

SENATE, No. 1075

STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED FEBRUARY 17, 2000

Sponsored by:

Senator C. LOUIS BASSANO

District 21 (Essex and Union)

Senator DONALD T. DIFRANCESCO

District 22 (Middlesex, Morris, Somerset and Union)

Co-Sponsored by:

Senators Ciesla, Palaia, McNamara and Connors

SYNOPSIS

Modifies daily limit for taking of striped bass.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning striped bass and amending P.L.1987, c.83.

2

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

5

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

8 1. a. Except as permitted pursuant to subsection c. of this section,
9 a person shall not take from the marine waters of the State in any one
10 day, or have in his possession at any time, more than two striped bass.
11 **[The minimum size limit for any striped bass taken in accordance with**
12 **this subsection shall be 28 inches in length.] One of the striped bass**
13 **taken in accordance with this subsection shall be not less than 28**
14 **inches in length and the other shall be not less than 24 inches nor more**
15 **than 28 inches in length.**

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

21 c. The Commissioner of Environmental Protection, by public
22 notice placed in the New Jersey Register, shall establish management
23 measures for striped bass in and upon the marine waters of the State,
24 which management measures shall be consistent with the Striped Bass
25 Management Plan of the Atlantic States Marine Fisheries Commission.
26 Upon the approval of the Atlantic States Marine Fisheries
27 Commission, these management measures shall provide for the taking
28 in one day, or the possession at any time, of striped bass in addition to
29 the two striped bass permitted pursuant to subsection a. of this section
30 and shall include the size and quantity limits and the areas and the
31 seasons for the taking of such additional striped bass.

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

35 (cf: P.L.1995, c.107, s.2)

36

37 2. This act shall take effect immediately.

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STATEMENT

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42 Current law sets the basic daily catch or possession limit for striped
43 bass at two fish of at least 28 inches in length. This bill would change

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.

S1075 BASSANO, DIFRANCESCO

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1 that limit to provide instead that one of the fish must be at least 28
2 inches in length and the other must be at least 24 inches but not more
3 than 28 inches in length. The bill would not make any changes to a
4 separate provision of the law that allows under certain circumstances
5 the taking of additional striped bass under the "trophy fish" program.

6 This bill is necessary to keep the State in compliance with federal
7 restrictions concerning the taking of striped bass imposed through the
8 Atlantic States Marine Fisheries Commission.

SENATE ECONOMIC GROWTH, AGRICULTURE AND
TOURISM COMMITTEE

STATEMENT TO

SENATE, No. 1075

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 16, 2000

The Senate Economic Growth, Agriculture and Tourism Committee reports favorably and with committee amendments Senate Bill No. 1075.

Current law sets the basic daily catch or possession limit for striped bass at two fish of at least 28 inches in length. This bill, as amended, would change that limit to provide instead that one fish must be at least 28 inches in length and the other must be at least 24 inches but less than 28 inches in length. The bill would not make any changes to a separate provision of the law that allows under certain circumstances the taking of additional striped bass under the "trophy fish" program.

This bill is necessary to keep the State in compliance with federal restrictions concerning the taking of striped bass imposed through the Atlantic States Marine Fisheries Commission.

The committee amended the bill to further clarify that one fish must be at least 28 inches in length and the other must be at least 24 inches but less than 28 inches in length.

[First Reprint]

SENATE, No. 1075

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED FEBRUARY 17, 2000

Sponsored by:

Senator C. LOUIS BASSANO

District 21 (Essex and Union)

Senator DONALD T. DIFRANCESCO

District 22 (Middlesex, Morris, Somerset and Union)

Co-Sponsored by:

