
OLR Bill Analysis

HB 7170

AN ACT CONCERNING CERTAIN RECOMMENDATIONS OF THE DEPARTMENT OF AGRICULTURE REGARDING AQUACULTURE.

SUMMARY

This bill makes numerous unrelated changes to statutes concerning the state's aquaculture industry. Primarily, it does the following:

1. eliminates state requirements that are not in line with the National Shellfish Sanitation Program Model Ordinance (§ 1);
2. shortens the state's commercial shellfish (e.g., oyster, clam, mussel) harvest season (§§ 2-4);
3. requires shellfish grounds owners and franchise holders to certify to the Department of Agriculture (DoAg) that they complied with all required business and shellfish-related state tax filings for the prior year, and grants them appeal rights (§§ 5 & 6);
4. increases the allowed power dredge limit, from 30 to 60 pounds, for gathering shellfish (§ 7); and
5. repeals requirements for DoAg's shellfish recovery vessel, the John H. Volk, which DoAg no longer owns (§ 8).

EFFECTIVE DATE: Upon passage

§ 1 — SHELLFISH SANITATION

By law, DoAg must allow shell fishermen to relay (i.e. transplant) shellfish from shellfish grounds classified as restricted (i.e. polluted) to other grounds, in keeping with the National Shellfish Sanitation Program Model Ordinance. The ordinance establishes sanitary controls over growing, harvesting, shucking, packing, and distributing shellfish.

The bill eliminates specific requirements under current law that no

longer align with the ordinance or are otherwise unnecessary. These include provisions that (1) require identification tags with shellfish location information to be confidential, (2) prescribe the order of harvest and relay, and (3) require a harvester to notify the Department of Energy and Environmental Protection of a planned relay. (In practice, DoAg's combined shellfish harvest and relay license requires market activity to occur before the movement of contaminated fish.)

§§ 2-4 — SHELLFISH HARVEST SEASON

The bill shortens the commercial shellfish harvest season by closing the natural beds sooner than allowed under current law. Specifically, it moves up the annual expiration date of shellfish licenses from July 20 to June 30.

It also revises the time period for assessing penalties for violating shellfishing restrictions. Currently, anyone who takes oysters or shells from natural beds beginning July 20 and through the end of an established period (which varies depending on location), is generally subject to a fine of up to \$250. The bill moves up the start of this period from July 20 to June 15.

§§ 5 & 6 — STATE TAX FILINGS AND APPEAL RIGHTS

The bill requires the owner of shellfish grounds or a franchise within the state's exclusive jurisdiction to certify to the DoAg commissioner that he or she completed all required business and shellfish-related state tax filings for the prior year.

The bill also grants appeal rights to shellfish grounds owners and franchise holders aggrieved by any DoAg commissioner actions under the state law that allows the taxation of shellfish grounds. Appeals must be made to the Superior Court in the judicial district where the franchise or ground is located or the owner appealing resides.

§ 7 — POWER DREDGE LIMIT

The bill increases the allowed power dredge limit, from 30 to 60 pounds, for gathering shellfish. By law, dredges cannot be used for taking shellfish from public shellfish beds and no dredge can have a

capacity of more than 1.5 bushels. (A 60-pound dredge conforms with industry practice and is compatible with the 1.5 bushel capacity limit.)

COMMITTEE ACTION

Environment Committee

Joint Favorable

Yea 32 Nay 0 (03/24/2025)