to go out in the bay or out in Long Island Sound, anywhere out in the ocean and drop your line, if you want to walk down to the fire dock in Niantic or cast off the beach, if local residents want to do that or visitors who come down to my hometown, that they're still going to be able to do that without having to pay anything for it.

And I understand what's been going on with the federal legislation. Probably don't understand it quite as well as Representative Moukawsher, who's done

so much good research and work on this. And, you know, maybe this is ultimately going to be forced on us and we're going to have no choice but to adopt the license and keep the money in the state, versus having it go to the federal government. But I've reviewed the solution that Representative Moukawsher is proposing and I think it's a sound one. I think it would be a good alternative and for that reason, I'm urging my colleagues to oppose this amendment. Thank you.

Deputy Speaker McCluskey in the Chair.

DEPUTY SPEAKER McCLUSKEY:

Thank you, sir, for your remarks.

Will you remark further on the amendment? The Honorable Chair of the environment Committee, Representative Roy, you have the floor, sir.

REP. ROY (119th):

Thank you, Mr. Speaker. Mr. Speaker, I think in many ways I'm luckier than most of the people in this room. I lived two and a half blocks from the beach in the Woodmont section of Milford. That's the furthest inland I have lived since age three, and they're

looking at me, you know that's a long time.

But I have gone fishing there for free. I've even gotten my bait for free because we would use a dragnet and then go fishing. And I think that we lost something as Representative Moukawsher said, but not with this amendment, but when they started setting limits on the number of fish we could take any time we went out for an outing.

Snapper blues which we could catch by the dozens, you can only take ten now. And I think that if this money goes the way we hope it does, to the conservation fund, we will be able to better protect the resources of Long Island Sound, and in doing so, in the long-term we will see that the fish will come back and then maybe we can lift those limits and our children -- well, my children -- maybe my grandchildren, but my children enjoyed the same and I'll never forget the look on my daughter Amy's face when she was 11 years old and she caught more fish than Dad did. She was so proud. Carried the bucket of fish home. I got to carry the poles.

But I want to see that for my granddaughters. I want to see that for my great-granddaughters and sons, if any ever show up. But I think that this is a good

first step in protecting the resources that the DEP is supposed to be protecting. Thank you, Mr. Speaker.

Deputy Speaker Kirkley-Bey in the Chair.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, Representative Roy.

Representative Backer, you have the floor, sir.

REP. BACKER (121st):

Thank you, Madam Speaker. I think if you've watched the debate in the last few -- the last half hour or so, you'll see everyone standing up comes from a shoreline town. And it may not click, if you don't come from a shoreline town, how important this issue is if you live within a stone's throw of the water. It's a rite of passage, as Representative Jutila said, or Representative O'Connor outlined. It is not a small thing.

It's as if people went out and said to people hiking and bird watching, you will now pay a fee to bird watch. What do you think the response would be? Or you will now pay a fee to hike this trail that has been free, the Blue Blaze Trail all this time, what do you think the response would be? It would be a very

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loud and angry response once you start to put a fee on things that formally did not have a fee.

So the reason why I talk about this is so the people in the room who live -- well, Dick lives three -- Representative Roy lives three blocks, I live two blocks. Some people live a half a mile, but we all live very close to the water. And for people just to walk to the end of the street, or to the end of the thing and go fishing is something they have always done.

If you live in Bridgeport and you drive down the street in Bridgeport, at every place, there's an inlet along the way, there's ten people fishing every night all summer long. So this is a rite of passage all along the shoreline and we're now going to tell them they have to buy a license. And so I just want folks to think, sitting in the room, it's not a small thing for those folks. It's just like if we charged you to hike on the Blue Blaze Trail or charged you to go bird watching. That's the kind of response you would get and that's the kind of response I'm getting at home.

Yet, having been privileged to be the Chair of Conservation and Development Subcommittee, appointed by Speaker Donovan and other speakers in the past, to

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look at the funding that we have found the muster to give DEP, I will remind you that we have repeatedly failed in this room to give DEP funding. Every year the committee, the subcommittee has proposed more funding. Every year it has been taken out. In good years, in great years and again, in bad years, this body has not found the will to adequately fund the things in DEP.

So as we move forward here, we are getting into a situation where we might have an opportunity to get a little money into the environmental conservation fund, but it doesn't go without a cost to those of us who live along the shoreline. People are going to be very, very, very angry.

