

LEGISLATIVE HISTORY CHECKLIST

NJSA: 23:5-45.1, 23:5-46 (Striped bass-- modify minimum size and catch limits)

CHAPTER 83

Laws Of: 1987

Bill No: A3439

Sponsor(s): Villane and Palaia

Date Introduced: November 13, 1986

Committee: Assembly: Energy and Natural Resources

Senate: -----

Amended during passage: Yes Substituted for S2803 (not attached since identical to A3439)

Date of Passage: Assembly: January 8, 1987

Senate: March 11, 1987

Date of Approval: March 24, 1987

Following statements are attached if available:

Sponsor statement: Yes Attached: Senate amendments, adopted 3-9-87 (with statement)

Committee statement: Assembly Yes

Senate No

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

3-24-87

[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 3439

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 13, 1986

By Assemblymen VILLANE and PALAIA

AN ACT concerning the taking of striped bass, ***[and]*** amending and supplementing P. L. 1983, c. 506*, *and repealing section 3 of P. L. 1983, c. 506**.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 ***[1. Section 3 of P. L. 1983, c. 506 (C. 23:5-45) is amended to**
2 read as follows:

3 3. No person shall take from, or have in his possession on, the
4 marine waters of this State any striped bass from January 1 to
5 **[February 28] March 31, or December 1 to December 31** of each
6 year.**]***

1 ***[2.]* *1.*** (New section) a. No person shall take from the
2 marine waters of the State ***[north of, but not including, Barnegat**
3 **inlet]*** in any one day, or sell, barter, offer for sale or barter or
4 have in his possession at any time, more than ***[three]* *five***
5 striped bass***[, including]* *no more than one striped bass]***
6 measuring not less than ***[18]* *31*** inches *in length, from the*
7 *effective date of this amendatory and supplementary act through*
8 *July 31, 1987 and* ***[nor more than 24 inches in length, and two**
9 striped bass measuring**]*** not less than 33 inches in length from
10 ***[the effective date of this amendatory and supplementary act]***
11 **August 1, 1987** through ***[December 31, 1988]* *September 30,
12 *1988**.**

13 ***[b. No person shall take from the marine waters of the State**
14 south of or within Barnegat inlet in any one day, or sell, barter,
15 offer for sale or barter or have in his possession at any time, more

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 printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

***—Senate amendments adopted March 9, 1987.**

16 than two striped bass, nor any striped bass measuring less than
 17 33 inches in length, from the effective date of this amendatory and
 18 supplementary act through December 31, 1988.]*

19 ***[c.]*** *b.* The possession of more than one striped bass or parts
 20 of a striped bass from which the head or tail has been removed
 21 other than immediately prior to preparation or being served as
 22 food, which is less than *31 inches in length from the effective date
 23 of this amendatory and supplementary act through July 31, 1987 or
 24 less than* 33 inches in length *from August 1, 1987 through
 25 September 30, 1988* shall be presumed to be possessed in violation
 26 of this section.

1 ***[3.]*** *2.* Section 4 of P. L. 1983, c. 506 (C. 23:5-46) is amended
 2 to read as follows:

3 4. On or after ***[January 1, 1989]*** *October 1, 1988*, **[No]** no
 4 person shall take from *any* of the marine waters of the State in
 5 any one day, or sell, barter, or offer for sale or barter, or have in
 6 his possession at any time, more than five striped bass, nor any
 7 striped bass measuring less than ***[24]*** *18* inches *in length*.

8 The possession of any striped bass or parts of a striped bass
 9 from which the head or tail has been removed other than imme-
 10 diately prior to preparation or being served as food, which is less
 11 than ***[24]*** *18* inches *in length*, shall be presumed to be pos-
 12 sessed in violation of this section.

1 ***[4.]*** *3.* (New section) Prior to June 30, 1989, the Division of
 2 Fish, Game and Wildlife shall prepare, and submit to the Governor
 3 and the Legislature, a report evaluating the status of the striped
 4 bass population in New Jersey waters, evaluating the effect that the
 5 program implemented pursuant to this act has had on that resource,
 6 and providing recommendations for appropriate legislation or ad-
 7 ministrative action.

