

23:5-45.1

**LEGISLATIVE HISTORY CHECKLIST**  
Compiled by the NJ State Law Library

(Striped bass--dates)

**NJSA:** 23:5-45.1

**LAWS OF:** 1995 **CHAPTER:** 107

**BILL NO:** A2528

**SPONSOR(S):** Corodemus

**DATE INTRODUCED:** January 26, 1995

**COMMITTEE:** **ASSEMBLY:** Environment

**SENATE:** ---

**AMENDED DURING PASSAGE:** No Assembly Committee Substitute enacted

**DATE OF PASSAGE:** **ASSEMBLY:** May 1, 1995

**SENATE:** May 11, 1995

**DATE OF APPROVAL:** May 19, 1995

**FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:**

**SPONSOR STATEMENT:** Yes

**COMMITTEE STATEMENT:** **ASSEMBLY:** Yes

**SENATE:** No

**FISCAL NOTE:** No

**VETO MESSAGE:** No

**MESSAGE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

**REPORTS:** No

**HEARINGS:** No

See newspaper clippings--attached:

"Striped-bass bill signed by Governor Whitman," 5-21-95, Trenton Times.

"Bass regulations change, anglers can now catch two," 5-20-95, Atlantic City Press.

KBG:pp

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, No. 2528

STATE OF NEW JERSEY

ADOPTED APRIL 27, 1995

Sponsored by Assemblyman CORODEMUS

1 AN ACT concerning the taking of striped bass, and amending  
2 P.L.1983, c.506 and P.L.1987, c.83.

3

4 BE IT ENACTED *by the Senate and General Assembly of the*  
5 *State of New Jersey:*

6 1. Section 2 of P.L.1983, c.506 (C.23:5-44) is amended to read  
7 as follows:

8 2. As used in this act:

9 a. (Deleted by amendment, P.L.1985, c.211).

10 b. "Marine waters" means all the salt waters of this State,  
11 including the waters of the Atlantic Ocean, and all bays, inlets  
12 and estuarine waters located below the freshwater portion of any  
13 river, stream or creek, but shall not include any of the  
14 freshwaters of this State as defined in R.S.23:1-2;

15 c. (Deleted by amendment, P.L.1985, c.211).

16 d. "Spearfishing" means the taking of striped bass by means of  
17 a spear, harpoon, or other missile, while the swimmer is  
18 completely submerged in marine waters, but shall not include the  
19 use of blinding lights for the purpose of spearing striped bass, or  
20 spears, harpoons or other missiles with exploding heads;

21 e. "Striped bass" means a game fish of the species "*Morone*  
22 *saxatilis*" commonly referred to as rockfish, rock or striper [;

23 f. "Delaware bay" means all the waters of the State north and  
24 west of the COLREGS Demarcation Line up to the Commodore  
25 Barry Bridge, on which U.S. Route 322 traverses the Delaware  
26 River;

27 g. "COLREGS" means the abbreviation used by the United  
28 States Coast Guard to refer to the "International Regulations for  
29 Preventing Collisions at Sea," and the "COLREGS Demarcation  
30 Line" means the demarcation line designated by the United  
31 States Coast Guard in accordance with the COLREGS, which runs  
32 from the Cape May Point Lighthouse in Cape May, New Jersey to  
33 the flashing white marker 5 sec Harbor of Refuge Light  
34 maintained by the United States Coast Guard at Cape Henlopen,  
35 Delaware;

36 h. "Hudson river estuary" means all marine waters of the  
37 State east of the State Route 35 bridge on the Navesink river and  
38 all marine waters of the State contiguous north and west of a line  
39 drawn from the six-second isophase light and 15-mile bell, known  
40 as the "Sandy Hook Point Light" iso 6 sec 15M bell and  
41 maintained by the United States Coast Guard near the tip of  
42 Sandy Hook, to the 4s 6M "4" flashing red marker, known as the  
43 "Rockaway Point Breakwater Light 4" and maintained by the

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the  
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 United States Coast Guard near Breezy Point on the western end  
2 of Long Island, New York].

