

PA 11-090

HB5300

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**JOINT
STANDING
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2011

is somewhat integrated and does not take into account the enormous transformation in use of the river in the intervening 60 years.

So thank you so much.

REP. ROY: Thank you.

Any other questions?

Senator Maynard.

SENATOR MAYNARD: Just to thank you, Mr. Giblin.

Also in the interest of full disclosure, I used to bomb around the river with Jim's son Andy, who is classmate of mine. So just so there's no inconsistency in the record, we have a long history.

Mr. Giblin was always sure to make sure we were boating --

A VOICE: (inaudible.)

SENATOR MAYNARD: Thanks for all your help.

REP. ROY: Yes and he has.

Any other questions from members of the committee?

Mr. Giblin, thank you very much.

Raymond Collins followed by Dr. Arnold Goldman.

RAYMOND COLLINS: Mr. Chairman, members of the committee, I'm here in strong support of this bill.

[HB5300]

While I am chairman of the Old Saybrook Harbor

Management Commission, I keep my boat at Noank Shipyard. Where we are, when the boats come by north of Ram Island, they will throw up a wake that will not only rock all the boats in the Anchorage, my boat which is tied to the dock perpendicular to the river could go up and down as much as four to five feet on some of them, with the water coming over, across the concrete dock that's got to be a couple feet high.

This is really dangerous. What makes it more dangerous is that's probably the most popular fuel dock in Southeastern Connecticut. Boats come from Rhode Island, all over Connecticut, Fishers Island, to fuel up there. And you have those boats on the outside of that dock parallel. So when those wakes come by, there's some real problems on occasion. And it's -- I think it's a great matter of safety and I've been looking forward to this, because other than the wakes, we really love it there.

REP. ROY: I say the same thing at home. Other than wakes, I love living there.

RAYMOND COLLINS: I think they're a different kind of wakes, though.

REP. ROY: Any questions or comments from members of the committee?

Seeing none, Raymond, thank you.

Dr. Arnold Goldman followed by Dr. Gayle Block.

And we move on to item 14, Bill 5368.

ARNOLD GOLDMAN: (Inaudible) -- represent the Connecticut Veterinary Medical Association.

And I want to make clear that while 5368

**JOINT
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**ENVIRONMENT
PART 5
1371 – 1695**

2011



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Public Hearing – February 23, 2011
Environment Committee

Testimony Submitted by Commissioner Amey Marrella
Department of Environmental Protection

Committee House Bill No. 5300 - AN ACT CONCERNING THE SPEED LIMITS OF BOATS ON THE MYSTIC RIVER

Thank you for the opportunity to present testimony regarding Committee House Bill No. 5300 - AN ACT CONCERNING THE SPEED LIMIT OF BOATS ON THE MYSTIC RIVER. The Department of Environmental Protection (Department) strongly supports this bill, which modifies the provisions of section 15-16 by removing an impediment to the enforcement of speed law on the Mystic River.

Committee House Bill No. 5300 enhances public safety by eliminating the difficulty of enforcing the speed limit on the Mystic River. The obstacle is found in the controlling statute, section 15-16, which is an artifact of 1949 and was last modified in 1961. The statute is well intended, but the penalty mechanism requires the forfeiture of cash to the state, which in turn requires involvement of the Office of the Attorney General. This arcane penalty system discourages law enforcement from imposing this section and seeing the penalty through to completion.

The Department, in consultation with various local officials and with the support of regional legislators, has proposed regulations that will make much of the Mystic River a "Slow-No-Wake zone" under one overarching and enforceable regulation. These regulations have been approved by the Attorney General's office and are now awaiting consideration by the Regulations Review Committee. Even with this approval, however, the implementation of approved regulations will be impeded by the existing law, which has primacy, unless conflicting speed controls on the Mystic River are removed from section 15-16, as this bill proposes to do.

