

# STATE OF NEW YORK

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S. 4051--C

A. 4289--C

R. R. 329

2017-2018 Regular Sessions

## SENATE - ASSEMBLY

February 2, 2017

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IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee and committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- 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 -- reported and referred to the Committee on Rules -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules -- amended on the special order of third reading, ordered reprinted as amended, retaining its place on the special order of third reading

AN ACT to amend the environmental conservation law, in relation to providing a safe harbor exemption to commercial fishing vessels in certain emergency situations

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 71-0907 of the environmental conservation law is  
2 amended by adding a new subdivision 8 to read as follows:

3 8. Notwithstanding section 13-0334 of this chapter to the contrary, a.  
4 where a commercial fishing vessel, lawfully operating under the fishing  
5 permits of another state: (1) encounters or is forecasted to encounter  
6 unsafe weather conditions defined as high winds thirty-five knots or  
7 greater or waves ten feet or higher or ice or other adverse condition  
8 that make the continuation of the voyage unsafe and poses a risk to life  
9 and property, or (2) experiences a mechanical problem, that makes the

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

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1 continuation of the voyage unsafe and poses a risk to life and property  
2 including compromised hull integrity or pump failures or (3) experiences  
3 a significant medical emergency which requires immediate medical atten-  
4 tion necessary to protect the health of any person on board, or (4)  
5 experiences loss of essential gear such as support systems that renders  
6 the vessel unable to remain at sea said commercial fishing vessel may  
7 dock at a New York port. A sinking vessel or a vessel leaking oil or  
8 fuel may be otherwise directed when the safety of persons is maintained  
9 and the vessel poses a significant threat to the waters of New York. The  
10 commercial fishing vessel may be required by the department to independ-  
11 ently verify the reason for the unscheduled dockage with a mechanic  
12 deemed qualified by New York state, the National Weather Service or a  
13 medical professional, as appropriate. b. The fishing vessel shall imme-  
14 diately notify the department and the permitting state as soon as the  
15 danger is known and communication signals allow. The commercial fishing  
16 vessel shall provide the department with: (1) details on the vessel  
17 including the vessel captain's name; (2) identity of the permitting  
18 state; (3) the nature of the problem; (4) identity of the intended dock-  
19 ing location, estimated time of arrival, and quantities and types of  
20 fish on board and, (5) a call back phone number or other method of  
21 contact. c. The commercial fishing vessel shall not offload cargo with-  
22 out the express authorization of and supervision by department person-  
23 nel. Authorization to offload fish may be granted where the fish on  
24 board the vessel will become unmarketable due to the duration of the  
25 unscheduled dockage. Authorization may be limited according to the  
26 willingness of the permitting state to accept the fish under that  
27 state's fish allocation.

28 § 2. Severability. The provisions of this act shall be severable and  
29 if any portion thereof or the applicability thereof to any person or  
30 circumstances shall be held invalid, the remainder of this act and the  
31 application thereof shall not be affected thereby.

32 § 3. This act shall take effect immediately.