STATE OF NEW YORK

S. 4051 A. 4289

2017-2018 Regular Sessions

SENATE - ASSEMBLY

February 2, 2017

IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

IN ASSEMBLY -- Introduced by M. of A. THIELE -- read once and referred to the Committee on Environmental Conservation

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:

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

8. Notwithstanding any provision of law to the contrary, where a commercial fishing vessel fishing, lawfully operating under the fishing permits of another state: a. encounters or is forecasted to encounter severe or extreme weather conditions, or b. experiences mechanical failure, compromised hull integrity, pump failures, or is in danger of sinking, or c. experiences injury or life threatening illness to a member of the crew, or d. encounters any other emergency situation, said commercial fishing vessel may land their fish at a New York port and shall not be in violation of state rules and landing limits of New York. The fishing vessel shall make every effort to notify both the permitting state and the department as soon as danger is known and communication signals allow. The commercial fishing vessel shall also make every effort to provide the permitting state and the department with details on the intended landing location, estimated time of arrival, and quantities and types of fish species to be landed.

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

§ 3. This act shall take effect immediately.

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

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