1 *4. Section 3 of P. L. 1983, c. 506 (C. 23:5-45) is repealed.*

1 ***[5.]*** *6.* This act shall take effect immediately and section
 2 ***[2]*** *1* of this act shall expire ***[January 1, 1989]*** *October 1,
 3 1988*.

FISH, GAME, WILDLIFE

Modifies minimum size and catch limit requirements for taking,
 selling or possession of striped bass through September 30, 1988.

ASSEMBLY, No. 3439
STATE OF NEW JERSEY

INTRODUCED NOVEMBER 13, 1986

By Assemblymen VILLANE and PALAIA

AN ACT concerning the taking of striped bass, and amending and supplementing P. L. 1983, c. 506.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Section 3 of P. L. 1983, c. 506 (C. 23:5-45) is amended to read
2 as follows:

3 3. No person shall take from, or have in his possession on, the
4 marine waters of this State any striped bass from January 1 to
5 **[February 28]** *March 31, or December 1 to December 31* of each
6 year.

1 2. (New section) a. No person shall take from the marine waters
2 of the State north of, but not including, Barnegat inlet in any
3 one day, or sell, barter, offer for sale or barter or have in his
4 possession at any time, more than three striped bass, including
5 no more than one striped bass measuring not less than 18 inches
6 nor more than 24 inches in length, and two striped bass measuring
7 not less than 33 inches in length, from the effective date of this
8 amendatory and supplementary act through December 31, 1988.

9 b. No person shall take from the marine waters of the State
10 south of or within Barnegat inlet in any one day, or sell, barter,
11 offer for sale or barter or have in his possession at any time, more
12 than two striped bass, nor any striped bass measuring less than
13 33 inches in length, from the effective date of this amendatory and
14 supplementary act through December 31, 1988.

15 c. The possession of more than one striped bass or parts of a
16 striped bass from which the head or tail has been removed other

**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 printed in italics thus is new matter.**

17 than immediately prior to preparation or being served as food,
 18 which is less than 33 inches in length shall be presumed to be
 19 possessed in violation of this section.

1 3. Section 4 of P. L. 1983, c. 506 (C. 23:5-46) is amended to read
 2 as follows:

3 4. *On or after January 1, 1989, [No] no person shall take from*
 4 *any of the marine waters of the State in any one day, or sell,*
 5 *barter, or offer for sale or barter, or have in his possession at any*
 6 *time, more than five striped bass, nor any striped bass measuring*
 7 *less than 24 inches in length.*

8 The possession of any striped bass or parts of a striped bass
 9 from which the head or tail has been removed other than imme-
 10 diately prior to preparation or being served as food, which is less
 11 than 24 inches *in length*, shall be presumed to be possessed in viola-
 12 tion of this section.

1 4. (New section) Prior to June 30, 1989, the Division of Fish,
 2 Game and Wildlife shall prepare, and submit to the Governor and
 3 the Legislature, a report evaluating the status of the striped bass
 4 population in New Jersey waters, evaluating the effect that the
 5 program implemented pursuant to this act has had on that resource,
 6 and providing recommendations for appropriate legislation or ad-
 7 ministrative action.

1 5. This act shall take effect immediately and section 2 of this act
 2 shall expire January 1, 1989.

STATEMENT

This bill would modify the minimum size and "catch" limitations for the taking, selling, or possession of striped bass along New Jersey's coastal waters and establish a new striped bass season.

This bill would amend and supplement the "Striped Bass Act," P. L. 1983, c. 506 to extend the closed season for taking striped bass from January 1 to February 28 to December 1 to March 31.

The bill would also divide the marine waters of the State into two striped bass fishing zones, a northern tier extending from Barnegat inlet northward to the New York border, and a southern tier extending from, and including, Barnegat inlet southward to Delaware bay. Further, the bill would specify that north of Barnegat inlet the new three fish "catch" limit may include no more than one striped bass between 18 inches and 24 inches in length and no more than two striped bass greater than 33 inches in length. In the waters within the south of Barnegat inlet the new two fish "catch" limit may include no more than two striped bass greater than 33 inches in length. These new minimum size and "catch"

ASSEMBLY ENERGY AND NATURAL RESOURCES
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3439

STATE OF NEW JERSEY

DATED: DECEMBER 15, 1986

The Assembly Energy and Natural Resources Committee favorably reports Assembly Bill No. 3439.