Now Representative Moukawsher, who did some great work on this and I agree, and I haven't his amendment yet, and I'm looking forward to hearing it, has said that he thinks National Marine Fisheries overstepped their boundary and went further than Congress intended them to do. And if that's the case, we have a recourse, but we'll only have a recourse after it's implemented. And after it's implemented, we can bring a case against them if, as individuals, if we feel they've gone too far. I think that there is a remedy

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to that, but right now as I understand it, we either develop a registration or a licensing system or we will be forced to develop one, or the feds will come in and develop one and probably like the duck stamps or other stamps, you'll have to go to the post office and pay for it and you'll get it there or we do it.

The difference is is if the feds do it, they take the money and if we do it, we get to keep the money. Now I'm still waiting to hear Representative Moukawsher's amendment. He's sitting over there smiling so he may have an idea, but through you, Madam Speaker, a question to Representative Miner, just to clear some things up in my mind about this amendment.
DEPUTY SPEAKER KIRKLEY-BEY:

Representative Miner, prepare yourself.
Representative Backer, please frame your question.
REP. BACKER (121st):

Thank you, Madam Speaker and through you to Representative Miner. Representative Miner, is the -- how are the fees set for the purchase of this license by -- here in Connecticut?

DEPUTY SPEAKER KIRKLEY-BEY:
Representative Miner.

REP. MINER (66th):

Thank you, Madam Speaker. Within the bill, the fee for an in-state fishing license for a year would be \$10 and an out-of-state license would be 15.

Through you.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Backer.

REP. BACKER (121st):

Thank you, Madam Speaker and through you, that's \$10 for a saltwater license or is it a combination license? Is it all waters? How would that \$10 be applied? Through you.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Miner.

REP. MINER (66th):

Thank you, Madam Speaker. Under this amendment there is merely a marine fishery license of \$10 and the reason there is marine fishery license of \$10 is that it was the thought many combination licenses have already been bought. For instance, I bought my combination license probably on January 1st or 2nd, and so any benefit that what I would get from a schedule of a combination license now would be hard for the DEP to figure out.

They couldn't go back and refund me money that I

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already paid, so we felt that by discounting the license to \$10 for the '09 season, that it gave people the effective discount they would have gotten out of a combination license if we were to offer one at this time and so that's why we established that. As well, it kind of mirrors our neighboring state of New York. Through you.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Backer.

REP. BACKER (121st):

Thank you, Madam Speaker and I think I get that it's for the balance of '09. Would be fee be different in the next fishing year, 2010?

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Miner.

REP. MINER (66th):

Thank you, Madam Speaker. I know that the Finance Committee and the Environment Committee, the Governor's budget all have proposals on the table for fees and licenses. The Environment Committee voted a bill out. They would have taken this ten -- will take this \$10 fee up. I think it's the \$17. There's some question whether that's the right number by percentage. And so I would hazard to guess that as

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this budget process continues, we will look at this license just as we will look at the freshwater license and all the others and make a determination at that point. Through you.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Backer.

REP. BACKER (121st):

Thank you, again, Madam Speaker. Also, would Representative Miner to the fee or the cost that the feds -- the federal government might impose on a registration that they would do in lieu of our acting?

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Miner.

REP. MINER (66th):

Thank you, Madam Speaker. Under the federal rule, if we don't have something in place by 2010, we begin -- we need to begin registering with the federal government. And my understanding is that prior to 2011, they don't have the ability to charge for that.

After 2011, it is anticipated that that fee would be between 20 and 25 dollars for an in-state resident, through you. And my understanding is also, there would be no combination ability because that would be a federal -- we would be sending a check to the

federal government. It wouldn't have any collapsing of the value like we would in Connecticut. Through you.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Backer.

REP. BACKER (121st):

Yes. And thank you again. Madam Speaker, do we know what it costs the State of Connecticut to license an individual fisher person? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Miner.

REP. MINER (66th):

I don't have an answer to that question. There is a fiscal note floating around relative to the registry concept without a fee, meaning that if we were to take the same block of individuals and try and calculate what the agency feels it would cost to provide that registry, meaning keep that record, collect the information, keep the record. My understanding is it's about 165,000 dollars in FY 10 and 112,000 in FY 11. Through you.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Backer.

REP. BACKER (121st):

Thank you, Madam Speaker. And so, you know, never -- I had missed the day they had math in school, but I guess that's like a buck 65 per license or registration to process them by the Department of Environmental Protection, Madam Speaker, through you.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Miner.

REP. MINER (66th):

The fiscal note that I'm looking at seems to indicate that that's about right. There might be some savings in the second year. Why? I'm not sure. I suspect it may be because we have the database in the second year by that point. Through you.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Backer.

REP. BACKER (121st):

Thank you, Madam Speaker. So it seems that a \$20 license or a \$17 license, or a \$25 license is clearly to generate capital or to generate cash for DEP. Now one of my concerns are that we will do that and that money will go away again.