Alternatively, the Department would also support a bill that repeals section 15-16 in its entirety, because this section of law is equally unenforceable on all of the waterways under its jurisdiction. Should repeal of this section be realized, speed control on these waterways would generally default to existing regulations, which are universally taught in Connecticut Safe Boating classes and universally enforced throughout the state. The default regulations impose a "Slow-No-Wake Zone" when within 200 feet for personal watercraft (PWC) and 100 feet for boats other than PWC of a shore, dock, pier, float or anchored or moored vessel (unless approaching such for waterskiing takeoff or landing).

In short, this proposal removes the final impediment to the implementation of currently proposed regulations that are more enforceable and suitable than the current law. The Department

supports its passage, but would also welcome the opportunity to work with the proponents of the bill to repeal all of section 15-16.

Thank you for the opportunity to present testimony on this proposal. If you should require any additional information, please contact the Department's legislative liaison, Robert LaFrance, at 424-3401 or Robert.LaFrance@ct.gov.

Stanley M. White, P.E., D.PE, D.CE
47 Front Street
Noank, CT 06340

21 February 2011

State of Connecticut
General Assembly Environmental Committee
Room 2A
Legislative Office Building
Hartford, Connecticut

Reference: Mystic River Vessel Speed Limit, Committee Bill 5300: Environment Committee
Public Hearing February 24, 2011

Dear Committee Members:

Due to my work schedule I am unable to attend the hearing. I am requesting that this letter be entered into the record.

I am in full support of Committee Bill 5300. However, it needs to be expanded slightly.

I have a boat on a mooring in the Mystic River, at the northern end of the Noank Special Anchorage (see attached aerial photograph). Vessel speeds and excessive wakes are extremely dangerous, especially in the anchorage. I have voiced my concerns over the past few years to the CTDEP Marine Police, Mystic Harbor Management Committee and the Harbor Master.

A large percentage of boats traveling up and down stream in the Mystic River leave the channel and traverse the Special Anchorage. This creates a very dangerous condition with boats cutting into and out of the channel between Nun #20 and #22. To compound the blind entrance into the channel, many of these boats are traveling at excessive speeds and kicking up large wakes.

During the summer of 2010 the Mystic Harbor Management Committee did relocate the northern "No Wake" buoy closer to the Mystic River Channel (however, I had suggested moving the buoy close to Nun #22 which would have been more effective). But little benefits were seen.

