

3742--A

2015-2016 Regular Sessions

I N A S S E M B L Y

January 27, 2015

Introduced by M. of A. DiPIETRO -- read once and referred to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to hunting or trapping of moose

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

1 Section 1. Paragraph b of subdivision 2 and paragraph b of subdivision
2 4 of section 11-0103 of the environmental conservation law, paragraph b
3 of subdivision 2 as amended by chapter 427 of the laws of 1988, are
4 amended to read as follows:
5 b. "Big game" means deer, bear, moose, [elk, except captive bred and
6 raised North American elk (*Cervus elaphus*)], caribou and antelope.
7 b. "Domestic game animal" means white-tailed deer propagated under a
8 domestic game animal breeder's license pursuant to section 11-1905 OF
9 THIS ARTICLE or propagated on a preserve or island outside the state
10 under a law similar in principle to title 19 of this article.
11 S 2. Subdivision 3 of section 11-0505 of the environmental conserva-
12 tion law, as amended by chapter 135 of the laws of 1982, is amended to
13 read as follows:
14 3. No deer, MOOSE or bear traps shall be made, set or used upon land
15 inhabited by deer, MOOSE or bear. No salt lick shall be made, set or
16 used upon land inhabited by deer, MOOSE or bear, except that the depart-
17 ment may do so on state wildlife refuges and wildlife management areas.
18 S 3. Subdivision 3 of section 11-0521 of the environmental conserva-
19 tion law, as renumbered by chapter 911 of the laws of 1990, is renum-
20 bered subdivision 4, and a new subdivision 3 is added to read as
21 follows:
22 3. NOTWITHSTANDING THE FOREGOING PROVISIONS OF THIS SECTION, IN THE
23 CASE OF MOOSE, THE DEPARTMENT MAY ISSUE A LICENSE BY RULE OR REGULATION

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

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1 TO ALLOW THE TAKING OF INDIVIDUAL ANIMALS THAT ARE DEEMED TO BE DESTRUC-
2 TIVE.

3 S 4. Subdivision 5 of section 11-0529 of the environmental conserva-
4 tion law, as amended by chapter 610 of the laws of 2006, is amended to
5 read as follows:

6 5. No action for damages shall lie against any authorized person for
7 the killing of a cat, dog or coyote as provided in this section, EXCEPT
8 IN THE CASE OF KILLING A HUNTING DOG USED PURSUANT TO THE PROVISIONS OF
9 SECTION 11-0928 OF THIS ARTICLE.

10 S 5. Section 11-0713 of the environmental conservation law is amended
11 by adding a new subdivision 7 to read as follows:

12 7. THE COMMISSIONER MAY, BY RULE AND REGULATION, ESTABLISH A LICENSE
13 LOTTERY FOR MOOSE WHEN CONDITIONS WARRANT CONTROL OF INDIVIDUAL ANIMALS
14 OR WHEN SUCH BIG GAME ANIMALS CONSTITUTE A NUISANCE POPULATION.

15 S 6. Paragraph b of subdivision 3 of section 11-0901 of the environ-
16 mental conservation law, as amended by section 5 of part EE of chapter
17 55 of the laws of 2014, is amended to read as follows:

18 b. Wild deer, MOOSE and bear shall not be taken except by gun, cross-
19 bow or by long bow. Where an open season, set forth in the table of open
20 seasons in section 11-0907 of this title or otherwise established by law
21 or fixed by regulation, is specified as an open season for taking such
22 game by shotgun or long bow only, or is specified as an open season for
23 taking such game by long bow only, they shall not be taken except as so
24 specified.

25 S 7. Paragraph a and the opening paragraph of paragraph b of subdivi-
26 sion 4 of section 11-0901 of the environmental conservation law, as
27 amended by chapter 600 of the laws of 1993, are amended to read as
28 follows:

29 a. Wild deer, MOOSE and bear shall not be taken in water.

30 No person shall hunt deer OR MOOSE:

31 S 8. The opening paragraph of paragraph d and subparagraph 1 of para-
32 graph e of subdivision 4 of section 11-0901 of the environmental conser-
33 vation law, as amended by chapter 600 of the laws of 1993, are amended
34 to read as follows:

35 The use upon land inhabited by deer, MOOSE or bear of a jacklight,
36 spotlight or other type of artificial light by any person who is or is
37 accompanied by a person who is in possession, at the time of such use,
38 of a long bow, a crossbow or firearm of any kind, shall be presumptive
39 evidence that such person is hunting deer, MOOSE or bear with the aid of
40 such light, in violation of this subdivision, unless:

41 (1) No person shall use a jacklight, spotlight or other type of arti-
42 ficial light upon lands inhabited by deer, MOOSE or bear within five
43 hundred feet from a dwelling house, farm building or farm structure
44 actually occupied or used, for the purpose of locating, spotting, harry-
45 ing, worrying or otherwise disturbing deer, MOOSE or bear.