I know that Representative Miner has accurately said we can't bind a future legislation, legislate or

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legislature to our desires, but it is a deep concern to me. But as having had the honor of doing the DEP budget for nine terms, I can tell you we have never been able to increase their budget. We have never been able to -- well, I shouldn't say that. There were a couple of occasions where we did get a little more money, but we have never been able to build up the environmental conservation fund to the extent that the citizens of Connecticut deserve it, keeping our parks open, keeping them clean, making it possible for people to go to them, making it possible for people to come out of a sweltering city and spend a day fishing. We've never been able to do that, as if it was never important for our citizens to have a place to go.

This fee will not get us there, but I am deeply concerned about going forward with this amendment and raising money that may not be there next year. We all know that we're staring down the barrel of a deficit that we don't know what we're going to do with yet. This might easily get swept away for FY 11.

But that said, Madam Speaker, I would like to ask one more question, through you to Representative Miner.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Backer, please proceed.

REP. BACKER (121st):

Thank you, Madam Speaker. Representative Miner, in the proposed rule that we had a lot of fun discussing last year, there was some difficult language to comprehend, but it basically talked about anadromous fish and striped bass. That if you were going to fish for those species, then you would need to join this registry and if you're going to fish for the rest of the species that frequent Long Island Sound and Connecticut, you would not need to. Do you recall that? Is that correct?

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Miner.

REP. MINER (66th):

Thank you, Madam Speaker. I think the gentleman is referring to the information that we had available to us prior to the public hearing process at the federal level last year and the final rule which has since been adopted. So if I might, through you, I'd just like to clarify what I have as in terms of the federal rule that currently exists. And it says that for states that want to apply for the exemption, that a state may not be designated as an exempt state if,

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and it lists a series of things and if I might just read it briefly, one is fishing from a state licensed private vessel, meaning my boat if I'm not a charter captain; two, fishing from a privately owned land, fishing from a public pier, fishing from shore, fishing in tidal waters of the state or fishing as an occupant in a beach dune buggy.

So the way I read the rule as it currently is written, I don't even have to be targeting one of those anadromous species. I merely need to have my line in the water in any of the areas where they may swim by. Through you.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Backer.

REP. BACKER (121st):

Thank you, Madam Speaker. It's difficult for me to support this amendment, but I'm going to support this amendment. It's difficult because we have a lot of people who, I don't know how we're going to distinguish between people who are fishing in my town, in my neighboring communities, because if they catch a fish, they can eat that night at a big discount, or if they're fishing for fun. I don't know how we're going to distinguish between the people who need to go catch

a meal and the people who don't need to go catch a meal.

I don't know how we're going to distinguish between the people who have \$20, they can go buy a fish or hire a license, but if they don't have the \$20, they go down to the shoreline. And I can tell you, you can see 10, 15, 20, 25 people fishing on the end of these points all summer long down there. Many of these people are fishing not because they're great sportsman, but they're trying to catch a meal.

So I reluctantly support the amendment on that and the reason I've asked these questions was to enlighten other people as to the difficulties we're going to have not doing this. It seems that the feds have backed us into a corner where either they take the money or we take the money and when we get down to that -- down to those choices, Madam Speaker, I think we should take the money and fund DEP with it.

But it is reluctant because I think that a lot of people in this room, you know, I spent a lot of time saying, why are we wasting our time debating this amendment? Why are we wasting our time doing this law? Because I didn't care about them, but this really makes a difference where I live and it makes a

difference to a lot of people along the shoreline.

So I actually apologize for taking this time up as we move into the end of the session, but when I go home there'll be many people upset about this. And I want them to understand that Representative Jutila, Miner, Moukawsher, O'Connor, I -- those of us from the shoreline -- well, your shoreline is a lake, isn't it Representative Miner? But that we really gave some thought to this and that we understand that we are yet again, taking something away from them.

You know, we all know every time you go, Representative O'Connor said it, they're nickeling-diming us to death and that's what we hear all the time and we're going to air that again. And I'm going to hear it on this. So I reluctantly urge support for this and I look forward to perhaps, changing the outcome of this the next year. Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, Representative.

Representative Hurlburt, you have floor, sir.

REP. HURLBURT (53rd):

Thank you, Madam Speaker, and I apologize that I was not at my desk. I stand in strong support of the

amendment that's before us. This has been, I believe, the third year that this proposal for the marine fishery license has been before the Environment Committee. And we've had some great debates in the Environment Committee, both in caucus and our committee meetings.

I have fallen to the side of supporting it each time. I do believe that the risk of losing these funds to the federal government is something that we can't afford to do. So I urge my colleagues to support that to keep the funds here in the State of Connecticut, as opposed to Washington DC where we have no control over how it used.