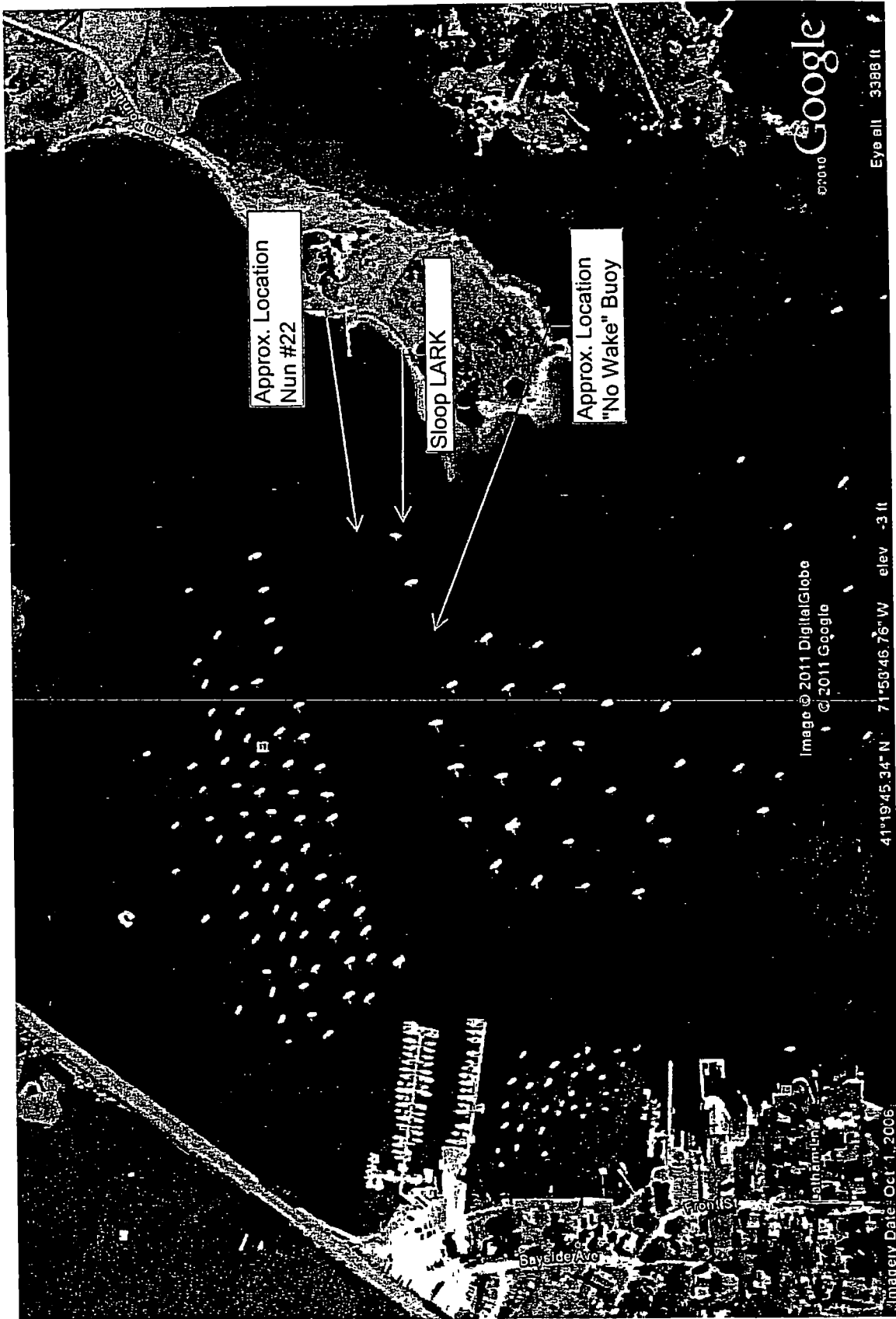
The Bill only identifies "... while within two hundred feet of, any wharf, pier or dock ..." as areas of concern. The Bill wording needs to be modified as follows: "... while within two hundred feet of, any wharf, pier, dock or special anchorage ..." in order to protect those of us who use and maintain vessels and moorings in the Mystic River. The passage of the Bill will require education AND enforcement (which has been lacking).

Thank you for your hard work and I look forward to seeing this important Bill enacted before the 2011 boating season.

Sincerely yours,



Stanley M. White



Mystic River, North End Noank Anchorage

Dear Mr. Bowsza:

This e-mail is being sent in support of the 6 mph speed limit proposed for the Mystic River. (committee bill No. 5300). I completely support the bill and would also support the removal of the antiquated and unenforceable laws which are currently on the books with regard to these speed limits.

Thank you.

Paul C. Watts-Harbormaster Mystic River
860-536-9344 p-watts@sbcglobal.net

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
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Thank you. Welcome back, Representative. Great to have you back in the House. Nice to see you.

Thank you so much. We'll return to the Calendar. Will the Clerk please call Calendar 266.

THE CLERK:

On page 44, Calendar, 266, House Bill Number 5300, AN ACT CONCERNING THE SPEED LIMITS OF BOATS ON THE MYSTIC RIVER. Favorable report of the Committee on Transportation.

SPEAKER DONOVAN:

State Representative Elissa Wright, you have the floor, madam.

REP. WRIGHT (41st):

Thank you, Mr. Speaker, and good afternoon.

SPEAKER DONOVAN:

Thank you.

REP. WRIGHT (41st):

I move for acceptance of the joint committee's favorable report and passage of the bill.

