§ 11-1315. Taking and sale of bait fish.

1. a. Except as provided in subdivision 2, no person, without first obtaining the appropriate license from the department, shall take for sale as bait, nor sell as bait the following fish: minnows (family Cyprinidae), except carp or goldfish; top minnows or killifish (family Cyprinodontidae); mudminnows (family Umbridae); darters (family Estheostomidae); sticklebacks (genus Eucalia); tadpole stone cats (genera Noturus and Schilbeodes); smelt or ice fish (Osmerus mordax); alewives, saw bellies or blueback herring (family Clupeidae); suckers (family Catostomidae).

b. Fish taken pursuant to such license shall be used only for bait in hook and line fishing. All carp, goldfish, and lamprey larvae (family Petromyzonidae) taken in nets operated pursuant to such license shall be destroyed immediately.

2. No license under this section is required to take for sale as bait or to sell as bait any marine species of fish taken in the marine district. A minor under the age of sixteen years may, without a license, sell as bait such of the fish listed in subdivision 1 as he has lawfully taken by angling.

3. Bait fish named in subdivision 1, when otherwise permitted by law, may be taken for use or sale as bait by:

a. angling,

b. nets when permitted by subdivisions 4 and 5 of this section, or

c. stunning in the case of tadpole stone cats. "Stunning" means tapping a stone with implement or other stone.

4. a. Fish named in subdivision 1, taken for use as bait for personal use and not for sale, may be taken:

(1) in waters not inhabited by trout, by means of a seine or scap net not larger than thirty-six square feet, and

(2) in any waters of the state by means of a glass, plastic or wire trap not more than twenty inches in length, having no wings or leaders and having an entrance not larger than one inch in diameter, and such trap shall bear legibly at all times when in the water the name and address of the operator.

b. In Keuka Lake, Canandaigua Lake, Cayuga Lake, Seneca Lake, Canadice Lake and Hemlock Lake, alewives or sawbellies taken for such purpose may also be taken by gill nets measuring not more than twenty-five feet in length, having a mesh not larger than one inch.

c. Nets for taking bait fish shall not be hauled after sunset or before sunrise, except as permitted by the department.

d. Fish named in subdivision 1 may be taken for personal use or sale as bait under license from the department in the waters of the Hudson river by means of cast nets not exceeding ten feet in diameter.

5. Fish named in subdivision 1, taken for sale as bait under license from the department, may be taken by the types of nets specified in such license. In issuing such licenses the department may permit the use of nets of metallic or plastic mesh, notwithstanding the definition of "net" as contained in section 11-0103 of the Fish and Wildlife Law.

6. a. Carp, goldfish, and lamprey larvae (family Petromyzonidae) shall not be used as bait or sold for bait.

b. No person shall take smelt for bait from Upper and Lower Saranac lakes or Lake Champlain, except by angling.

c. Nets and traps for the taking of bait fish shall not be placed or operated within one hundred feet of any dock, pier, or boat landing on the St. Lawrence River without the consent of the owner.

7. The license provided for in subdivision 1 shall be issued only to residents of this state and to residents of a state in which residents of this state may be licensed, or are permitted without license, to take

such fish for sale as bait.

8. This section does not supersede any provision of section 13-0343 restricting the use of nets in certain waters of the marine district or subdivision 2 of section 11-1307.