

PA 14-18

HB5340

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2014**

**VOL.57
PART 10
3044 - 3394**

Will the Clerk please call Calendar 71?

THE CLERK:

On page 3, House Calendar 71, favorable report of the joint standing committee on Judiciary, Substitute House Bill 5340, AN ACT CONCERNING THE LIABILITY OF A LANDOWNER WHO PERMITS MAPLE-SUGARING ACTIVITIES ON THE LAND.

SPEAKER SHARKEY:

Representative Ritter.

REP. RITTER (1st):

Thank you, Mr. Speaker. I move acceptance of the joint committee's favorable report and passage of the bill.

SPEAKER SHARKEY:

The question is on acceptance of the joint committee's favorable report and passage of the bill.

Will you remark, sir?

REP. RITTER (1st):

Yes, Mr. Speaker.

This bill takes the collection of sap and makes it similar to collecting fruits and vegetables. In certain situations, generally gives landowners immunity from civil liabilities for injuries that maybe sustained by people they invite onto their

property without charge to engage in sugar-maple activities.

Thank you, Mr. Speaker.

SPEAKER SHARKEY:

Thank you, sir.

Would you care to remark further on the bill before us?

SPEAKER SHARKEY:

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker. I have a tiny amendment intended to kind of clean up the underlying language. It's LCO 4537. If the Clerk would please call it and I be allowed to summarize.

SPEAKER SHARKEY:

Will the Clerk please call a tiny amendment, LCO 4537, to be designated House Amendment "A."

THE CLERK:

House Schedule "A," LCO 4537, introduced by Tony
-- Tiny Representative Miner.

SPEAKER SHARKEY:

Gentleman has sought leave of the chamber to summarize. Is there objection?

Seeing none, you may proceed with summarization,

sir.

REP. MINER (66th):

Thank you, Mr. Speaker. I was just remembering that that's where I think the Clerk and I left off last year.

Thank you, Mr. Speaker, as the amendment states in line 33, it strikes "a" and adds "more than a nominal" to the language that's in the underlying bill. The intent all along was to separate market value for the collection of sap from a very nominal fee or the ability for me to trade someone sap, let's say, finished maple syrup for sap collection possibilities and so, it's my understanding that this does have the support of the trial lawyers. I thought it was wise to go with their language even though it was my idea and I would move adoption.

SPEAKER SHARKEY:

The question before the chamber is adoption of House Amendment "A." Will you remark? Will you remark?

Representative Ritter.

REP. RITTER (1st):

Just (inaudible) Mr. Speaker, we consider it's a friendly amendment. Thank you.

djp/mb/lgg/cd
HOUSE OF REPRESENTATIVES

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SPEAKER SHARKEY:

Thank you, sir.

Would you care to remark further on House Amendment "A"? If not, let me try your minds. All those in favor of House Amendment "A," please signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER SHARKEY:

Those opposed, nay.

The ayes have it. The amendment is adopted.

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

THE CLERK:

The House of Representatives is voting by roll. The House of Representatives is voting by roll. Will members please report to the chamber immediately?

SPEAKER SHARKEY:

Have all the members voted? Have all the members voted? Will the members please check the board to make sure your vote is properly cast?

If all the members have voted, the machine will be locked and the Clerk will take a tally.

Clerk, please announce the tally?

THE CLERK:

House Bill 5340, as amended by House "A."

Total number voting 142

Necessary for passage 72

Those voting Yea 142

Those voting Nay 0

Those absent and not voting 9

SPEAKER SHARKEY:

The bill with the tiny amendment passes.

Will the Clerk please call Calendar 143?

THE CLERK:

That was sweet. On page 5, House Calendar 143, favorable report of the joint standing committee on General Law, Substitute House Bill 5425, AN ACT CONCERNING THE SALE OF FARM WINERY BRANDY.

SPEAKER SHARKEY:

Representative Baram.

REP. BARAM (15th):

Thank you, Mr. Speaker. I move for acceptance of the joint committee's favorable report and passage of the bill.

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**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2014**

**VOL. 57
PART 6
1656 - 1970**

SENATOR LOONEY:

Thank you, Madam President.

While the Chamber is standing at ease, I have a couple of additional markings, a couple of additional items to place on our Consent Calendar, if we might.

THE CHAIR:

Please proceed, sir.