SPEAKER DONOVAN:

The question is acceptance of the joint committee's favorable report and passage of the bill. Will you remark?

REP. WRIGHT (41st):

Thank you, Mr. Speaker. This bill updates boating safety standards on the Mystic River and brings into better alignment with current conditions on the water. Mr. Speaker, the Clerk has an amendment LCO 6257. I would ask the Clerk to please call the amendment and that I be granted leave of the Chamber to summarize.

SPEAKER DONOVAN:

Will the Clerk please call LCO 6257, which will be designated as House Amendment Schedule "A".

THE CLERK:

LCO Number 6257, House "A" offered by
Representatives E. Wright, Roy, Urban, and Chapin.

SPEAKER DONOVAN:

Representative seeks leave of the Chamber to summarize. Any objection to summarization? Hearing none, Representative you may proceed with summarization.

REP. WRIGHT (41st):

Thank you, Mr. Speaker. This is a strike-all amendment. It repeals an outmoded statute governing vessel speed on the Mystic River and portions of several other specified rivers and harbors. And it enacts a new statutory standard establishing a Slow-

No-Wake speed restriction for two areas on the Mystic River, leaving the remainder of the river to be regulated generally under existing boating regulations as consistently enforced throughout the state.

There has been a significant increase in the volume and intensity of -- of summer boat traffic and the size and power of modern-day motor yachts that have transformed the use of the river in the 62 years since the controlling statute was enacted in 1949 and last updated in 1961.

Mr. Speaker, this is a common sense measure that addresses an important public safety issue for all people who enjoy a variety of types of boating use and other activities on the -- Mystic River. I move adoption.

SPEAKER DONOVAN:

The question is on adoption. Will you remark further? Remark further? Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker. Mr. Speaker, I also rise in support of the amendment before us. As the proponent indicated, it is a strike-all amendment. It's also consistent with the bill we had a public hearing on, and I think it's a good-sense measure that

I would encourage my colleagues to support. Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Representative Urban.

REP. URBAN (43rd):

Thank you, Mr. Speaker. I'd just like to thank Representative Chapin and Representative Wright for bringing everybody together so we could get this bill done on the Mystic River, and I would really urge my colleagues to vote for it. Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Would you care to remark further on the amendment? Care to remark further on the amendment? If not, let me try your minds. All those in favor of the amendment, please signify by saying Aye.

REPRESENTATIVES:

Aye.

SPEAKER DONOVAN:

All this opposed, Nay.

The Ayes have it. The amendment is adopted.

Remark further on the bill as amended?

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you, Mr. Speaker. Through you to the proponent, if I may. How is -- is there a definition for a Slow-No-Wake? Is that -- is there a speed measure that determines when there's no wake? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Wright.

REP. WRIGHT (41st):

Thank you, Mr. Speaker. Through you, Mr. Speaker, to Representative Hetherington. Yes, there is a -- a definition of Slow-No-Wake. It is defined in the DEP's boating regulations at Section 15-121a-1 small j. And it is defined that a vessel shall not produce more than a minimum wake and shall not attain speeds greater than six miles per hour over the ground unless a higher minimum speed is necessary to maintain steerage way when traveling in a strong current. In no case shall the wake produced be such that it creates a danger or injury to persons or will damage vessels or structures. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you, Mr. Speaker. Through you, is this -- is the Mystic River an inland waterway for the purposes of federal regulation? I wondered if the proponent happens to know that. Through you, Mr. Speaker.

REP. WRIGHT (41st):

Through you, Mr. Speaker --

SPEAKER DONOVAN:

Representative Wright.

REP. WRIGHT (41st):

Through you, Mr. Speaker, of the Mystic River, I would believe is -- is a federal navigable water and it is considered also waters of the state. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Hetherington.

REP. HETHERINGTON (125th):

Through you, Mr. Speaker, so we're -- we're confident that -- that the State has authority to set these limits on the Mystic River. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Wright.