The other issue that I wanted to raise awareness of is the no net loss provision of section 3. This is something that again, the Environment Committee has been working hard on. It's been a long time coming and I want to thank Representative Miner for his leadership on this issue. And this is another reason that I would ask my colleagues to support the amendment as it is drafted. Thank you very much, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, Representative.

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Representative Gibbons, you have the floor,
ma'am.

REP. GIBBONS (150th):

Thank you, Madam Speaker. It's nice to see you
up at there on the dais tonight.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you.

REP. GIBBONS (150th):

Usually, you just call me Gibbons, say to do
this.

I stand tonight in strong support of this
amendment. Representative Miner conferred with me at
various times about what the regulations were in
Alaska, which many of you know, is my home state and I
go back to visit every summer. This is a very gentle
entry into a marine fishing license. I think those
people who stood up and opposed it have got very valid
reasons as to why they don't want to change the status
quo, but I think it's important that we do institute
these fishing licenses for our marine fisheries.

It's not so much to raise money, but that will be
helpful when they go into manage our fisheries. But
it's really a way of managing the fish on the East
Coast. On the West Coast, I mean, in Alaska where I

grew up, I had a fishing license since I was a teenager. It's just automatic. I get off the plane, I go to the hardware store and I get my fishing license. I can get a one-day, a three-day, a one-week or a season nonresident license. My license is good for both saltwater and freshwater fisheries.

When I take -- took my grandson up there last year at age ten, he didn't have to pay for his license, but he had to get a king salmon stamp and the stamp -- the fishing license were all stamped if you went fishing for king salmon, and they were all marked whether you are a child or whether you were an adult. And the reason for this is to get some sort of control over what's going on with the fisheries in Alaska.

The West Coast has managed to manage their salmon runs far better than the East Coast has and that's because we've had licenses on the West Coast for many years. There is a Pacific Coast fisheries commission that deals with salmon runs. My sister, at age 16 would sit out at some of the streams and count the salmon as they went up and that was the way it was done 50 years ago. Luckily, they've got much more efficient means of doing it today.

But the reason we don't have salmon runs in our

rivers here and on the East Coast is because we always thought they were so plentiful. The salmon would run forever. Well, they haven't and they don't. And I see this more as a very gentle user fee that, eventually, we can do something to manage our fisheries. I do feel badly for those people who are going to get a fishing license for the first time, but I think the expense is not high. I think they will manage to come up with the money.

There are ways to get around for those people who are indigenous natives to Connecticut. I don't think they are subject to the same rules and requirements as the rest of the people, but I think this is something that we need to move on and move on soon. And we will have to work out exactly how much control there is over the fisheries and how much enforcement there is, but I think that's also an important part of protecting our fisheries and one of our great natural resources. So I urge you all to support this amendment. Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you.

Representative Moukawsher, you have floor, sir.

REP. MOUKAWSHER (40th):

Thank you, Madam Speaker. I had a question for the proponent of the amendment, through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Would you repeat that, sir?

REP. MOUKAWSHER (40th):

I have a question, through you, to the proponent of the amendment.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Miner is prepared. Please frame your question, sir.

REP. MOUKAWSHER (40th):

Just simply speaking about this year and whatever the final rule says, do we have options other than creating a saltwater license and charging a fee for it? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Miner.

REP. MINER (66th):

Thank you, Madam Speaker. I believe, yes, we do have options. One option is to do nothing. And in the do-nothing option, as I understand it, we would be subject to the federal registry if we did nothing all the way through the end of this calendar year, which

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would be effective January 1, 2010. Once we reach that point, we would be obligated to register. Anyone who was fishing under the guidelines of the federal rule would be required to register. Any of the options that we currently reserve for ourselves, such as not requiring a license over the age of 65 and a couple of other things would be gone. The federal registry does not recognize those kind of exemptions. So that's option number one.

Option number two, as I understand it, is if we wanted to expend the money, we could form our own registry and then submit the information to the federal government. So we could put out the dollars to make the registry happen and then send the information to the federal government. Actually, I think we would have to apply for an exemption in order to do that, so as part of that exemption we would have to outline to the federal government what information we were going to capture, who we were going to require that registry of and then submit it. Through you.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Moukawsher.

REP. MOUKAWSHER (40th):

Thank you, Madam Speaker. Through you, again, so

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one of the options we have, even now, is for a free registry, registry for anglers to provide information at no charge. That's an option now, is that not correct? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Miner.