SENATOR LOONEY:

Yes. Madam President, first of all, on Calendar page 16, bottom of Calendar page 16, Calendar 430, House Bill Number 5285. Would move to place that item on the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

And in addition, Madam President, an item that appeared on Senate Agenda Number One, previously adopted. Would ask for a suspension for the purposes of -- of taking up and moving to the Consent Calendar an item on Senate Agenda Number One.

THE CHAIR:

Please proceed, sir.

SENATOR LOONEY:

Thank you, Madam President.

Appearing on Senate Agenda Number One is substitute House Bill 5340, AN ACT CONCERNING THE LIABILITY OF A LANDOWNER WHO PERMITS MAPLE SUGARING ACTIVITIES ON THE LAND, as amended by House Amendment Schedule "A". Would move that that item, in concurrence -- adopting the House amendment and accepting the item in concurrence with the House, be placed on the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

THE CHAIR:

Thank you.

Senator Coleman.

SENATOR COLEMAN:

Thank you, Madam President.

Madam President, there is an amendment in connection with this bill. I would ask that the Clerk please call LCO 4356.

SB 489

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO Number 4356, Senate "A", offered by Senator Coleman.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

I move adoption of the amendment, Madam President, and seek leave to summarize.

THE CHAIR:

Motion is on adoption. Will you remark, sir?

SENATOR COLEMAN:

THE CHAIR:

Thank you. Will you remark? Will you remark? If not, Senator Osten.

SENATOR OSTEN:

Without objection, I would like this placed on the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered, ma'am. Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, before calling for a vote on the Consent Calendar and asking the Clerk to list the items we just moved, that any items today referred to Committees of the General Assembly, that those items be transmitted immediately to the Committees and not held.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

If the Clerk would now proceed to read the items on the Consent Calendar and so we might proceed to a vote on the Consent Calendar.

THE CHAIR:

Mr. Clerk.

THE CLERK:

An item from Agenda Number one, House Bill 5340.

On page two, Calendar 145, House Bill 5329.

On page five, Calendar 295, Senate Bill 445.

On page nine, Calendar 342, House Bill 5098.

And on page 10, Calendar 343, House Bill 5259.

On page 13, Calendar 404, Senate Bill 456.

Page 14, Calendar 408, Senate Bill 489.

On page 16, Calendar 430, House Bill 5285.

On page 18, Calendar 439, House Bill 5540.

On page 26, Calendar 497, House Bill 5081.

And on page 29, Calendar 511, House Bill 5146.

Page 30, Calendar 53, Senate Bill 203, and Calendar 95, Senate Bill 176.

On page 31, Calendar 116, Senate Bill 430.

Page 38, Calendar 280, Senate Bill 312.

And on page 41, Calendar 395, Senate 104.

THE CHAIR:

I guess that's all it. Okay.

Mr. Clerk, will you please open the machines and -- I'll open the machines. You call for a roll call vote.

THE CLERK:

Immediate roll call is ordered in the Senate on today's Consent Calendar. Immediate roll call ordered in the Senate.

THE CHAIR:

If all members have voted, if all members have voted, the machine will be closed.

Mr. Clerk, will you call the tally.

THE CLERK:

On today's Consent Calendar.
Total number voting 35
Those voting Yea 35
Those voting Nay 0
Absent and not voting 1

THE CHAIR:

The Consent Calendar passes. Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, before concluding today's session, would yield the floor to members who may wish to announce Committee meetings or for other points of personal privilege.

THE CHAIR:

Are there points of personal privilege? Senator Fasano.

SENATOR FASANO:

Thank you, Madam President.

Madam President, while I enjoyed being at the circle today, I'd like to take this opportunity to wish my wife a very happy birthday today.

THE CHAIR:

Oh my goodness.

SENATOR FASANO:

I missed the birthday dinner, but it -- I can't think of another group to spend it with other than my wife. So happy birthday to my wife.

THE CHAIR:

**JOINT
STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
PART 4
1484 – 1903**

2014

Number two on our public official sign-up sheet is State Representative Craig Miner.

Good morning, Representative Miner.

REP. MINER: Good morning, Mr. Chairman, did you have your pancakes this morning?

REP. G. FOX: Yes, I thought of you.

REP. MINER: I'll bet. I'll bet.