46 S 9. Section 11-0907 of the environmental conservation law is amended
47 by adding a new subdivision 11 to read as follows:

48 11. THE COMMISSIONER IS AUTHORIZED TO ESTABLISH, BY RULE AND REGU-
49 LATION; LICENSES, SEASONS, MANNER OF TAKING, TAG LIMITS AND LICENSE FEES
50 FOR BIG GAME NOT SPECIFICALLY DESIGNATED BY THIS SECTION.

51 S 10. Paragraphs a and b of subdivision 3 of section 11-0909 of the
52 environmental conservation law, as amended by chapter 911 of the laws of
53 1990, are amended to read as follows:

54 a. Wild deer, MOOSE and bear, wild upland game birds, and small game
55 other than bobcat, mink, muskrat, raccoon, coyote, fox and skunk, taken

1 in any open season, shall be taken only between the hours of sunrise and
2 sunset, unless otherwise provided in regulations of the department.

3 b. The department shall have the authority to establish by regulation
4 hours of hunting wild deer, MOOSE and bear, wild upland game birds, and
5 small game, other than bobcat, mink, muskrat, raccoon, coyote, fox and
6 skunk, during the open season provided therefor.

7 S 11. The section heading, paragraph a of subdivision 1 and subdivi-
8 sion 2 of section 11-0911 of the environmental conservation law, para-
9 graph a of subdivision 1 as added by section 8 of part D of chapter 61
10 of the laws of 2000, are amended to read as follows:

11 Procedure on taking [wild deer and bear; transportation of wild deer]
12 AND TRANSPORTING BIG GAME.

13 a. When [a wild deer] BIG GAME is taken the taker shall immediately
14 fill in, using ink, ball point pen or indelible pencil, the [deer] tags
15 issued to the taker as provided in regulations of the department. The
16 taker shall immediately cut out or mark the month and date of kill on
17 the tag and shall attach it to the [deer] ANIMAL, except that it need
18 not be attached to the [deer] ANIMAL while it is being dragged or phys-
19 ically carried by the taker to a camp or point where other transporta-
20 tion is available. The taker shall report details of the location and
21 date of harvest and data on the [deer] ANIMAL as required by regulation.

22 2. The taker shall remove his [deer] OR HER BIG GAME ANIMAL out of the
23 woods or open country to a camp or other inhabited location by midnight
24 of the day immediately following the expiration of the open season in
25 the county or part of a county in which the [deer] ANIMAL was taken.

26 S 12. Section 11-0911 of the environmental conservation law is amended
27 by adding a new subdivision 8 to read as follows:

28 8. NO PERSON TAKING, POSSESSING OR TRANSPORTING MOOSE SHALL FAIL TO
29 COMPLY WITH ANY REQUIREMENTS ESTABLISHED BY RULE OR REGULATION PURSUANT
30 TO THIS SECTION.

31 S 13. The section heading, opening paragraph and subdivision 1 of
32 section 11-0915 of the environmental conservation law, as amended by
33 chapter 190 of the laws of 1999, is amended to read as follows:

34 S 11-0915. Disposal of [deer, moose and bear] BIG GAME killed uninten-
35 tionally by collision.

36 The owner of a motor vehicle which has been damaged by unintentional
37 collision with a deer, moose or bear shall be entitled to possess such
38 [deer, moose or bear] BIG GAME under the following conditions:

39 1. The accident is reported to an environmental conservation officer,
40 a member of the State Police, a member of the sheriff's department in
41 which the accident occurred or, if the accident occurred on lands under
42 the jurisdiction of the office of parks, recreation and historic preser-
43 vation, to an officer of the regional park police having law enforcement
44 responsibilities on such lands, or to any police officer of a city, town
45 or village located in the county of such accident within [24]
46 TWENTY-FOUR hours thereafter.