REP. WRIGHT (41st):

Yes.

SPEAKER DONOVAN:

Representative Hetherington.

REP. HETHERINGTON (125th):

I thank the -- the lady for her responses. Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative. Would you care to remark further on the bill as amended? Remark further on the bill as amended? Representative Larry Miller. One of the many Millers here in the General Assembly.

REP. MILLER (122nd):

Thank you, Mr. Speaker. I just have one question.

SPEAKER DONOVAN:

Please proceed, sir.

REP. MILLER (122nd):

Yes, who would enforce the law? Would be harbor masters? Would be coast guard auxiliary? Who would be the enforcing authority? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Wright.

REP. WRIGHT (41st):

Through you, Mr. Speaker, the new standard would

be enforced in the same manner as other boating regulations. Under General Statute Section 15-154, I believe, establishes conservation officers, harbor masters, deputy harbor masters, state police, municipal police, and such. It's specified in the statute. Through you, Mr. Speaker.

REP. MILLER (122nd):

Thank you, and again, through you, Mr. Speaker. The town has a police boat that they maybe take out once in a while to check on the traffic in the river.

SPEAKER DONOVAN:

Representative Elissa Wright.

REP. WRIGHT (41st):

Through you, Mr. Speaker, if they have a boat, yes.

SPEAKER DONOVAN:

Representative Miller.

REP. MILLER (122nd):

Thank you for your answers. Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Would you care to remark further on the bill as amended? Remark further on the bill as amended? If

not, staff and guests please come to the well of the House. Members take their 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 by roll call. Members to the Chamber.

SPEAKER DONOVAN:

Have all the members voted? Have all the members voted? Please check the roll call board to make sure your vote has been properly cast. If all the members voted, the machine will be locked and the Clerk will please take a tally.

Clerk, please announce the tally.

THE CLERK:

House Bill 5300 as amended by House "A".

Total Number voting 133

Necessary for passage 67

Those voting Yea 133

Those voting Nay 0

Those absent and not voting 18

SPEAKER DONOVAN:

Bill as amended passes.

Will the Clerk please call Calendar 291.

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**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

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SENATE

502
June 7, 2011

Continuing on that page, Calendar 534, House
Bill Number 6352.

Madam President, move to place this item on the
Consent Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

Also, Calendar 536, House Bill Number 5300.

Move to place the item on the Consent Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

A final item on calendar page 17, Calendar 537,
House Bill Number 5482.

Move to place this item on the Consent
calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

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Mr. Clerk.

THE CLERK:

Immediate roll call's been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber. Immediate roll call's been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber.

THE CLERK:

Madam President, the items placed...

THE CHAIR:

I would ask the Chamber to be quiet please so we can hear the call of the Calendar for the Consent Calendar.

Thank you.

Please proceed, Mr. Clerk

THE CLERK:

Madam President, the items placed on the first Consent Calendar begin on calendar page 5, Calendar 336, House Bill 5697.

Calendar page 7, Calendar 421, Substitute for House Bill 6126.

Calendar page 8, Calendar 449, Senate Bill 1149.

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Calendar page 10, Calendar 470, Substitute for House Bill 5340. Calendar 474, Substitute for House Bill 6274. Calendar 476, House Bill 6635.

Calendar page 12, Calendar 499, Substitute for House Bill 6638. Calendar 500, House Bill 6614. Calendar 508, House Bill 6222.

Calendar page 13, Calendar 511, House Bill 6356. Calendar 512, Substitute for House Bill 6422. Calendar 514, House Bill 6590. Calendar 515, House Bill 6221. Calendar 516, House Bill 6455.

Calendar page 14, Calendar 517, House Bill 6350. Calendar 519, House Bill 5437. Calendar 522, House Bill 6303.

Calendar page 15, Calendar 523, Substitute for House Bill 6499. Calendar 524, House Bill 6490. Calendar 525, House Bill 5780. Calendar 526, House Bill 6513. Calendar 527, Substitute for House Bill 6532.

