§ 11-0707. Exemptions from requirement of hunting, fishing and trapping licenses.

1. Resident owners and lessees and members of their immediate families, actually occupying and cultivating farm lands, on such farm lands and the waters thereof, shall have the right,

a. to hunt wildlife except wild deer and bear,

b. to trap bobcat, coyote, fox, mink, muskrat, raccoon, opossum, weasel, skunk, and unprotected wildlife that may lawfully be taken by trapping (except that only the owner or lessee thereof may trap without license on a registered muskrat marsh) and

c. to take fish and frogs, except that they may not take bait fish by net or trap, all as if they held the licenses defined in section 11-0701 and required by section 11-0703, subdivision 6.

2. Minors under the age of sixteen may take fish and frogs as if they held fishing licenses, except that they may not take bait fish by net or trap.

3. Any person who is a patient at any facility in this state maintained by the United States Veterans Health Administration or at any hospital or sanitorium for treatment of tuberculosis maintained by the state or any municipal corporation thereof or resident patient at any institution of the department of Mental Hygiene, or resident patient at the rehabilitation hospital of the department of Health, or any incarcerated individual of a conservation work camp within the youth rehabilitation facility of the department of corrections and community supervision, or any incarcerated individual of a youth opportunity or youth rehabilitation center within the Office of Children and Family Services, any resident of a nursing home or residential health care facility as defined in subdivisions two and three of section twenty-eight hundred one of the public health law, or any staff member or volunteer accompanying or assisting one or more residents of such nursing home or residential health care facility on an outing authorized

by the administrator of such nursing home or residential health care facility may take fish as if he or she held a fishing license, except that he or she may not take bait fish by net or trap, if he or she has on his or her person an authorization upon a form furnished by the department containing such identifying information and data as may be required by it, and signed by the superintendent or other head of such facility, institution, hospital, sanitarium, nursing home, residential health care facility or rest camp, as the case may be, or by a staff physician thereat duly authorized so to do by the superintendent or other head thereof. Such authorization with respect to incarcerated individuals of said conservation work camps shall be limited to areas under the care, custody and control of the department.

4. If persons holding fishing licenses issued under the New York Fish and Wildlife Law are not required to have licenses issued by a state named in paragraph a, b, c or d of this subdivision when fishing in that part of the waters, specified in such paragraph, which lies within that state, then, in such case, a person holding a fishing license issued by such state may, without a fishing license issued under the New York State Fish and Wildlife Law, take fish as provided in title 13, from that part of such waters specified in paragraph a, b, c or d which lies within this state:

a. License issued by Vermont: that part of Lake Champlain lying between New York and Vermont;

b. License issued by Pennsylvania: that part of the Delaware River lying between New York and Pennsylvania;

c. License issued by Connecticut: those parts of Indian Lake, and of Samuel Bargh Reservoir (Mianus Reservoir) lying between New York and Connecticut;

d. License issued by New Jersey: that part of Greenwood Lake lying between New York and New Jersey.

7. The owner or lessee of a registered muskrat marsh may, without

license, trap muskrat, bobcat, coyote, fox, mink, raccoon, opossum, weasel, skunk, and unprotected wildlife permitted to be taken by trapping, on such registered muskrat marsh.

8. The enrolled members of an Indian tribe having a reservation located wholly or partly within the state and such other Indians as are permitted by the tribal government having jurisdiction over such reservation may hunt, fish, trap upon such reservation subject only to rules, regulations and fish and wildlife laws established by the governing body of such reservation. Before fish and wildlife taken on reservations by Indians shall be transported or possessed off the reservation it shall be tagged for identification purposes in a manner to be required by the governing body of such reservation. This subdivision shall in no way limit or otherwise impair the existing powers of any tribal government to regulate hunting, fishing and trapping and/or to issue licenses for same.

9. A minor under the age of twelve may accompany and assist a licensed trapper who is the minor's parent or legal guardian or who is a person eighteen years of age or older designated in writing by the minor's parent or legal guardian on a form prescribed by the department and such parent, legal guardian or designee has had at least three years of trapping experience. Such minor may assist the licensed adult in all aspects of trapping without possessing a trapping license.