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

854

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 Conservation

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 2 of section 11-1319 of the environmental conservation law, as amended by chapter 193 of the laws of 1992, is amended to read as follows:

2. Sale.

a. Trout, including rainbow trout, Atlantic salmon, black bass, walleye and muskellunge shall not be bought and sold.

b. Bait fish named in section 11-1315 shall not be sold for bait except as provided in that section.

c. [The] FISH OR PARTS THEREOF TAKEN IN ACCORDANCE WITH THE PRIVILEGES OF A LICENSE ISSUED PURSUANT TO TITLE SEVEN OF THIS ARTICLE OR TAKEN BY A MINOR PURSUANT TO SUBDIVISION TWO OF SECTION 11-0707 SHALL NOT BE BOUGHT OR SOLD.

D. UNLESS OTHERWISE PROHIBITED BY THIS SUBDIVISION, THE following fish may be bought and sold at any time: (1) the marine species named in section 13-0339 or in regulations of the department provided they are of the minimum size limits stated in such section or in such regulations; (2) fish [that may be] taken with nets [in] FROM the Hudson River, Lake Erie and Lake Ontario as authorized by regulations of the department provided they are of the minimum size limits stated in such regulations; AND (3) fish not specifically named in [paragraph d of this subdivision or in] section 13-0339, 11-1521 or 13-0347 or in regulation adopted pursuant to section 11-1303[; (4) fish for which such regulations specify no minimum size limits and specify generally without exceptions, that 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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S 2. Subdivision 4 of section 11-1703 of the environmental conservation law, paragraph b as amended by chapter 170 of the laws of 1980, is amended to read as follows:

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

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

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

S 3. This act shall take effect immediately.