Good morning, Chairman Fox and Ranking Members Rebimbas, Kissel, and other members of the Judiciary Committee. I'm here to testify this morning on House Bill 5340 and want to thank you for holding a public hearing on it.

And I think you know that bill seeks to change the dynamics, the legal dynamic, between a property owner that would allow for the collection of maple sap, which is integral to producing maple syrup on their property. And when I was asked to take a look at this and see if there was a possibility of doing something here in the legislature this year, it seemed like the most logical vehicle was that one that previously exists -- currently exists that deals with the harvesting of firewood on someone's property that's not their own and also the collection of, I think what's interpreted to be, end of season fruits and produce that might be distributed to people throughout the state.

And so by way of a little background, I think there's some testimony that's already been submitted by the association and a couple of other residents in the state of Connecticut. There are about 200 members of the Connecticut Association and in the state of Connecticut

about 95 percent of the natural maple syrup that is consumed comes from outside of the state of Connecticut. So those that are in the business of collecting and making it realize that there is a very large agricultural market here. Our Connecticut Grown program, our localvore philosophy, all leave them to believe that there is great room for expansion here. And so you have to look at what the impediments are. And so if you forget for a moment what the weather is, because that's the biggest impediment, and then look at access and capital, even if you wanted to spend the dollars that it takes to actually produce those products, boiling 40 gallons down to one, which is generally what maple syrup is, you still have an access problem. And so in the state of Connecticut one-tenth of 1 percent of the trees that would be within the guidelines established by the USDA, technically, those trees that should be tapped to produce syrup, extract sap, one-tenth of 1 percent are currently in production, compared to about 33 percent in Québec, about 4 percent in Vermont. And what they think is that some of this has to do with access.

Additionally, when you talk about long-term arrangements -- so again, imagine spending about 100 grand on capital and then trying to commit to a schedule, people are reluctant to enter into, let's say, a long-term agreement, without some understanding of protection. And so what this bill seeks to do is to kind of vest that liability with the producer and not with the property owner that would allow someone to collect it.

There are all sorts of statistics. There are currently leases with the state of Connecticut so there are -- there are some models here where it seems like the state is moving in that

direction. But the vast majority of trees that could actually be used for this purpose rest on private land, land trusts, that sort of thing, and this seemed like a logical way to kind of move the ball forward. So, again, thank you for raising it.

REP. G. FOX: Well, thank you. And is the big reluctance that property owners have is this concern about liability? Is that right?

REP. MINER: Right. What happens is, depending on what -- what system you use, you're out in the middle of winter when things are a bit slippery and you're drilling a hole in the side of a tree and you're pounding a tap in it and then you're going back daily, usually for a period of three to four weeks to collect that sap. So there is some risk, you know, slip and fall, that sort of thing. And it is an issue. And so I've got one constituent who represents another constituent who has a rather large parcel of property, and he said, you know, if there was some way to fix this problem he'd -- he would say, you know, it's a logical use and I know there are people that would be good stewards of the land.

REP. G. FOX: Okay.

Other questions?

Representative Smith.

REP. SMITH: Thank you, Mr. Chairman.

Good morning, Mr. Miner -- Representative Miner.

REP. MINER: I've seen way too much of you recently.

REP. SMITH: Yeah. I was thinking the same thing. It's good to see you somewhere else besides the Labor Department Committee. I'm just trying to get an understanding of this proposal.

So if I own a piece of land and I tap the trees to get some maple syrup and I sell that product, the protection from liability would not apply in that instance, as I understand it. Is that your understanding?

REP. MINER: That is my understanding.

REP. SMITH: On the other hand, if I have a manufacturing process where I sell my maple syrup but I go on to your land to tap the trees, that's what this statute is trying to protect?

REP. MINER: That's what we're attempting to fix. Right?

REP. SMITH: Okay. Thank you.

REP. G. FOX: Representative Ritter.

REP. RITTER: Thank you, Mr. Chairman, who was teasing me and saying what could a Hartford guy possibly know about maple syrup? So Representative Miner, I -- my question is -- actually my in-laws live in rural New Hampshire and they actually do this, you know, they collect maple syrup and things like that. What do other states do, because we're asking Connecticut, and I see some testimony from the trial lawyers, to put this exemption in, we'll just sort of limit it in certain instances, and they're saying that the statute for harvesting fruit is a little more narrow than this currently drafted statute, so I'd be curious, what do other states do in New England for this

type of issue? Do they grant the same kind of immunity or no?