REP. MINER (66th):

Thank you, Madam Speaker. I believe the gentleman is right. I think we could compel the DEP or some other agency of the State to establish a registry. In truth, that's what we could do, so we could expend those dollars and then request an exemption and then forward the information to the federal government. Through you.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Moukawsher.

REP. MOUKAWSHER (40th):

Thank you, Madam Speaker. I was emphasizing now, because I then wanted to turn our attention to last year and the actual Magnuson Act. And through you, Madam Speaker, was the act, as passed by Congress, did it require that whatever registry or other measure a state might take had to be done no later than January 1, 2009, under the act? Through you, Madam Speaker.

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DEPUTY SPEAKER KIRKLEY-BEY:

Representative Miner.

REP. MINER (66th):

Thank you, Madam Speaker. I believe the gentleman is correct. If I was a little more familiar with how the federal government operates, I could tell them how they and we got out of that, but it seems to me that their original rule, their original law required states to have been registered already.

I believe their rules process of last summer provided an extension. In terms of the legality of that, I suspect it must be legal, otherwise people would be challenging it. Through you.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Moukawsher.

REP. MOUKAWSHER (40th):

Well, I'll pass on the, you know, the question of whether it's legal. I actually don't think it is, but last year again, if we just focus on that. When we, you know, and actually, Representative Miner and I actually looked into this, when we looked at the information provided by the National Marine Fisheries Service, we were told that people fishing in state waters would not have to register with exception of

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anadromous fish, striped bass. Through you, Madam Speaker, is that not what the National Marine Fisheries Service told us last year? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Miner.

REP. MINER (66th):

Thank you, Madam Speaker. Madam Speaker, I believe we have a number of conversations, Representative Moukawsher and I, with people at both the state and federal level. And depending on which conversation he's referring to, I think he would agree that over the period of four or five months as the Environment Committee was looking at this bill and trying to determine in earnest whether it was something that we should develop a license for and go forward with last year, I think he would agree that even their interpretation of what the federal law was evolved. And I think you would agree that as we had later conversations with the federal government, that their initial interpretation of the federal law, I would say, changed to a point at which it mirrors the current final rule, so that whatever process was going on at the federal level seemed to be an interpretive

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process that allowed them to adopt some changes,
either in philosophy or rule to get us where we are
today. Through you.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Moukawsher.

REP. MOUKAWSHER (40th):

Thank you, Madam Speaker. I appreciate the
answer. What I've been getting at and what I'm --
concerns me is that under the Magnuson Act, all this
was supposed to be done by January 1st of 2009. Now,
there was a rule, there was -- there were regulations
passed last year. We are now in a -- at a time when
we are being persuaded by a rule that is, in my
opinion, beyond the date when the rules were supposed
to be done and actually exceeds the authority, you
know, that Congress gave to the National Marine
Fisheries Service.

But I just want to emphasize I made that argument
already. I want to emphasize that there are other
options and I've talked to other states. I've
examined other measures that other states are taking.
And in the state of Maine they're creating a free
registry. I filed an amendment to the underlying bill
to create a free registry and I had a fiscal note that

was created with the input of the DEP. And I think it showed something like \$165,000 that it would cost for us to have a registry where our anglers could register, give the information for free.

And what's interesting to me is, and you know, again, the DEP has been collaborating with the NOAA. They want this license. They want the money. In Maine, their fiscal note for creating a free registry, it was going to cost them \$12,000. That makes me wonder, you know, what's really behind the effort to persuade us to create this license?

We have choices. We are being persuaded to do this by a collaboration between the NOAA and our DEP, because the NOAA doesn't want to keep the records and the DEP wants the money. I understand their motivations, but I feel that we should stand up for our citizens and not be pushed into this. And particularly, when there are options, such as a free registry.

Again, when we do this, we will never again have a recreational saltwater area that is free and I would -- I just want to point out that some of the information that I've looked at in states that have enacted licenses. In California they enacted a

saltwater licenses some time ago. And over time they've raised the cost of it, as I'm sure we will. And the number of anglers has gone down and it's almost like you can chart, like a complete, you know, connection between the cost of a license and the number of people that stopped fishing.

And I'm bringing that up because this is a major industry in this state. I wish I had the numbers, but in Rhode Island they did do a study recently to determine how much is generated by recreational angling. And their study showed that they generate \$160 million from people fishing, you know, the money is spent on boats and everything is attendant to it.

And they're an ocean state, as they call themselves. They have a large commercial fishery. They generate \$26 million more in the recreational area than they do for all their commercial fishing. So what we're doing is we're putting that at risk. This is a major, major industry in our state.

