

5179--C

2013-2014 Regular Sessions

I N   A S S E M B L Y

February 21, 2013

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Introduced by M. of A. THIELE -- read once and referred to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Environmental Conservation in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to defining spearguns and allowing recreational spearfishing in New York's marine and coastal waters; and providing for the repeal of such provisions upon expiration thereof

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

- 1     Section 1. Subdivision 1 of section 11-0103 of the environmental  
2 conservation law is amended by adding a new paragraph f to read as  
3 follows:  
4     F. "SPEARGUN" AND "UNDER-WATER GUN" MEANS ANY SPEARGUN THAT STORES  
5 POTENTIAL ENERGY PROVIDED FROM THE SPEARFISHER'S MUSCLES ONLY AND IS  
6 USED WHILE SUBMERGED UNDER THE WATER. SUCH GUN MAY ONLY RELEASE THAT  
7 AMOUNT OF ENERGY THAT THE DIVER HAS PROVIDED TO IT FROM SUCH DIVER'S OWN  
8 MUSCLES. COMMON TEMPORARY ENERGY STORING DEVICES FOR SPEARGUNS SHALL  
9 INCLUDE, BUT NOT BE LIMITED TO: RUBBER BANDS, SPRINGS, AND SEALED AIR  
10 CHAMBERS.  
11     S 2. Subdivision 1 of section 11-1301 of the environmental conserva-  
12 tion law is amended by adding a new paragraph c to read as follows:  
13     C. EXCEPT AS OTHERWISE PROHIBITED BY LAW, FISH MAY BE TAKEN BY SPEAR  
14 OR SPEARGUN IN THE MARINE AND COASTAL DISTRICT ONLY FOR RECREATIONAL  
15 PURPOSES. A SPEARGUN MUST BE SUBMERGED WHEN USED TO TAKE FISH.  
16 PROVIDED, HOWEVER, THAT NO FOOD FISH MAY BE TAKEN BY SPEAR OR SPEARGUN  
17 WITHIN ONE HUNDRED YARDS OF A PUBLIC BATHING AREA.  
18     S 3. This act shall take effect on the ninetieth day after it shall  
19 have become a law and shall expire and be deemed repealed June 1, 2017.

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

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