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

7895

2013-2014 Regular Sessions

I N A S S E M B L Y

June 7, 2013

Introduced by M. of A. SWEENEY, WEISENBERG -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to the management of the American lobster; to amend chapter 211 of the laws of 2008 amending the environmental conservation law relating to the management of American lobsters, in relation to the effectiveness thereof; to repeal section 2 of such chapter relating to the management of American lobsters; and providing for the repeal of such provisions upon the expiration thereof

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

Section 1. Paragraph d of subdivision 5 of section 13-0329 of the environmental conservation law, as added by chapter 357 of the laws of 1998, is amended to read as follows:

d. The landing or possession, IN THE MARINE DISTRICT, of lobster, or parts thereof, not in the shell, detached lobster tails or claws, or any other part of a lobster that has been separated from the lobster BY ANY PERSON WHO HAS A LOBSTER PERMIT ISSUED BY THE STATE is prohibited. [This prohibition applies to any lobstermen licensed by the state.]

S 2. Section 13-0329 of the environmental conservation law is amended by adding a new subdivision 17 to read as follows:

17. A. NO LOBSTER MAY BE TAKEN FROM ATLANTIC STATES MARINE FISHERIES COMMISSION AREA SIX FROM SEPTEMBER EIGHTH THROUGH NOVEMBER TWENTY-EIGHTH PURSUANT TO THE RECOMMENDATIONS OF THE AREA'S LOBSTER CONSERVATION MANAGEMENT TEAM AS REQUIRED BY THE INTERSTATE FISHERY PLAN FOR LOBSTERS ADOPTED BY THE ATLANTIC STATES MARINE FISHERIES COMMISSION.

B. DURING THE SEPTEMBER EIGHTH THROUGH NOVEMBER TWENTY-EIGHTH CLOSURE, LOBSTER PERMIT HOLDERS WHO USE LOBSTER TRAPS OR POTS SHALL REMOVE LOBSTER TRAPS AND POTS FROM THE WATER BY SEPTEMBER TWENTY-SECOND.

C. NO LOBSTER TRAP OR POT MAY BE IN THE WATER FROM SEPTEMBER TWENTY-SECOND UNTIL NOVEMBER FOURTEENTH UNLESS THE LOBSTER PERMIT HOLDER

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

LBD11104-02-3

ALSO HOLDS A PERMIT OR LICENSE THAT AUTHORIZES THEM TO HARVEST OTHER SPECIES FROM THEIR LOBSTER TRAPS OR POTS.

D. LOBSTER PERMIT HOLDERS MAY SET UNBAITED LOBSTER TRAPS OR POTS BEGINNING NOVEMBER FOURTEENTH.

E. LOBSTER PERMIT HOLDERS MAY SET BAITED LOBSTER TRAPS OR POTS BEGINNING NOVEMBER TWENTY-FIRST.

S 3. Section 2 of chapter 211 of the laws of 2008 amending the environmental conservation law relating to the management of American lobsters is REPEALED.

S 4. Section 3 of chapter 211 of the laws of 2008 amending the environmental conservation law relating to the management of American lobsters is amended to read as follows:

S 3. This act shall take effect July 1, 2008[; provided however that section two of this act shall take effect on the effective date of an alternative conservation-equivalent plan approved by the Atlantic States Marine Fisheries Commission which achieves equivalent conservation value in place of the required three and three-eighths inches minimum gauge length for American lobster in Atlantic States Marine Fisheries Commission Lobster Conservation Management Area 6, provided that the commissioner of environmental conservation shall notify the legislative bill drafting commission of the effective date of such alternative conservation - equivalent plan in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effecting provisions of section 44 of the legislative law and section 70-b of the public officers law].

S 5. This act shall take effect on the thirtieth day after it shall have become a law and shall expire and be deemed repealed January 1, 2016.