So I'd like to -- I hope people keep that in mind, that what we are doing when we enact this license, we are going to discourage people from fishing. We're going to discourage, you know, visitors from fishing. And again, we're going to take

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-- we're going to turn a corner we're never going to be able to come back around. So again, I urge my colleagues to reject this amendment. And, Madam Speaker, I -- when we take a vote, I'd ask it be by roll call.

DEPUTY SPEAKER KIRKLEY-BEY:

The Representative has asked for a roll call vote. All those who feel that we should, please indicate by saying, aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER KIRKLEY-BEY:

I believe that you made it. I think when the roll is taken, it will be taken by -- when the vote is taken, and will be taken by roll.

Representative Moukawsher, you're finished?

Thank you.

Representative Drew, you have the floor, sir.

REP. DREW (132nd):

Thank you very much, Madam Speaker. You look extra lovely up there this evening.

DEPUTY SPEAKER KIRKLEY-BEY:

Just begin, will you.

REP. DREW (132nd):

I needed to express that actually. The -- coming from a shoreline community, this is going to be truly awful explaining this to my -- the people who live there and use the beach. It is just going to be truly awful. We have a -- the expression we kind of use is beach culture, meaning people are walking around in towels and sandals and bare feet and there's almost a -- as we drive to the beach, there's almost a spot in the road we can say you can point to that spot, and once you drive past there you kind of can feel, you feel you're at the beach. And everyone down there is familiar with it. So it's going to be really awful explaining this to the public.

And the fee is one thing, but the idea that you just -- you can't get out of your car or walk to the beach in your sandals and put your fishing pole out, but you have to register with the government, putting the money part aside for the moment. But there's one thing that's even worse than having to explain this. The thing that's worse is telling, explaining to the public that we'd have to register with the U.S. federal government instead and that they would usurp the regulation of this, so to speak.

And unless I'm misunderstanding it that's exactly

what we would be faced with and I, you know, I stand to be corrected if I misunderstood that, but my understanding, if we don't take action, that's the next step. And you know, I recall my daughter when she was about seven, eight, nine years old, I thing just about her favorite thing in life was prancing down to the beach and we put our fishing poles in there and fish. In the late summer, August and September, the shoreline is just filled with people catching blues down there. It's really a delightful culture, if you will, and a lot of guys park the car and they're there all night long, walk out on the reef and so forth.

So, you know, people are very, very connected to this, but again the worst thing if we don't do this, it's my judgment and impression that having to comply with a yet, unknown federal regulation just to enjoy the beach in this way and the water would truly be even worse.

And if I may, Madam Speaker, a little bit unusual process, procedure, but having brought out the amendment, called the amendment, it was really an accommodation to Representative Miner where he was in negotiating -- negotiations. We're trying to bring

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him into the session and I say that to ask, if I may, I would like to ask a question for legislative intent to Representative Miner, if I may.

DEPUTY SPEAKER KIRKLEY-BEY:

Please frame your question. I believe the Representative is prepared.

REP. DREW (132nd):

Representative Miner, was my characterization, if you heard that accurate, that if we don't act on this, the federal government is legally authorized to take control of the regulation framework and we, kind of, lose control. We don't have the right to kind of undo this and take a second crack at it. Would you say that's accurate?

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Miner.

REP. MINER (66th):

Thank you, Madam Speaker. Through you to the gentleman, my understanding is that unless we qualify in some fashion for an exemption, meaning we have our own registry or a license process, the federal government has in place right now a process for us to register. Meaning the rights that we used to have to go down to the beach in our sandals and cast into Long

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Island Sound without having that registry, will be gone after January of 2010 -- January 1, 2010.

Everything I've read from the federal government tends to indicate that they will charge a fee for that luxury of going down in their sandals after 2000 and -- January 1st of 2011, of somewhere between 20 and 25 dollars. Through you.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Drew.

REP. DREW (132nd):

Thank you very much Madam Speaker and I thank the Representative. Also, another question, and that is the frequency of this fee. My impression reading line 135 is that it refers to the seniors having to be reissued their license annually, but unless I'm missing it, there is no reference to the license that everyone else would have to purchase being annual, and therefore, I would -- if that's the case, unless I'm missing something, I would presume that this is a one-time purchase. I would ask the Representative if his understanding is the same.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Miner.

REP. MINER (66th):

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Thank you, Madam Speaker. The reason why there are actually two areas that are different, there's one for the -- under the age of 16 and one for over the age of 65, as not having to be compliant, with having a license in the state of Connecticut under this amendment.

So you don't currently need one under the age of 16. You won't need one under this amendment. Over the age of 65, you don't currently need one to fish in the marine areas that we're talking about in this bill. And with the implementation of this, you won't have a license fee for that either. Under the federal registry, there would be, so you'd be subject to the same fees.