REP. MINER: Well, first of all, I don't think the statute for fruit is any more narrowly crafted. I think they're -- they're actually crafted the same, in fact, I think there's -- as you look through the bill, there is some restrictions on liability, so, as Representative Smith pointed out, if it's me collecting the sap and me producing the maple syrup and me selling the stuff, I'd still have all the liabilities. What this seeks to protect is you, as the property owner, who really has no association with this product other than ought to be for the goodness of your heart or an exchange for two gallons of maple syrup, you know, allowed it to happen.

I'm not familiar what every other state does. I am familiar that in many other states there are certain agricultural exemptions that actually under, kind of, lie a lot of this stuff, so I don't know whether they have the same need to build on the lack of a liability exemption as we do here in Connecticut, but I'd be happy to find that out for you if you'd like. I do know that Vermont, New Hampshire, Maine and Canada are the largest producers.

REP. RITTER: I'd just be curious, so thank you.

REP. MINER: I'd be happy to get that for you.

REP. G. FOX: Are there other questions?

Representative Rebimbas.

REP. REBIMBAS: Thank you, Mr. Chairman.

Not so much a question as much a -- just a statement. I want to thank Representative

Miner for bringing this to the committee's attention, and I'd also like to, obviously, thank our ranking members and most importantly our chairpersons for raising this bill because I've certainly been learning a lot, and I had a conversation with Representative Miner regarding this. And I think any time we can explore something and do something to expand our agricultural market here in the state of Connecticut, we certainly want to do that because, again, it certainly, at least my interpretation of it, it's a very good business bill. And, hopefully, we can move it forward. So, again, thank you, Representative Miner, for bringing this to our attention.

REP. G. FOX: Are there other questions for Representative Miner?

Representative Fritz.

REP. FRITZ: Representative Miner, does this remind you a little bit about -- of Pick Your Own?

REP. MINER: It -- it does. You know I think there are similarities. In this case, however, those may very well be kind of individual opportunities that someone might not want to avail themselves of every year. In this case, part of the problem that the industry is having is this long-term opportunity, so every year you want to tap a tree, you drill a hole and then every year that whole fills back in, the tree self heals. And so where the industry is looking at this saying if we had a permanent understanding with the landowner, we still would have all those same obligations in terms of labor, but at least we wouldn't have to go back in year after year after year and have this conversation, so this would be taking care of. But I think it's very similar in that in the Pick Your Own, as I understand it under the

statute, we were trying to relieve the farmer in that case from a liability when someone actually handed the fruit off to someone else or they actually picked it, so we wanted to relieve them of that liability. So I think they're similar.

REP. G. FOX: Thank you.

Are there other questions for Representative Miner?

No. Thank you, and thanks for bringing this to our attention, and we'll be sure to talk about it some more.

REP. MINER: Thank you, Mr. Chairman. Anything I can get you in the -- you know, between now and the time the committee ends, I'd be happy to try and provide it.

REP. G. FOX: Thanks. Thanks, Craig.

Next I will turn to the public sign-up sheet, and the first name on there is Daniela Giordano. Okay. Then I'll go to the next name, it's Richard Holmes.

Good morning.

SB 260

RICHARD HOLMES: Good morning. Good morning to Representative Fox, Senator Kissel, Representative Rebinbas and the rest of the distinguished guests this morning, and members of the Judiciary Committee. My name is Richard Holmes. And I am a funeral director with the Holmes and Watkins Funeral Homes in Manchester, Connecticut. I am here today representing the Connecticut Funeral Directors Association, which represents over 220 funeral homes in Connecticut. I serve on their legislative committee, and I am also a past president. And

spread out over the country or cannot be located or have no interest in being part of the disposition process.

I thank the committee for your attention in allowing me to speak with you this morning, and I would be happy to answer any questions you may have.

REP. G. FOX: Thank you, Mr. Holmes, thanks for being here today.

Are there any questions?

I don't see any, so thank you.

RICHARD HOLMES: Thank you very much.

REP. G. FOX: Next is Henry Talmage.

HENRY TALMAGE: Good morning, Representative Fox, members of the committee. My name is Henry Talmage. I'm the executive director of the Connecticut Farm Bureau. We represent 5,000 farming families in Connecticut of all types of agriculture, large, small and every type of commodity.