47 S 14. Section 11-0921 of the environmental conservation law, as
48 amended by chapter 213 of the laws of 1999, is amended to read as
49 follows:

50 S 11-0921. Surrender of game unfit for human consumption; permit for
51 taking another of species surrendered.

52 When a wild turkey, wild deer, WILD MOOSE or wild bear is taken by a
53 person holding a license or permit and, upon presentation to an environ-
54 mental conservation officer or other authorized employee of the depart-
55 ment, it is shown to the satisfaction of such officer or authorized
56 employee that its flesh was unfit for human consumption at the time it

1 was killed, the taker may surrender the carcass to the officer or
2 authorized employee and the officer or authorized employee shall issue
3 the taker a special permit to take another specimen of the same species
4 as surrendered and for which the season is still open.

5 S 15. Section 11-0923 of the environmental conservation law, paragraph
6 a of subdivision 1 and subdivision 5 as amended by chapter 160 of the
7 laws of 1979, subdivision 2 as amended by chapter 312 of the laws of
8 1980 and subdivision 6 as amended by chapter 600 of the laws of 1993, is
9 amended to read as follows:

10 S 11-0923. Dogs.

11 1. No owner or trainer of a dog shall:

12 a. allow it to hunt deer[,] OR MOOSE, or to run at large on enclosed
13 lands on which wildlife or domestic game is possessed under license
14 issued pursuant to the Fish and Wildlife Law or in any state park, state
15 park reservation, state-owned game farm or wildlife refuge or state-
16 owned or leased wildlife management area;

17 b. allow it to run at large in fields or woods inhabited by deer OR
18 MOOSE outside the limits of any city or village, except on lands actual-
19 ly farmed or cultivated by the owner or trainer of the dog or a tenant
20 of such owner or trainer.

21 2. No owner or trainer of a dog shall take it afield for training on
22 wild game except from August [16] SIXTEEN to April [15] FIFTEEN or as
23 otherwise permitted by department order.

24 3. Dogs may be trained on artificially propagated game which is shack-
25 led, or led or confined game, legally possessed, or on training dummies
26 or other artificial devices at any time on lands owned or leased by the
27 owner or trainer of the dog or on lands for which he has written permis-
28 sion of the owner or lessee, provided such training is done in a manner
29 to preclude any disturbances injurious to wildlife.

30 4. During the training of a dog, the trainer and any person in his
31 company shall not possess afield a firearm loaded with ammunition other
32 than blank shells or blank cartridges, or inflict any injury to animals
33 or game birds contrary to law.

34 5. Dogs hunting deer OR MOOSE, or hunting any wildlife or domestic
35 game on enclosed lands described in paragraph a of subdivision [1] ONE
36 OF THIS SECTION or on a state game farm or wildlife refuge or wildlife
37 management area, may be killed as provided in section 11-0529 OF THIS
38 ARTICLE.

39 6. Wildlife, except skunk, deer, MOOSE and bear, may be taken with the
40 aid of a dog, provided, however, that the department is authorized to
41 establish a training season during which only persons licensed by the
42 department pursuant to section 11-0928 of this article may train track-
43 ing dogs on bear. Such season shall not begin before July first and
44 shall end at least eight days in advance of any open hunting season for
45 bear and no person participating in such training shall possess a
46 firearm of any kind or a longbow. Nothing in this subdivision shall be
47 construed to invalidate or otherwise affect a permit to track or take
48 bear issued pursuant to subdivision one of section 11-0521 of this arti-
49 cle.

50 S 16. Subdivision 7 of section 11-0931 of the environmental conserva-
51 tion law is amended to read as follows:

52 7. During any open season for deer, MOOSE OR BEAR, a person afield
53 shall not possess shotgun shells loaded with a slug or ball unless he OR
54 SHE holds a valid license or permit to take deer, MOOSE or bear.

1 S 17. Subdivision 6 of section 11-0931 of the environmental conserva-
2 tion law, as amended by section 24 of part R of chapter 58 of the laws
3 of 2013, is amended to read as follows:

4 6. No person while engaged in hunting deer, MOOSE or bear pursuant to
5 a bowhunting privilege, and no person accompanying him or her or a
6 member of his or her party, while he or she is so engaged during a
7 special longbow season, shall have in his or her possession a firearm of
8 any kind, and no person while engaged in hunting deer or bear pursuant
9 to a muzzle-loading privilege, and no person accompanying him or her or
10 a member of his or her party, while he or she is so engaged during a
11 special muzzle-loading firearm season, shall have in his or her
12 possession a firearm of any kind other than a muzzle-loading firearm.

13 S 18. This act shall take effect on the first of November next
14 succeeding the date on which it shall have become a law.