For the margin between 15 and whatever it is before you turn 16 and 59 in the last day before you turn -- or 64 and you turn 65, you would come under the same rules in the state of Connecticut for this license that you would for a freshwater license, and that is that they renew in January 1st. So this will track the same process that our other licensing process tracks after this initial license so that your renewal in 2010 would be subject to all the combination options as I understand it that you can

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get with a freshwater license now, you'd be able to get with a marine fisheries license, but it is not a one-time deal. Through you.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Drew.

REP. DREW (132nd):

Thank you very much for that clarification. And I just want to add, and in closing, that I think this is a little bit of a bitter pill. It's something that I, living at the beach, something I would say we really ought to do and we need to do. The other choice is even worse. And in that, I would say that I am going to do everything I can to seek our federal congressional delegation to change and modify this or eliminate this in areas where, I think perhaps, it's really not intended and creates a circumstance of, perhaps, overkill in a lot of our practical situations. And I invite any of our -- any of my colleagues who'd like to join me in that effort that we can pool together our resources. Thank you very much.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, Representative.

Representative O'Connor, you have the floor, sir.

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REP. O'CONNOR (35th):

Thank you Madam Chair. For a second time.

DEPUTY SPEAKER KIRKLEY-BEY:

Please proceed.

REP. O'CONNOR (35th):

Thank you Madam Chair. Just a couple more questions that -- in the initial inquiry that I forgot to bring up. And actually, I should thank the gentle lady from Yalesville, whose son is my first selectmen in Clinton. And in that town we run a bluefish festival.

And she reminded me -- and tried to see how that might be impacted. And I guess the question is, is we have a bluefish, basically a tournament on one of the days during that bluefish weekend and there's prizes that are given out to the participants who catch the biggest fish, age limits, different classifications.

Would they, because we get a lot of people from out of state and out of town, would they have to purchase a saltwater fishing license to participate? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Miner.

REP. MINER (66th):

Thank you, Madam Speaker. Madam Speaker, as I read the amendment on line 119, there are some parameters under which you would be exempt from the requirement of a license. I don't think the language here differentiates between in state or out of state. So I guess I might take the position and I don't know whether someone would correct me, that that might not have any bearing.

But on line 119, the first requirement is that no fees are charged for the derby. So not knowing what occurs down in Clinton, I don't know whether they charge a fee to enter the derby. So in order to answer your question, I guess, I would need some information. If there is no fee as I read this, there would be no charge.

If we go to item number 2, if the derby has a duration of one day or less, again, if it's one day or less, as I understand this, there would be no charge. You would not have to have a license. And then under subset 3, if the derby is sponsored by a nonprofit civic organization, such organization shall be limited to one derby in any calendar year. I recognize that language as being part of the application process with the DEP and I suspect in that case also, there would

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be no charge. Through you.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative O'Connor.

REP. O'CONNOR (35th):

Through you, Madam Speaker and I guess, you know, the second question in trying to understand how this will impact the bluefish festival is a derby. I guess, is a sport fishing tournament a Derby? I'm not really quite sure if there is a legal definition of what a derby is. I'm sure there's a practical one. Could you please explain? Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Miner.

REP. MINER (66th):

Thank you, Madam Speaker. Derbies, as I understand them, if that's your question, are not specific to the state of Connecticut. I can tell you they happen all over the place. I have participated in some in New York and in Maine, as well. And I have to have license to go participate in their derby.

So I think most people that do this sort of recreation, especially in the case where there is an entry fee paid or a prize expected, at least those that I know, have never objected to buying a licensed.

So if I go to the state of New York and I want to participate in the brownfish derby in Lake Ontario, for instance, I have to buy a New York out-of-state license and then go pay an entry fee and then try and catch a big fish.

So as I understand it, the way this is drafted and the derby language is here in the state of Connecticut, you would not be exempt from getting a license if you didn't meet -- if you did not meet the criteria in lines 119 through 20 -- 122, through you.
DEPUTY SPEAKER KIRKLEY-BEY:

Representative O'Connor.

REP. O'CONNOR (35th):

Thank you, Madam Speaker. I guess, I thank the gentleman for his answers and I also just -- looking at future bills that we're going to be looking at today, where we have House Bill 6719, which was placed on the desk. And I understand that there's probably going to be another LCO amendment that is going to be going into this, but I just want to point out that they are going to be sweeping, or at least its proposed on the underlying bill, sweeping the conservation fund and the environmental quality fund so I just wanted to point that out to the membership

as they consider this amendment. Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, sir.

Representative Morin, you have the floor, sir.

REP. MORIN (28th):

Thank you, Madam Speaker. Good evening.