I come before you today in support of Raised Bill 5340, AN ACT CONCERNING THE LIABILITY OF A LANDOWNER WHO PERMITS MAPLE-SUGARING ACTIVITIES ON THE LAND.

As Representative Miner pointed out, many of the -- the issues facing this segment of agriculture industry, but, in particular, what this bill does is -- is -- it attempts to provide some limits and liability for the landowners that make their land available to the maple-sugaring -- maple-sugaring activities. One of the -- one of the challenges with this, and as you, you know, I

co-chair the Governor's Council on Agricultural Development, the charge of that organization is to find ways to increase the amount of Connecticut grown product consumed by Connecticut residents, today it's less than 2 and a-half percent, to 5 percent in 2020. And we're seeing strong demand for Connecticut grown products and Connecticut produced agricultural products, and this is consistent with that.

One of the -- one of the challenges with -- with the maple sugaring is that much of the land that can be used for accessing is owned by nonfarmers, and that is something that is somewhat unique about, perhaps, about Connecticut than other states. The other thing is that we're seeing more and more land owned by what we kind of refer to as conservation buyers or conservation-minded landowners, many of whom are high net worth individuals. And their risk profile of allowing somebody to gather maple sugar from their land may be different than somebody who has -- who doesn't have those same liability concerns. So there may be some distinctions that we need to look at.

I think that idea here in modeling after the firewood and the gleaning of fruits and vegetables is that by making a change like this, it will encourage and open up new land into production that we currently aren't accessing, and thereby increasing the consumption and the production of this.

And another point here is that in many cases maple-sugaring operations are pretty small operations. Just like in any other form of agriculture, the cost per unit comes into play and economies of scale are important. So as you look at the cost per unit of production as

you do more, your cost drops and you become more competitive. And I think that's one of those things that we have to look at too, it's not just doing things on small-scale but how can we do more, and this, I think, would change the profile. So thank you and I am happy to answer any questions you might have.

REP. G. FOX: Thank you.

Are there any questions?

Representative Rebinbas.

REP. REBINBAS: Thank you, Mr. Chairman.

And good morning. Just a follow-up on a previous question that was posed to Representative Miner, seeing that you're with the Farming Bureau, do you know what the other legislation in other states, if it mirrors this or -- or comparison?

HENRY TALMAGE: I don't, but I can look to see -- I heard the question and I thought, boy, that's a good question. So I'll try to get that and get that back -- back to you. And -- and one of the things as part of that is I think the discussion of who owns the land and is there a distinction between the ownership profile of land that could be used in Connecticut versus some of the other states, and, you know, there you have large tracts of land that are often owned by maybe a different type of owner, and I think -- you know, one of the things we've run into in the past in other types of agricultural activities is that somebody will come in and buy a farm and then be advised, you know, we really don't, you know, their advisors say, we don't really think you should rent this out because of the liability that it might pose, and that's a missed opportunity, because that

land is still good and still productive. And the good part is now it's kind of cool to be a farmer again, you know, so there are people who want to engage their land, but if they're -- they're getting advised that they have some risk profile that would -- that would keep them from doing it, I think that's a -- that's a reason to look at this a little differently, but we'll find out what the other states are doing, especially other maple syrup states.

REP. REBIMBAS: Thank you, again, for your response and your testimony.

REP. G. FOX: Thank you.

Are there other questions?

Well, thank you very much.

HENRY TALMAGE: Thank you.

REP. G. FOX: Sally Zanger. Good morning. If you could hit the red button in front of you, because that way --

SALLY ZANGER: Okay. Working now.

REP. G. FOX: Now we can hear you.

SALLY ZANGER: Good morning, again. I'm here to testify on two different bills. The first is in support of Raised Bill Number 5367, the one that Commissioner Rehmer testified about.

