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2009-2010 Regular Sessions

I N S E N A T E

January 21, 2009

Introduced by Sen. MARCELLINO -- read twice and ordered printed, and
when printed to be committed to the Committee on Environmental Conser-
vation

AN ACT to amend the environmental conservation law, in relation to
prohibiting the sale of angler-caught fish

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

1 Section 1. Subdivision 2 of section 11-1319 of the environmental
2 conservation law, as amended by chapter 193 of the laws of 1992, is
3 amended to read as follows:
4 2. Sale.
5 a. Trout, including rainbow trout, Atlantic salmon, black bass,
6 walleye and muskellunge shall not be bought and sold.
7 b. Bait fish named in section 11-1315 shall not be sold for bait
8 except as provided in that section.
9 c. [The] FISH OR PARTS THEREOF TAKEN IN ACCORDANCE WITH THE PRIVILEGES
10 OF A LICENSE ISSUED PURSUANT TO TITLE SEVEN OF THIS ARTICLE OR TAKEN BY
11 A MINOR PURSUANT TO SUBDIVISION TWO OF SECTION 11-0707 SHALL NOT BE
12 BOUGHT OR SOLD.
13 D. UNLESS OTHERWISE PROHIBITED BY THIS SUBDIVISION, THE following fish
14 may be bought and sold at any time: (1) the marine species named in
15 section 13-0339 or in regulations of the department provided they are of
16 the minimum size limits stated in such section or in such regulations;
17 (2) fish [that may be] taken with nets [in] FROM the Hudson River, Lake
18 Erie and Lake Ontario as authorized by regulations of the department
19 provided they are of the minimum size limits stated in such regulations;
20 AND (3) fish not specifically named in [paragraph d of this subdivision
21 or in] section 13-0339, 11-1521 or 13-0347 or in regulation adopted
22 pursuant to section 11-1303[; (4) fish for which such regulations speci-
23 fy no minimum size limits and specify generally without exceptions, that
24 the open season is "any time"].

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

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1 S 2. Subdivision 4 of section 11-1703 of the environmental conserva-
2 tion law, paragraph b as amended by chapter 170 of the laws of 1980, is
3 amended to read as follows:

4 4. Fish [of the following species] OR PARTS THEREOF taken outside the
5 state shall not be bought or sold or otherwise trafficked in if they
6 WERE TAKEN PURSUANT TO THE PRIVILEGES OF A RECREATIONAL OR SPORTFISHING
7 LICENSE, OR IF THEY ARE OF THE FOLLOWING SPECIES AND are [of] less than
8 the MINIMUM size limits specified in this subdivision or in the sections
9 to which it refers:

10 a. striped bass, fluke or summer flounder, blue porgie, weakfish,
11 mackerel, sea bass, king fish, cod fish, blackfish, winter flounder, all
12 as specified in section 13-0339;

13 b. lake trout, pickerel, Atlantic sturgeon, Atlantic (landlocked)
14 salmon, whitefish, northern pike, all as specified in regulations of the
15 department.

16 S 3. This act shall take effect immediately.