Calendar page 16, Calendar 528, House Bill 6561. Calendar 529, Substitute for House Bill 6312. Calendar 530, Substitute for House Bill 5032. Calendar 532, House Bill 6338.

Calendar page 17, Calendar 533, Substitute for House Bill 6325. Calendar 534, House Bill 6352.

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Calendar 536, House Bill 5300. Calendar 537, House
Bill 5482.

calendar page 18, Calendar 543, House Bill 6508.

Calendar 544, House Bill 6412. Calendar 546,
Substitute for House Bill 6538. Calendar 547,
Substitute for House Bill 6440. Calendar 548,
Substitute for House Bill 6471.

Calendar page 19, Calendar 550, Substitute for
House Bill 5802. Calendar 551, House Bill 6433.
Calendar 552, House Bill 6413. Calendar 553,
Substitute for House Bill 6227.

Calendar page 20, Calendar 554, Substitute for
House Bill 5415. Calendar 557, Substitute for House
Bill 6318. Calendar 558, Substitute for House Bill
6565.

Calendar page 21, Calendar 559, Substitute for
House Bill 6636.

Calendar page 22, Calendar 563, Substitute for
House Bill 6600. Calendar 564, Substitute for House
Bill 6598. Calendar 566, House Bill 5585.

Calendar page 23, Calendar 568, Substitute for
House Bill 6103. Calendar 570, Substitute for House
Bill 6336. Calendar 573, Substitute for House Bill
6434.

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Calendar page 24, Calendar 577, Substitute for
House Bill 5795.

Calendar page 25, Calendar 581, House Bill
6354.

Calendar page 26, Calendar 596, Substitute for
House Bill 6282. Calendar 598, Substitute for House
Bill 6629.

Calendar page 27, Calendar 600, House Bill
6314. Calendar 601, Substitute for House Bill 6529.
Calendar 602, Substitute for House Bill 6438.
Calendar 604, Substitute for House Bill 6639.

Calendar page 28, Calendar 605, Substitute for
House Bill 6526. Calendar 608, House Bill 6284.

Calendar page 30, Calendar number 615,
Substitute for House Bill 6485. Calendar 616,
Substitute for House Bill 6498.

Calendar page 31, Calendar 619, Substitute for
House Bill 6634. Calendar 627, Substitute for House
Bill 6596.

Calendar page 32, Calendar 629, House Bill
5634. Calendar 630, Substitute for House Bill 6631.
Calendar 631, Substitute for House Bill 6357.
Calendar 632, House Bill 6642.

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Calendar page 33, Calendar 634, Substitute for
House Bill 5431. Calendar 636, Substitute for
House, correction, House Bill 6100.

Page 34, Calendar 638, Substitute for House
Bill 6525.

Calendar page 48, Calendar 399, Substitute for
Senate Bill 1043.

Calendar page 49, Calendar 409, Substitute for
House Bill 6233. Calendar 412, House Bill 5178.
Calendar 422, Substitute for House Bill 6448.

Calendar page 52, Calendar 521, Substitute for
House Bill 6113.

Madam President, that completes the item placed
on the first Consent Calendar.

THE CHAIR:

Thank you, sir.

We call for another roll call vote. And the
machine will be open for Consent Calendar number 1.

THE CLERK:

The Senate is now voting by roll on the Consent
Calendar. Will all Senators please return to the
Chamber. The Senate is now voting by roll on the
Consent Calendar, will all Senators please return to
the Chamber.

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Senator Cassano, would you vote, please, sir.

Thank you.

Well, all members have voted. All members have voted. The machine will be closed, and Mr. Clerk, will you call the tally?

THE CLERK:

Motion is on option Consent Calendar Number 1.

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

THE CHAIR:

Consent Calendar Number 1 has passed.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

We might stand at ease for just a moment as we prepare the next item..

THE CHAIR:

The Senate will stand at ease.

(Chamber at ease.)