SB 385
SB 260

I'm a staff attorney with the Connecticut Legal Rights Project, which is a legal services organization that advocates for low-income individuals who are in institutions and in the community and who have or who are perceived to have psychiatric disabilities. So this bill is very simple. Connecticut General Statute 46a-

disposal, asking for every shred of paper, hard copy or electronic, that are very invasive and intrusive and, essentially, cover the whole gamut of a client's business. I just think that that's wrong. I think that that's an abuse of the process, and I would imagine that, you know, the requesting party would always retain the argument, as well, to go in and say that what they're doing is reasonable and necessary and that there would be a negotiation on the other side about the extent of their reimbursement and what's reasonable to be reimbursed. But what I'm asking for is a hand, thumb -- maybe more than a thumb -- on the scale in favor of the people that we represent and the people that live in this state and the people that are asked to do these things in service of disputes out of state that have nothing to do with them. Thank you.

SENATOR COLEMAN: Any others with questions or comments?

Seeing none, thank you very much for your testimony.

JIM BUDINEZ: Thank you, Mr. Chair.

SENATOR COLEMAN: Doug Mahoney is next.

DOUG MAHONEY: Good morning, members of the committee, Representative Fox, Senator Coleman, I'm Doug Mahoney. I'm president of the Connecticut Trial Lawyers Association. I practice in Bridgeport, and I live in Newtown. And I'm here to testify on behalf of a few different bills. First is House Bill 5338. You may recall that two years ago we had -- we addressed the issue of the admissibility of medical bills, and we passed Public Act 12-142. And when we passed 12-142, two years ago, and the bill went down to the LCO, the language was

HB 5450
HB 5340

So it's just interesting when it comes to a direct action against the insured now, in that context, they object. So the objection was surprising.

And the last bill we oppose is Raised Bill 5340, which is the maple-sugar bill that there's been some testimony about. You know, we can always come up with a good reason to afford someone additional immunity, but it's just unclear why it's necessary in this particular case. I've never heard of a case against a maple sugar farm. I don't know if anyone else has. But I just think that we can always come up with reasons to extend immunity, and I'm not sure there's been any showing as to why it's necessary in this case. So those are the three bills I'm here to testify on, if anyone has the questions.

SENATOR COLEMAN: Thank you very much.

Are there questions?

Chairman Fox.

REP. G. FOX: Thank you, Mr. Chairman.

And thank you, Attorney Mahoney, for being here today.

HB 5450

With respect to the arbitration bill, it's best if you could just walk us through it somewhat in terms of how the process works, and I know I'm familiar with it, I know Attorney O'Dea and Attorney Carpino and I'm sure Attorney Rebimbas, as well, Senator Kissel and Senator Coleman -- I know a lot of people are familiar with it, but I want to make sure -- I don't want to leave anybody out and then I start naming people so but --

who wishes to testify before we declare the public hearing closed?

If you could just please step forward and -- and just before you start if you could just state your name, and I assume it's on one of the bills that's before us today.

HENRY MORTACHIO: Okay. My name is Henry Mortachio; I'm bringing questions to this -- to members' attentions in regard to the Maple Syrup Act, which was Raised Bill 5340.

I'm not sure but I'm reading this in a way that -- I want to tell you about a personal experience. I live in South Windsor, and I know of a gentleman who's of Canadian descent. I had the privilege and opportunity by being associated with French people when I was growing up to go to Canada to bid up in Vermont, and do the maple syrup process. We're talking about farms that are 2 to 500 acres. I know this one gentleman on Miller Road in South Windsor. He did tap the town of South Windsor's property, which I know the maple trees are in the swamp area. I know -- and I'm not sure, because I've got to bring this to him today, but my concern is -- is sort of like I've heard people asking about, you know, and one, I don't see anything in regards to even state land or public parks, because when we're talking about, like I know, like, Rice Street Park in South Windsor is presently closed right now, and it will be closed for the season of the maple season. So why would a gentleman, like that, would want to pass on a tradition to -- an inheritance to their family be able to not tap town trees. We know this is healthy for the trees. We know this is a process that's a skilled art, because it really takes a dedication when these kilns are fired up to continue on and haul in this water.

