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

3782

2009-2010 Regular Sessions

I N S E N A T E

March 31, 2009

Introduced by Sens. THOMPSON, PARKER, PERKINS, SCHNEIDERMAN, STEWART-COUSINS -- (at request of the Department of Environmental Conservation) -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to the management of marine fish subject to interstate and federal fishery management plans and migratory game birds

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

Section 1. Subdivision 1 of section 11-0307 of the environmental conservation law, as amended by chapter 494 of the laws of 1984, is amended to read as follows:

1. The department [shall] MAY adopt rules and regulations in relation to migratory game birds [consistent with], PROVIDED SUCH REGULATIONS ARE NO LESS RESTRICTIVE THAN federal regulations made under authority of the Migratory Bird Treaty Act of July 3, 1918, (16 U.S.C. secs. 703-711), as [presently constituted or as hereafter] MAY BE amended FROM TIME TO TIME.

S 2. Subdivision 1 of section 11-0903 of the environmental conservation law is amended to read as follows:

1. Open seasons and bag limits with respect to migratory game birds shall be those PUBLISHED ANNUALLY IN THE FEDERAL REGISTER BY THE U.S. DEPARTMENT OF THE INTERIOR, [fixed by] UNLESS the department [in] ADOPTS regulations pursuant to section 11-0307[, to conform with federal regulations made under authority of the Migratory Bird Treaty Act of July 3, 1918 (16 U.S.C. SS 703-711)].

S 3. Paragraph a of subdivision 2 of section 11-0905 of the environmental conservation law, as amended by chapter 911 of the laws of 1990, is amended to read as follows:

a. Migratory game birds, all species	Fixed annually by FEDERAL	Fixed annually by FEDERAL

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

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regulation, UNLESS THE STATE ADOPTS REGULATION	regulation, UNLESS THE STATE ADOPTS REGULATION

S 4. Paragraph b of subdivision 1 of section 13-0339 of the environmental conservation law, as amended by chapter 156 of the laws of 2003, is amended to read as follows:

b. Open seasons, minimum size limits and catch limits for fish other than the marine species named in subdivisions 2 and 3 of this section are specified by regulations adopted pursuant to sections 11-0303, 11-1303, 13-0338, 13-0339-a, 13-0340, 13-0340-a, 13-0340-b, 13-0340-c, 13-0340-d, 13-0340-e, 13-0340-f and 13-0340-g of this chapter. THE COMMISSIONER MAY, BY ORDER, ADOPT MEASURES FOR THE MANAGEMENT OF MARINE FISH NECESSARY TO COMPLY WITH FISHERY MANAGEMENT PLANS ADOPTED BY THE ATLANTIC STATES MARINE FISHERIES COMMISSION OR ADOPTED PURSUANT TO THE FEDERAL FISHERY CONSERVATION AND MANAGEMENT ACT (16 U.S.C. S 1800 ET SEQ.) OR EMERGENCY ACTIONS ADOPTED BY THE ATLANTIC STATES MARINE FISHERIES COMMISSION OR THE U.S. DEPARTMENT OF COMMERCE, INCLUDING BUT NOT LIMITED TO SIZE LIMITS, CATCH AND POSSESSION LIMITS, AND OPEN AND CLOSED SEASONS, PROVIDED THAT FOR THE MARINE SPECIES NAMED IN SUBDIVISIONS 2 AND 3 OF THIS SECTION, THE MINIMUM SIZE LIMITS SHALL BE NO LESS RESTRICTIVE THAN PROVIDED IN SUCH SUBDIVISIONS. THE COMMISSIONER SHALL INFORM THE PUBLIC AT LEAST TEN DAYS PRIOR TO THE EFFECTIVE DATE OF SUCH ORDER. ANY ORDER MADE PURSUANT TO THIS SECTION SHALL BE EFFECTIVE FOR A PERIOD OF NOT MORE THAN ONE HUNDRED TWENTY DAYS, PROVIDED THAT IF A NOTICE OF PROPOSED RULEMAKING HAS BEEN PUBLISHED IN THE STATE REGISTER, SUCH ORDER SHALL REMAIN IN EFFECT UNTIL SUCH REGULATIONS HAVE BEEN ADOPTED, BUT IN NO CASE FOR LONGER THAN TWO HUNDRED FORTY DAYS. All shortnose sturgeon irrespective of size and all Atlantic sturgeon under the size limits prescribed by regulations adopted pursuant to section 11-1303 of this chapter taken in gill nets shall be immediately returned to the water without unnecessary injury. Other fish named by regulations adopted pursuant to sections 11-0303, 11-1303, 13-0338, 13-0339-a, 13-0340, 13-0340-a, 13-0340-b, 13-0340-c, 13-0340-d, 13-0340-e, 13-0340-f and 13-0340-g of this chapter and under the size limits prescribed in such regulations, shall not be bought, sold or trafficked in.

S 5. This act shall take effect immediately.