3 (cf: P.L.1994, c.26, s.1)

4 2. Section 1 of P.L.1987, C.83 (C.23:5-45.1) is amended as  
5 follows:

6 1. a. Except as [provided in] permitted pursuant to subsection  
7 c. of this section, a person shall not take from the marine waters  
8 of the State in any one day, or have in his possession at any time,  
9 more than [one] two striped bass. The minimum size limit for any  
10 striped bass taken in accordance with this subsection shall be [34  
11 inches in length, except that the minimum size limit shall be 28  
12 inches in length for any striped bass taken from the Delaware bay  
13 or the Hudson river estuary.

14 A person shall not have in his possession any striped bass less  
15 than 34 inches in length while on or angling in the marine waters  
16 of the State, except that a person who is on or angling in the  
17 Delaware bay or the Hudson river estuary shall not have in his  
18 possession any striped bass less than] 28 inches in length.

19 b. The possession of any striped bass or parts of a striped bass  
20 from which the head or tail has been removed other than  
21 immediately prior to preparation or being served as food, which is  
22 less than the minimum size limits specified in subsections a. and  
23 c. of this section shall be presumed to be a violation of this  
24 section.

25 c. [Notwithstanding the provisions of subsections a. and b. of  
26 this section to the contrary, upon approval by the Atlantic States  
27 Marine Fisheries Commission, the Department of Environmental  
28 Protection shall, by regulation adopted pursuant to the  
29 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
30 seq.), provide that a person shall not take from the marine waters  
31 of the State in any one day, or have in his possession at any time,  
32 more than two striped bass. The minimum size limits for any  
33 striped bass taken in accordance with this subsection shall be 34  
34 inches in length for one striped bass and 38 inches in length for  
35 the other striped bass, except that in the case of any striped bass  
36 taken from the Delaware bay or the Hudson river estuary the  
37 minimum size limits shall be 28 inches in length for one striped  
38 bass and 38 inches in length for the other striped bass.] The  
39 Commissioner of Environmental Protection, by public notice  
40 placed in the New Jersey Register, shall establish management  
41 measures for striped bass in and upon the marine waters of the  
42 State, which management measures shall be consistent with the  
43 Striped Bass Management Plan of the Atlantic States Marine  
44 Fisheries Commission. Upon the approval of the Atlantic States  
45 Marine Fisheries Commission, these management measures shall  
46 provide for the taking in one day, or the possession at any time,  
47 of striped bass in addition to the two striped bass permitted  
48 pursuant to subsection a. of this section and shall include the size  
49 and quantity limits and the areas and the seasons for the taking  
50 of such additional striped bass.

51 The department shall monitor the catch provided for in this  
52 subsection and provide for its discontinuance as necessary to keep  
53 the State in compliance with the allowances of the commission.

54 (cf: P.L.1994, c.26, s.2)

1        3. This act shall take effect immediately.

2

3

4

5

6        \_\_\_\_\_  
Establishes number and size limits for taking of striped bass.

ASSEMBLY, No. 2528

STATE OF NEW JERSEY

INTRODUCED JANUARY 26, 1995

By Assemblyman CORODEMUS

1 AN ACT concerning the taking of striped bass and amending  
2 P.L.1987, c.83.

3

4 BE IT ENACTED *by the Senate and General Assembly of the*  
5 *State of New Jersey:*

6 1. Section 1 of P.L.1987, c.83 (C.23:5-45.1) is amended as  
7 follows:

8 1. a. Except as provided in subsection c. of this section, a  
9 person shall not take from the marine waters of the State in any  
10 one day, or have in his possession at any time, more than one  
11 striped bass. The minimum size limit for any striped bass taken  
12 in accordance with this subsection shall be [34 inches in length,  
13 except that the minimum size limit shall be 28 inches in length  
14 for any striped bass taken from the Delaware bay or the Hudson  
15 river estuary.

