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LAW/RWH

ASSEMBLY, No. 2304

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED FEBRUARY 25, 2010

Sponsored by:

Assemblyman MATTHEW W. MILAM
District 1 (Cape May, Atlantic and Cumberland)
Assemblyman NELSON T. ALBANO
District 1 (Cape May, Atlantic and Cumberland)
Assemblywoman CELESTE M. RILEY
District 3 (Salem, Cumberland and Gloucester)

Co-Sponsored by:

Senators Van Drew and Beach

SYNOPSIS

Revises statute concerning licenses to take menhaden.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/11/2010)

A2304 MILAM, ALBANO

2

1 AN ACT concerning the taking of menhaden, amending R.S.23:3-51
2 and supplementing Title 23 of the Revised Statutes.

3

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

6

7 1. R.S.23:3-51 is amended to read as follows:

8 23:3-51. a. A person intending to take menhaden with purse
9 or shirred nets in any waters in the jurisdiction of this State,
10 including the waters of the Atlantic ocean, within three nautical
11 miles of the coast line of this State, shall apply to the commissioner
12 for a license therefor. The commissioner, upon receipt of the
13 application and payment of the fee required pursuant to R.S.23:3-
14 52, may, at the commissioner's discretion and as prescribed
15 pursuant to sections 2 and 3 of P.L. _____, c. (pending before the
16 Legislature as this bill) , issue to the applicant a license to take
17 menhaden, except as prohibited in subsection b. of this section. The
18 license shall be void after December 31 next succeeding its
19 issuance.

20 b. Notwithstanding the provisions of subsection a. of this
21 section or any other law, or any rule or regulation adopted pursuant
22 thereto, to the contrary, the commissioner shall not issue a license
23 for the taking of menhaden, and no person may take menhaden, in
24 State coastal waters, including Delaware, Great, Raritan, and Sandy
25 Hook bays, for the purpose of reduction, including conversion to
26 fish meal, oil, and other components.

27 c. This act shall not affect the taking of menhaden in State
28 coastal waters for the use as bait for commercial or recreational
29 purposes.

30 (cf: P.L.2001, c.359, s.1)

31

32 2. (New section) a. The commissioner may only issue a
33 license for a person to take menhaden with purse or shirred nets to a
34 person that possessed a valid license for at least one of the years
35 between 2002 and 2009, inclusive. Commencing in 2011 and
36 thereafter, the commissioner may only issue a license pursuant to
37 this section to a person who possessed a valid license for at least
38 one of the years between 2002 and 2009 and a valid license in the
39 preceding year.

40 b. An owner of a vessel qualifying for a license pursuant to
41 subsection a. of this subsection may replace the vessel provided that
42 the new vessel is not greater than 10 percent larger in vessel length,
43 gross registered tonnage or net tonnage, and not more than 20
44 percent greater in horsepower, than the vessel that qualified for a
45 license in 2010, provided however, that in no case shall a vessel

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 used to take menhaden with purse or shirred nets be greater than 90
2 feet in length, and provided that the original vessel is retired from
3 the menhaden fishery.

4
5 3. (New section) The commissioner shall regulate the taking of
6 menhaden, including the issuance and transfer of licenses for the
7 taking of menhaden as prescribed pursuant to section 2 of P.L. ,
8 c. (pending before the Legislature as this bill), by rule or
9 regulation adopted pursuant to the “Administrative Procedure Act,”
10 P.L.1968, c.410 (C.52:14B-1 et seq.).

11
12 4. This act shall take effect immediately, and section 2 shall
13 expire upon the adoption of the rules and regulations required
14 pursuant to section 3 of this act.

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16
17 STATEMENT

18
19 This bill provides that the Commissioner of Environmental
20 Protection may only issue a license for a person to take menhaden
21 with purse or shirred nets if that person possessed a valid license for
22 at least one of the years between 2002 through and including 2009,
23 and commencing in 2011, the commissioner may only issue a
24 license to a person to take menhaden who (1) possessed a valid
25 license for at least one of the years between 2002 through and
26 including 2009, and (2) possessed a valid license in the preceding
27 year.

28 The bill also provides criteria for the replacement and retiring of
29 vessels used to take menhaden with purse or shirred nets.

30 Lastly, the bill provides that the Commissioner of Environmental
31 Protection shall regulate the taking of menhaden, including the
32 issuance and transfer of licenses for the taking of menhaden, by rule
33 or regulation adopted pursuant to the “Administrative Procedure
34 Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), and upon adoption by
35 the commissioner of these rules and regulations, the provisions of
36 section 2 of the bill would expire.

ASSEMBLY AGRICULTURE AND NATURAL RESOURCES
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2304

STATE OF NEW JERSEY

DATED: MARCH 8, 2010

The Assembly Agriculture and Natural Resources Committee reports favorably Assembly Bill No. 2304.

This bill provides that the Commissioner of Environmental Protection may only issue a license for a person to take menhaden with purse or shirred nets if that person possessed a valid license for at least one of the years between 2002 through and including 2009, and commencing in 2011, the commissioner may only issue a license to a person to take menhaden who (1) possessed a valid license for at least one of the years between 2002 through and including 2009, and (2) possessed a valid license in the preceding year.

The bill also provides criteria for the replacement and retiring of vessels used to take menhaden with purse or shirred nets.