I'm not sure if you guys know what -- how many trees it takes to make a gallon. I don't, but I remember hauling a lot of little buckets to make up a gallon, and I'm just, you know, curious to wonder why we wouldn't throw this out to towns, state lands, you know, municipality lands. I'm just thinking off the top of my head of MDCs, and again, I'm just kind of thinking, you know, it's becoming a situation in Connecticut where you see more and more people are forced to live on a half acre of land. Let alone somebody to have, like in Senator Kissel's area in Enfield, 2-, 300-acre lots, to have all these maple trees. So why wouldn't it make sense to be able to, kind of, do this? The farmer or the cooker or whatever you'd want to call them would still have to drive there daily, pick up the water, bring it back to his facility, run it through a filtering process and then put it into the kilns. I believe the kilns alone, the cost on that would be astronomical because the amount of wood that's needed to produce and convert 40 gallons to 1 gallon. If you guys haven't realized, this is all steam. You're boiling off the water. You're concentrating the sugar to a higher concentration. So it's not like somebody -- if somebody's going to do this type of operation, this is not for millions of dollars. This is more or less -- I'm more concerned about the little guy, and again I don't want use his name, but I do know of somebody on Miller Road in South Windsor that was asked to remove the tappings from a swamp area, which this is what the trees need is to grow -- to draw the water out of the ground during the thawing and freezing part of the day.

Another mental note in my head -- just for one more second, Mr. Bell Man -- it's sort of like

I've always thought there as me being privileged to live in both South Windsor and East Windsor. I have a dual property, half the land is East Windsor, half South Windsor. There's so many farm acres that are around us and always brought this to my attention, why has not Connecticut even thought of how Vermont does the VAST systems for snowmobiling? How can I go to Vermont, trailer all the way up to Vermont, jump on a snowmobile, do a 300-mile loop and every single farmer there has exemptions from being sued while we're on their property and enjoying the recreation of the property? Is it a scenery issue? There's a tranquility issue. And, again, you know, everybody's worried about a couple other things, but again, I'm just kind of saying to you guys now, I mean, I'm all for it. Anyone who's willing to do this manual labor to get a couple gallons of maple syrup and pass on a tradition, I don't see this as somebody who's going to come to you guys and say, hey, listen, pass this bill so I can make millions of dollars. This is -- this is something that's kind of ludicrous, and it's always been that way in my mind.

Again, how are other states doing it with the VAST systems? That's my opinion. You guys should really think about this in an alternative manner and maybe even declare it as state reserved lands, town reserved lands, would be held from exempt. We got walking trails, I know for a fact on South Windsor, but if I was to say now I was going to go down there now and pick up a gallon of maple water every day, that that's kind of crazy. Why shouldn't we be able to use the land and better promote the health of the trees in the environment? Because we know this is what the trees were meant to do. It's back in the

Indian days, and they don't die unless it's carelessly done.

The next fact, too, that somebody could say, well, if it is state land, why not have just a simple lottery system? It's a very simple thing; it's a very simple process. I believe Maine does it with moose, hunting of the moose for the permits. So, again, when it's a free lottery system and nobody is looking to say someone's going to make millions of dollars because when you're talking about millions of dollars' worth of maple syrup there, we'll be talking maybe \$50 a gallon, it's going to take a lot. So take a gallon, do the formula, convert it over the water. That's a lot of waters, ladies and gentlemen; somebody's going to be hauling off these properties. And I do feel that it should be done with the way of ATVs maybe and a little wagon.

This year we're fortunate, we have snow -- so if you go back to the old days when I went to Canada, it was done with a horse and a sleigh and a big thousand gallon drum and it was fun. It was extremely fun, and I will always remember and be grateful for the family who brought me to their family farm in Canada.

REP. G. FOX: Well, thank you. Thanks. You've given us a lot to think about today.

Are there any questions?

No, I don't see any but thank you very much for your testimony.

HENRY MORTACHIO: Thank you.

REP. G. FOX: So now I would ask again, is there anybody who has not signed up but is in the audience who would like to speak?

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March 5, 2014

Submitted by: Henry N. Talmage, Executive Director, Connecticut Farm Bureau Association

The following testimony is submitted on behalf of the Connecticut Farm Bureau, a statewide nonprofit membership organization of over 5,000 families dedicated to farming and the future of Connecticut agriculture.

Senator Coleman, Representative Fox and Members of the Judiciary Committee:

Raised Bill No. 5340 AN ACT CONCERNING THE LIABILITY OF A LANDOWNER WHO PERMITS MAPLE-SUGARING ACTIVITIES ON THE LAND.

The Connecticut Farm Bureau supports the adoption of RB 5340. This bill extends limits of liability for landowners that allow maple-sugaring activities on their land similar to the provisions under current law for the harvesting of limited amounts of firewood and the harvesting of fruits and vegetables by non-profit organizations. The Connecticut Farm Bureau encourages the adoption of this important provision as it will likely open up additional land for maple-sugaring and allow the maple syrup industry to expand to meet the increasing demand for agri-tourism and CT Grown products.