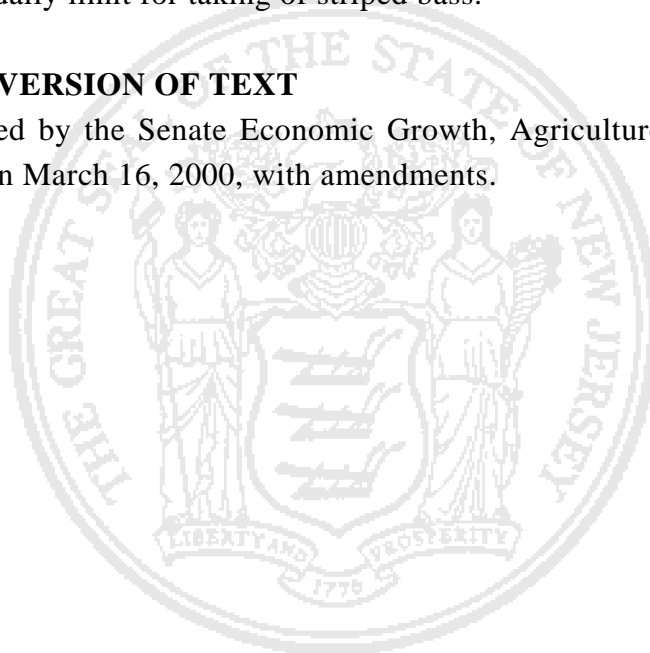
**Senators Ciesla, Palaia, McNamara, Connors, Assemblymen Corodemus,
Wolfe, Gibson and R.Smith**

SYNOPSIS

Modifies daily limit for taking of striped bass.

CURRENT VERSION OF TEXT

As reported by the Senate Economic Growth, Agriculture and Tourism
Committee on March 16, 2000, with amendments.



(Sponsorship Updated As Of: 5/12/2000)

1 AN ACT concerning striped bass and amending P.L.1987, c.83.

2

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

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

8 1. a. Except as permitted pursuant to subsection c. of this section,
9 a person shall not take from the marine waters of the State in any one
10 day, or have in his possession at any time, more than two striped bass.
11 [The minimum size limit for any striped bass taken in accordance with
12 this subsection shall be 28 inches in length.] One of the striped bass
13 taken in accordance with this subsection shall be ¹[not less than] at
14 least¹ 28 inches in length and the other shall be ¹[not less than] at
15 least¹ 24 inches ¹[nor more] but less¹ than 28 inches in length.

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

21 c. The Commissioner of Environmental Protection, by public notice
22 placed in the New Jersey Register, shall establish management
23 measures for striped bass in and upon the marine waters of the State,
24 which management measures shall be consistent with the Striped Bass
25 Management Plan of the Atlantic States Marine Fisheries Commission.
26 Upon the approval of the Atlantic States Marine Fisheries
27 Commission, these management measures shall provide for the taking
28 in one day, or the possession at any time, of striped bass in addition to
29 the two striped bass permitted pursuant to subsection a. of this section
30 and shall include the size and quantity limits and the areas and the
31 seasons for the taking of such additional striped bass.

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

35 (cf: P.L.1995, c.107, s.2)

36

37 2. This act shall take effect immediately.

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SEG committee amendments adopted March 16, 2000.

P.L. 2000, CHAPTER 27, *approved May 16, 2000*
Senate, No. 1075 (*First Reprint*)

1 AN ACT concerning striped bass and amending P.L.1987, c.83.

2

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4 of New Jersey:

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

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9 a person shall not take from the marine waters of the State in any one
10 day, or have in his possession at any time, more than two striped bass.
11 [The minimum size limit for any striped bass taken in accordance with
12 this subsection shall be 28 inches in length.] One of the striped bass
13 taken in accordance with this subsection shall be¹ [not less than] at
14 least¹ 28 inches in length and the other shall be¹ [not less than] at
15 least¹ 24 inches¹ [nor more] but less¹ than 28 inches in length.

16 b. The possession of any striped bass or parts of a striped bass
17 from which the head or tail has been removed other than immediately
18 prior to preparation or being served as food, which is less than the
19 minimum size limits specified in subsections a. and c. of this section
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22 placed in the New Jersey Register, shall establish management
23 measures for striped bass in and upon the marine waters of the State,
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26 Upon the approval of the Atlantic States Marine Fisheries
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29 the two striped bass permitted pursuant to subsection a. of this section
30 and shall include the size and quantity limits and the areas and the
31 seasons for the taking of such additional striped bass.