16 A person shall not have in his possession any striped bass less  
17 than 34 inches in length while on or angling in the marine waters  
18 of the State, except that a person who is on or angling in the  
19 Delaware bay or the Hudson river estuary shall not have in his  
20 possession any striped bass less than 28 inches in length]  
21 established by the Governor by executive order in accordance  
22 with the fisheries management plan developed by the Atlantic  
23 States Marine Fisheries Commission, and the Governor shall  
24 change the minimum size limits by executive order as necessary  
25 for State regulation of the taking of striped bass to remain  
26 consistent with the Atlantic States Marine Fisheries Commission  
27 fisheries management plan.

28 b. The possession of any striped bass or parts of a striped bass  
29 from which the head or tail has been removed other than  
30 immediately prior to preparation or being served as food, which is  
31 less than the minimum size limits specified in subsections a. and  
32 c. of this section shall be presumed to be a violation of this  
33 section.

34 c. Notwithstanding the provisions of subsections a. and b. of  
35 this section to the contrary, upon approval by the Atlantic States  
36 Marine Fisheries Commission, the Department of Environmental  
37 Protection shall, by regulation adopted pursuant to the  
38 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
39 seq.), provide that a person shall not take from the marine waters  
40 of the State in any one day, or have in his possession at any time,  
41 more than two striped bass. The minimum size limits for any  
42 striped bass taken in accordance with this subsection shall be [34

EXPLANATION--Matter enclosed in bold--faced brackets [thus] in the  
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 inches in length for one striped bass and 38 inches in length for  
2 the other striped bass, except that in the case of any striped bass  
3 taken from the Delaware bay or the Hudson river estuary the  
4 minimum size limits shall be 28 inches in length for one striped  
5 bass and 38 inches in length for the other striped bass] established  
6 by the Governor by executive order in accordance with the  
7 fisheries management plan developed by the Atlantic States  
8 Marine Fisheries Commission, and the Governor shall change the  
9 minimum size limits by executive order as necessary for State  
10 regulation of the taking of striped bass to remain consistent with  
11 the Atlantic States Marine Fisheries Commission fisheries  
12 management plan.

13 The department shall monitor the catch provided for in this  
14 subsection and provide for its discontinuance as necessary to keep  
15 the State in compliance with the allowances of the commission.  
16 (cf: P.L.1994, c.26, s.2.)

17 2. This act shall take effect immediately.

18

19

#### 20 STATEMENT

21

22 This bill directs the Governor of the State to establish by  
23 executive order size limits for the taking of striped bass that are  
24 consistent with the fisheries management plan developed by the  
25 Atlantic States Marine Fisheries Commission.

26

27

28

29

30 Directs the Governor to establish size limits for the taking of  
31 striped bass.

ASSEMBLY ENVIRONMENT AND ENERGY COMMITTEE

STATEMENT TO THE

ASSEMBLY COMMITTEE SUBSTITUTE FOR

**ASSEMBLY, No. 2528**

**STATE OF NEW JERSEY**

DATED: APRIL 27, 1995

The Assembly Environment and Energy Committee favorably reports an Assembly committee substitute for Assembly Bill No. 2528.

The committee substitute sets a number and size limit of two fish of at least 28 inches in length for the taking of striped bass in the marine waters of the State, except that the Department of Environmental Protection shall provide for the taking of additional striped bass under management measures to be established by the department and published in the New Jersey Register. The management measures shall be consistent with the Striped Bass Management Plan of the Atlantic States Marine Fisheries Commission, and shall include the size and quantity limits and the areas and seasons for the taking of the additional striped bass.

As reported by the committee, this committee substitute is identical to the Senate Committee Substitute for Senate Bill No. 1776 of 1995.