Submitted by. J Mark Harran, President, Maple Syrup Producers Association of Connecticut.

This to communicate that I support H B 05340 It would help all maple syrup producers in Connecticut as well as the State's economy and the health of forests in CT. As demonstrated by a successful pilot program (Specialty Grant from CTDOA and USDA) aimed at increasing maple syrup production in CT, one of the biggest opportunities for growth is to open more forests in CT for maple tapping. Currently, only 1/10 of one percent of the eligible trees in CT are tapped. This compares to 4% in VT and 33% in Quebec. Part of the reason for the low level tapping in CT is that land owners (private and government) are concerned for the liability incurred by opening forest land to tapping. If that were not the case, the production of maple syrup in CT would clear an important hurdle in its potential to grow from a crop value of about \$1 million to \$20 million per year, as outlined in the aforementioned Specialty Grant growth initiative. In addition to the economic benefits, maple producer would serve to place more forest back into useful production and the maple producers would become another source for detecting invasive species and the like. Indeed, maple producers, by nature, are dedicated to preserving the health of their sugar bushes and this valuable mindset/resource could be transferred to more forests in CT, if H B. 05340 becomes law.

March 5, 2014

Testimony in support of: H.B. 05340 AN ACT CONCERNING THE LIABILITY OF A LANDOWNER WHO PERMITS MAPLE-SUGARING ACTIVITIES ON THE LAND.

Submitted by: William Farrell, Maple Syrup Producer, Lyme, CT 06371, Member of the Maple Syrup Producers Association of Connecticut

Senator Coleman, Representative Fox and Members of the Judiciary Committee:

As a Connecticut maple syrup maker, I support H.B. 05340 which would help my operation and other Connecticut maple syrup makers to expand more readily and add jobs in the State. Most of the opportunities to tap sugar maple trees are on parcels scattered throughout my town and neighboring towns and working with so many landowners presents a logistical challenge. When securing long-term access to sugar maples the difficulty can be compounded by landowners' concern for personal liability arising from my activities on their property. It would be of great help in gaining access to these new properties if the owners knew that they would not be liable for injury or property damage as result of allowing me to harvest sap on their property.

During the last fifteen years the US maple syrup industry has expanded production by over 70% (source: U.S. Department of Commerce, Bureau of Census) but Connecticut's production growth has been held back by the patchwork of parcels and the fragmentation of its forests, among other things. Hundreds of Connecticut sugar makers tap only a small fraction of the millions of sugar maples across the State and passing H.B. 05340 will facilitate greater access to these maple (food) resources and provide income and jobs to our citizens. Maple is a growth industry and I ask the State to help remove the roadblocks to realizing Connecticut's potential.



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Raised Bill 5340
Public Hearing: 3-5-14

TO: MEMBERS OF THE JUDICIARY COMMITTEE
FROM: CONNECTICUT TRIAL LAWYERS ASSOCIATION (CTLA)
DATE: MARCH 5, 2014

RE: **OPPOSITION TO HB5340, AAC THE LIABILITY OF A LANDOWNER WHO PERMITS MAPLE-SUGARING ACTIVITIES ON THE LAND**

The CTLA opposes the expansion of immunity found in this proposal.

CTLA feels that the immunity found in this proposal is unnecessary. This kind of additional and directed immunity is unwarranted, unneeded and against public policy.

“Maple-sugaring” does not fit into the other categories afforded the very limited immunity found in this section of the statute.

Harvesting wood is an important activity the state has decided to encourage through this statute.

The exemption for fruit harvesting is much more narrowly drafted than the all-encompassing exemption from liability offered in this bill. Any charge overcomes the exception for fruit harvesting, and even then the exemption only applies to non-profit organizations.

This is an attempt to place the burden of liability for the negligence of the landowner on the injured party.

The expanded immunity provisions found in this proposed legislation should be found to be against the public policy of this state to allow any grieved party to seek redress through the courts. This provision would close the court house doors to any party injured through the negligent actions of others, simply because the owner of the property is not charging the invitee for products derived from the activity.

WE URGE YOU OPPOSE HB5340. Thank you.