S T A T E O F N E W Y O R K

S. 756 A. 2294

2009-2010 Regular Sessions

S E N A T E - A S S E M B L Y

January 15, 2009

IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

IN ASSEMBLY -- Introduced by M. of A. THIELE -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to the taking of fish for commercial purposes

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 13-0349 of the environmental conservation law, as amended by chapter 263 of the laws of 1997, is amended to read as follows:

S 13-0349. Taking of fish for commercial purposes.

1. No person shall take food fish, shellfish, or crustacea from the waters of the marine and coastal district for commercial purposes using a commercial fishing vessel longer than seventy feet in registered length. [However, this prohibition shall not apply to vessels being used to take food fish, shellfish or crustacea from the waters of the marine and coastal district prior to July first, nineteen hundred ninety-seven and the department shall publish a list of such vessels.] For purposes of this section a person shall be presumed to be taking food fish, shellfish or crustacea for commercial purposes when setting, maintaining, operating or using nets, except seines not larger than thirty feet long or four feet deep or lift nets not larger than sixteen square feet; traps, except bait traps not more than thirty inches in length; combs; dredges; pots; or hook and line, except by angling.

2. HOWEVER, VESSELS BEING USED TO TAKE FOOD FISH, SHELLFISH OR CRUSTACEA FROM THE WATERS OF THE MARINE AND COASTAL DISTRICT PRIOR TO JULY FIRST, NINETEEN HUNDRED NINETY-SEVEN SHALL BE EXEMPT FROM THE REGISTERED LENGTH REQUIREMENT AND THE DEPARTMENT SHALL PUBLISH A LIST OF SUCH

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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VESSELS. IN ADDITION, SUCH VESSELS WHICH ARE EXEMPT FROM SUCH SEVENTY FOOT IN REGISTERED LENGTH REQUIREMENT, AND ARE ON THE LIST PUBLISHED PURSUANT TO THIS SECTION, SHALL ALSO BE PERMITTED TO BE REPLACED ONE TIME WITHOUT LOSS OF SUCH EXEMPTION.

3. ALL VESSELS OF SIXTY-THREE FEET OR GREATER REGISTERED LENGTH MAY BE REPLACED ONE TIME BY A NEW VESSEL OF UP TO TEN PERCENT GREATER REGISTERED LENGTH.

S 2. This act shall take effect immediately.