This measure is in response to the recent enactment of the federal "Atlantic Striped Bass Conservation Act," which authorizes the Atlantic States Marine Fisheries Commission to identify those states not in compliance with its Atlantic Striped Bass Management Plan, and to enforce compliance with a moratorium on the taking of bass in those states that don't voluntarily undertake appropriate measures to protect the resource. New Jersey is one of the states not presently in compliance.

Accordingly, this bill would modify the minimum size and "catch" limitations for the taking, selling, or possession of striped bass along New Jersey's coastal waters and establish a new striped bass season.

This bill would amend and supplement the "Striped Bass Act," P. L. 1938, c. 506 to extend the closed season for taking striped bass from January 1 to February 28 to December 1 to March 31.

The bill would also divide the marine waters of the State into two striped bass fishing zones, a northern tier extending from Barnegat inlet northward to the New York border, and a southern tier extending from, and including, Barnegat inlet southward to Delaware bay. Further, the bill would specify that north of Barnegat inlet the new three fish daily "catch" limit may include no more than one striped bass between 18 inches and 24 inches in length and no more than two striped bass greater than 33 inches in length. In the waters within the south of Barnegat inlet the new two fish daily "catch" limit may include no more than two striped bass greater than 33 inches in length. These new minimum size and "catch" limitations would be in effect upon the enactment of the bill through December 31, 1988. Thereupon, these provisions would "sunset" and the current five fish "catch" and minimum size of 24 inches in length requirements would once again take effect.

Finally, the bill would also direct the Division of Fish, Game and Wildlife to prepare a report which would evaluate the status of the striped bass population in New Jersey waters and the effect that the program implemented pursuant to this act has had on that resource, for submission to the Governor and the Legislature prior to June 30, 1989.

limitations would be in effect upon the enactment of the bill through December 31, 1988. Thereupon, these provisions would "sunset" and the current five fish "catch" and minimum size of 24 inches in length requirements would once again take effect.

Finally, the bill would also direct the Division of Fish, Game and Wildlife to prepare a report which would evaluate the status of the striped bass population in New Jersey waters and the effect that the program implemented pursuant to this act has had on that resource, for submission to the Governor and the Legislature prior to June 30, 1989.

FISH, GAME, WILDLIFE

Modifies minimum size and catch limit requirements for taking, selling, or possession of striped bass through December 31, 1988.

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SENATE Amendments
Proposed by Senator Pallone

to

ASSEMBLY Bill No. 3439
Sponsored by Assemblymen Villane
and Palaia, Senator Pallone

Amend:

Page	Sec.	Line	
2	3	1	Omit "3." and insert "2."
2	3	3	Omit "January 1, 1989" and insert "October 1, 1988"
2	3	7	Omit "24" and insert "18"
2	3	11	Omit "24" and insert "18"
2	4	1	Omit "4." and insert "3."
2		After 7	Insert new section "4." as follows: "4. Section 3 of P.L. 1983, c. 506 (C. 23:5-45) is repealed."
2	5	1	Omit "5." and insert "6."; omit "2" and insert "1"
2	5	2	Omit "January 1, 1989" and insert "October 1, 1988"

STATEMENT

These amendments, intended to bring the State into compliance with federal law, would establish a Statewide five fish daily "catch" limit of striped bass not less than 31 inches in length through July 31, 1987 and not less than 33 inches in length from August 1, 1987 through September 30, 1988. Thereupon, these provisions would "sunset" and the current five fish "catch" requirement would once again take effect with a new minimum size limitation of 18 inches. The amendments would also abolish the closed season for taking striped bass.

NOTE TO PRINTER:

Revise synopsis to read as follows:
Modifies minimum size and catch limit requirements for taking, selling or possession of striped bass from September 30, 1988.