DEPUTY SPEAKER KIRKLEY-BEY:

Good evening.

REP. MORIN (28th):

I'll be very brief. I've heard a tremendous amount of debate. And I guess one of the things that just keeps sticking with me is a common that Representative Moukawsher stated about the intent, the cost and the reasonableness, if I can say that word, Madam Speaker, at this time, of what we're looking to charge. Nothing better than being on vacation and heading down to the shore, whether it's for a week or a weekend, or just an afternoon to go out and throw your line in. I just don't understand the reasoning for this point bringing forth the license for saltwater fishing. I understand the ability to do it when you're in fresh water for the -- protecting our resources for stocking. DEP stocks fish, trying to

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keep, that program going.

But for some reason, I'm conflicted with what we're hearing that the federal government is going to charge us a fee if we don't do it. So we're going to do something that is unpalatable to almost everybody here, even the people that are proponents say, oh, we don't want to do this, but if we don't do it, the federal government is going to force us to do it. So if -- that could -- we could do that with just about anything.

If we're going to force ourselves to legislate people that want to recreate because we think the federal government is going to do something in the future, that just makes no sense. And I can't support this and I will certainly support the stance that Representative Moukawsher and a few others have made. Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, sir.

Representative Miner, your light is still on. Did you want to make a comment, sir?

REP. MINER (66th):

Am I last, Madam Speaker?

DEPUTY SPEAKER KIRKLEY-BEY:

You're last.

REP. MINER (66th):

Thank you, Madam Speaker. Just very briefly, the notion of charging a fee for anything doesn't come easy to this Republican. And the notion of charging a fee for some opportunity to recreate, for which I've never been charged a fee, doesn't come easy to this New Englander. But I think an argument has been made to me by members of the environment community, members of this fishing community. There are many people that sports fish for striped bass, particularly, that believe this is the right thing to do.

And so, Madam Speaker, while it's out of character for me, I don't have a problem doing this. I'm not doing this because I'm being forced to do it. I'm doing it because I think it's the right thing for the State of Connecticut. I think it would be the wrong thing for us to allow the federal government to get the money. That's the cheap side of me, but I think environmentally, I think putting the money into the fund and then working very hard as a group to make sure that those dollars go to these efforts is exactly what we should be doing.

And I do appreciate the comments. I do

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appreciate the concern that people have expressed, but like others I would ask that we support this amendment tonight and start our process. Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Will you remark? Will you remark further on House Amendment A? Will you remark further? If not, staff and guests, please come to the well. Members take your seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the chamber. The House is voting House Amendment Schedule A by roll call. Members to the chamber.

DEPUTY SPEAKER KIRKLEY-BEY:

Have all members voted? Have all members voted? Please check the board to see that your vote has been properly cast. The machine will be locked and the Clerk will prepare the tally. Will the Clerk please announce the tally.

THE CLERK:

On House Amendment Schedule A for House Bill
5875.

Total Number Voting

142

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Necessary for Passage	72
Those voting Yea	108
Those voting Nay	34
Those absent and not voting	9

DEPUTY SPEAKER KIRKLEY-BEY:

The amendment is adopted.

Representative Moukawsher, you have the floor,
sir.

REP. MOUKAWSHER (40th):

Thank you, Madam Speaker. I had an amendment. I'm not going to offer it. A couple of reasons, one is the writing is on the wall over there and the other, it really doesn't dovetail with the amendment.

I want to thank everybody for listening to this debate. I think it was important and, of course, I'd urge us not to vote for the bill, but I've seen the writing on the wall. Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Do you care to remark further on the bill as amended? Do you care to remark further on the bill as amended? If not, staff and guests, please come to the well. Members take your seats. The machine will be open.

THE CLERK:

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The House of Representatives is voting by roll
call. Members to the chamber. The House is voting by
roll call. Members of the chamber.

DEPUTY SPEAKER KIRKLEY-BEY:

Have all members voted? Have all members voted?
Have all members voted? Have all members voted?
Please check the board to see your vote has been
properly cast. The machine will be locked and the
Clerk will prepare the tally. Will the Clerk please
announce the tally.

THE CLERK:

House Bill 5875 as amended by House A.

Total Number Voting	140
Necessary for Passage	71
Those voting Yea	109
Those voting Nay	31
Those absent and not voting	11

DEPUTY SPEAKER KIRKLEY-BEY:

The bill as amended passes.

Will the Clerk please call Calendar Number 421.

THE CLERK:

On page 11, Calendar 421, substitute for House
Bill Number 6692, AN ACT CONCERNING CERTAIN
RECOMMENDATIONS OF THE CONNECTICUT TOWN CLERKS,