Lastly, the bill provides that the Commissioner of Environmental Protection shall regulate the taking of menhaden, including the issuance and transfer of licenses for the taking of menhaden, by rule or regulation adopted pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), and upon adoption of these rules and regulations, the provisions of section 2 of the bill would expire.

SENATE ENVIRONMENT AND ENERGY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2304

STATE OF NEW JERSEY

DATED: JUNE 3, 2010

The Senate Environment and Energy Committee favorably reports Assembly Bill No. 2304.

This bill provides that the Commissioner of Environmental Protection may only issue a license for a person to take menhaden with purse or shirred nets if that person possessed a valid license for at least one of the years between 2002 through and including 2009, and commencing in 2011, the commissioner may only issue a license to a person to take menhaden who (1) possessed a valid license for at least one of the years between 2002 through and including 2009, and (2) possessed a valid license in the preceding year.

The bill also provides criteria for the replacement and retiring of vessels used to take menhaden with purse or shirred nets.

Lastly, the bill provides that the Commissioner of Environmental Protection would regulate the taking of menhaden, including the issuance and transfer of licenses for the taking of menhaden, by rule or regulation and upon adoption by the commissioner of these rules and regulations, the provisions of section 2 of the bill would expire.

SENATE, No. 1140

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED FEBRUARY 4, 2010

Sponsored by:

Senator JEFF VAN DREW

District 1 (Cape May, Atlantic and Cumberland)

Co-Sponsored by:

Senator Beach

SYNOPSIS

Revises statute concerning licenses to take menhaden.

CURRENT VERSION OF TEXT

As introduced.



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9 shirred nets in any waters in the jurisdiction of this State, including
10 the waters of the Atlantic ocean, within three nautical miles of the
11 coast line of this State, shall apply to the commissioner for a license
12 therefor. The commissioner, upon receipt of the application and
13 payment of the fee required pursuant to R.S.23:3-52, may, at the
14 commissioner's discretion and as prescribed pursuant to sections 2
15 and 3 of P.L. _____, c. (pending before the Legislature as this bill) ,
16 issue to the applicant a license to take menhaden, except as
17 prohibited in subsection b. of this section. The license shall be void
18 after December 31 next succeeding its issuance.

19 b. Notwithstanding the provisions of subsection a. of this
20 section or any other law, or any rule or regulation adopted pursuant
21 thereto, to the contrary, the commissioner shall not issue a license
22 for the taking of menhaden, and no person may take menhaden, in
23 State coastal waters, including Delaware, Great, Raritan, and Sandy
24 Hook bays, for the purpose of reduction, including conversion to
25 fish meal, oil, and other components.

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32 for a person to take menhaden with purse or shirred nets to a person
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34 2002 and 2009, inclusive. Commencing in 2011 and thereafter, the
35 commissioner may only issue a license pursuant to this section to a
36 person who possessed a valid license for at least one of the years
37 between 2002 and 2009 and a valid license in the preceding year.

38 b. An owner of a vessel qualifying for a license pursuant to
39 subsection a. of this subsection may replace the vessel provided that
40 the new vessel is not greater than 10 percent larger in vessel length,
41 gross registered tonnage or net tonnage, and not more than 20
42 percent greater in horsepower, than the vessel that qualified for a
43 license in 2010, provided however, that in no case shall a vessel
44 used to take menhaden with purse or shirred nets be greater than 90

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8 regulation adopted pursuant to the “Administrative Procedure Act,”
9 P.L.1968, c.410 (C.52:14B-1 et seq.).

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11 4. This act shall take effect immediately, and section 2 shall
12 expire upon the adoption of the rules and regulations required
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19 Protection may only issue a license for a person to take menhaden
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23 license to a person to take menhaden who (1) possessed a valid
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25 including 2009, and (2) possessed a valid license in the preceding
26 year.

27 The bill also provides criteria for the replacement and retiring of
28 vessels used to take menhaden with purse or shirred nets.

29 Lastly, the bill provides that the Commissioner of Environmental
30 Protection shall regulate the taking of menhaden, including the
31 issuance and transfer of licenses for the taking of menhaden, by rule
32 or regulation adopted pursuant to the “Administrative Procedure
33 Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), and upon adoption by
34 the commissioner of these rules and regulations, the provisions of
35 section 2 of the bill would expire.

SENATE ENVIRONMENT AND ENERGY COMMITTEE

STATEMENT TO

SENATE, No. 1140

STATE OF NEW JERSEY

DATED: JUNE 3, 2010

The Senate Environment and Energy Committee favorably reports Senate Bill No. 1140.

This bill provides that the Commissioner of Environmental Protection may only issue a license for a person to take menhaden with purse or shirred nets if that person possessed a valid license for at least one of the years between 2002 through and including 2009, and commencing in 2011, the commissioner may only issue a license to a person to take menhaden who (1) possessed a valid license for at least one of the years between 2002 through and including 2009, and (2) possessed a valid license in the preceding year.

The bill also provides criteria for the replacement and retiring of vessels used to take menhaden with purse or shirred nets.

Lastly, the bill provides that the Commissioner of Environmental Protection would regulate the taking of menhaden, including the issuance and transfer of licenses for the taking of menhaden, by rule or regulation and upon adoption by the commissioner of these rules and regulations, the provisions of section 2 of the bill would expire.