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

35 (cf: P.L.1995, c.107, s.2)

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37 2. This act shall take effect immediately.

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41 Modifies daily limit for taking of striped bass.

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SEG committee amendments adopted March 16, 2000.

CHAPTER 27

AN ACT concerning striped bass and amending P.L.1987, c.83.

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

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

C.23:5-45.1 Daily limit for taking striped bass.

1. a. Except as permitted pursuant to subsection c. of this section, a person shall not take from the marine waters of the State in any one day, or have in his possession at any time, more than two striped bass. One of the striped bass taken in accordance with this subsection shall be at least 28 inches in length and the other shall be at least 24 inches but less than 28 inches in length.

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

c. The Commissioner of Environmental Protection, by public notice placed in the New Jersey Register, shall establish management measures for striped bass in and upon the marine waters of the State, which management measures shall be consistent with the Striped Bass Management Plan of the Atlantic States Marine Fisheries Commission. Upon the approval of the Atlantic States Marine Fisheries Commission, these management measures shall provide for the taking in one day, or the possession at any time, of striped bass in addition to the two striped bass permitted pursuant to subsection a. of this section and shall include the size and quantity limits and the areas and the seasons for the taking of such additional striped bass.

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

2. This act shall take effect immediately.

Approved May 16, 2000.

Office of the Governor
NEWS RELEASE

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TRENTON, NJ 08625

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RELEASE: May 11, 2000

**Governor Signs Bills Granting Municipalities Temporary Moratorium
on Garbage Collection for Apartments; Protocols for Autopsies in SIDS Cases**

Gov. Christie Whitman today signed legislation, which grants municipalities a temporary moratorium on having to comply with a court decision concerning the provision of garbage collection services for apartment complexes, and for the development of standardized protocol for autopsies performed in suspected Sudden Infant Death Syndrome (SIDS) cases.

"The court decision requiring municipalities to provide garbage collection services for apartment buildings and complexes no doubt will result in many municipalities facing a shortage of equipment or personnel or both," the Governor said. "The temporary moratorium will help provide a measure of protection from lawsuits while these municipalities are working to bring their collection services up to the level needed to meet the court mandate."

In *WHS Realty Co. v. Town of Morristown*, the Appellate Court mandated that municipalities that provide garbage collection services to residential homeowners and condominium developments must also provide those services to apartment buildings and apartment complexes.

The legislation, **A-1848**, provides that no municipality will be liable for payments relating to trash collection from any apartment building or apartment complex for any period prior to January 1, 2001. The immunity provision does not alter the court's requirement that municipalities provide garbage collection services to apartment buildings and complexes; rather, the legislation merely temporarily absolves municipalities from liability in the event a lawsuit is brought by an apartment owner. The legislation was sponsored by Assembly Members Richard A. Merkt (R-Morris) and Guy R. Gregg (R-Sussex/Hunterdon/Morris) and Senators Robert W. Singer (R-Burlington/Monmouth/Ocean) and Anthony R. Bucco (R-Morris).

S-661, which Gov. Whitman also signed today, provides for standardized protocol for autopsies performed in cases where the suspected cause of death was SIDS and directs the State Medical Examiner to establish a Sudden Death Autopsy Protocol Committee to assist in developing and reviewing the standardized protocols. The Committee is required to consist of at least 13 persons of various specified backgrounds. The bill also provides that the State Medical Examiner shall be responsible for ensuring that the protocols are followed by all medical examiners and other persons authorized to conduct autopsies in SIDS cases.

The legislation was sponsored by Senators Richard J. Codey (D-Essex/Union) and Jack Sinagra (R-Middlesex) and Assembly Members Charlotte Vandervalk (R-Bergen) and Sam Thompson (R-Middlesex/Monmouth).