

23: 5-44

LEGISLATIVE HISTORY CHECKLIST

NJSA: 23:5-44, 23:5-46, 23:5-47

(Striped bass--reduce limit to 5)

LAWS OF: 1985

CHAPTER: 211

Bill No: S2589

Sponsor(s): Pallone

Date Introduced: January 8, 1985

Committee: **Assembly:** Agriculture and Environment

Senate: Natural Resources and Agriculture

Amended during passage: Yes Amendments during passage denoted by asterisks

Date of Passage: **Assembly:** June 17, 1985

Senate: February 28, 1985

Date of Approval: June 28, 1985

Following statements are attached if available:

Sponsor statement: Yes (Below)

Committee statement: **Assembly** Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

Sponsors' statement:

This bill would amend the "Striped Bass Act," P.L. 1983, c. 506, to reduce the present 10 fish "catch" limit to a 5 fish limit. The bill would also prohibit the taking of any striped bass of less than 24 inches rather than permit a certain number of the catch in "non-spawning waters" to be under 24 inches but greater than 18 inches.

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SENATE, No. 2589

STATE OF NEW JERSEY

INTRODUCED JANUARY 8, 1985

By Senator PALLONE

Referred to Committee on Natural Resources and Agriculture

AN ACT concerning the taking of striped bass and amending
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 2 of P. L. 1983, c. 506 (C. 23:5-44) is amended to
2 read as follows:

3 2. As used in this act:

4 a. ***["Goggle fishing"** means the taking of striped bass in the
5 Atlantic ocean and the ocean side of any inlet jetties by means of
6 a spear, harpoon or other missile hand held and hand propelled
7 while completely submerged in the water;]***** **(Deleted by amend-*
7A *ment, P. L. 1985, c. . . .)**

8 b. "Marine waters" means all the salt waters of this State,
9 including the waters of the Atlantic ocean, and all bays, inlets and
10 estaurine waters located below the fresh water portion of any
11 river, stream or creek, but shall not include any of the fresh waters
12 of this State as defined in R. S. 23:1-2;

13 c. **["Spawning waters"** means for the Delaware river and bay
14 those waters of the State south of an imaginary line drawn from
15 the Delaware-Pennsylvania border to Birch creek in Gloucester
16 county to an imaginary line drawn from Cape May Point in New
17 Jersey to Cape Henlopen in Delaware and the tributaries of the
18 Delaware river and bay to the freshwater license line and for the
19 Hudson river, the Raritan river and Raritan and Sandy Hook
20 bays, "spawning waters" means the waters of the Hudson river,
21 Kill Van Kull, Arthur Kill, Newark bay, Raritan river, Raritan
22 bay and Sandy Hook bay extending from the New Jersey-New

**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 committee amendments adopted February 14, 1985.**

23 York border on the north to an imaginary line drawn from Sandy
 24 Hook lighthouse in New Jersey to Rockaway Point in New York
 25 on the east and the Route 36 bridge from highlands to Highlands
 26 park on the south and the tributaries of these waters to the fresh-
 27 water license line;] (*Deleted by amendment, P. L. . . . , c. . . .*)

28 d. "Spear" means a long handled instrument with a sharp
 29 point or multiple points, often barbed, capable of being thrust
 30 into a fish and used for the purpose of taking a fish that was not
 31 first hooked and brought near the fisherman by angling with hook
 32 and line;

33 e. "Striped bass" means a game fish of the species "Morone
 34 saxatilis" commonly referred to as rockfish, rock or striper.

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

3 4. No person shall take from the marine waters of the State in
 4 any one day or have in his possession at any time more than [10]
 5 *five* striped bass], provided that no person shall take, catch, kill
 6 or have in possession at any time any striped bass measuring less
 7 than 18 inches in length, or have in his possession while on or
 8 angling in the marine waters of this State other than the spawning
 9 waters more than four striped bass] *nor any striped bass* mea-
 10 suring less than 24 inches.

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

1 3. This act shall take effect immediately.

STATEMENT

This bill would amend the "Striped Bass Act," P. L. 1983, c. 506 to reduce the present 10 fish "catch" limit to a five fish limit. The bill would also prohibit the taking of any striped bass of less than 24 inches rather than permit a certain number of the catch in "non-spawning waters" to be under 24 inches but greater than 18 inches.

PROPOSED
ASSEMBLY AGRICULTURE AND ENVIRONMENT
COMMITTEE

STATEMENT TO
SENATE, No. 2589

STATE OF NEW JERSEY

DATED: MAY 6, 1985

This bill would amend the "Striped Bass Act," P. L. 1983, c. 506 to reduce the present 10 fish "catch" limit to a five fish limit. The bill would also prohibit the taking of any striped bass of less than 24 inches rather than permit a certain number of the catch in "non-spawning waters" to be under 24 inches but greater than 18 inches.

Enactment of this bill will serve as the "linchpin" in the State's argument that the annual striped bass catch will be reduced by 55%. If the United States Marine Fisheries Commission agrees that the catch will indeed be reduced by that amount, New Jersey would not be subject to a moratorium on all striped bass fishing in the State imposed pursuant to the "Atlantic Striped Bass Conservation Act," a federal statute signed by the President on October 31, 1984.

SENATE NATURAL RESOURCES AND AGRICULTURE
COMMITTEE

STATEMENT TO

SENATE, No. 2589

with Senate committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 4, 1985

This bill would amend the "Striped Bass Act," P. L. 1983, c. 506 to reduce the present ten fish "catch" limit to a five fish limit. The bill would also prohibit the taking of any striped bass of less than 24 inches rather than permit a certain number of the catch in "non-spawning waters" to be under 24 inches but greater than 18 inches.

The Senate Natural Resources and Agricultural Committee amended the bill to permit the use of spearguns for the taking of striped bass while completely submerged in marine waters. The amendments would also clarify that the prohibition extends to the sale or barter, or offer for sale or barter, of striped bass.

23 York border on the north to an imaginary line drawn from Sandy
 24 Hook lighthouse in New Jersey to Rockaway Point in New York
 25 on the east and the Route 36 bridge from highlands to Highlands
 26 park on the south and the tributaries of these waters to the fresh-
 27 water license line;] (*Deleted by amendment, P. L. * [...]**
 27A **1985*, c. . . .*).

28 d. *["Spear" means a long handled instrument with a sharp
 29 point or multiple points, often barbed, capable of being thrust
 30 into a fish and used for the purpose of taking a fish that was not
 31 first hooked and brought near the fisherman by angling with hook
 32 and line]* *"*Spearfishing*" means the taking of striped bass by
 33 means of a spear, harpoon, or other missile, while the swimmer is
 34 completely submerged in marine waters, but shall not include the
 35 use of blinding lights for the purpose of spearing striped bass, or
 36 spears, harpoons or other missiles with exploding heads* ;

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

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

3 4. No person shall take from the marine waters of the State in
 4 any one day*,* or *sell, barter, offer for sale or barter or* have in
 5 his possession at any time*,* more than [10] five striped bass[,
 6 provided that no person shall take, catch, kill or have in possession
 7 at any time any striped bass measuring less than 18 inches in
 8 length, or have in his possession while on or angling in the marine
 9 waters of this State other than the spawning waters more than
 10 four striped bass] nor any striped bass measuring less than 24
 10A inches.

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

1 *3. Section 5 of P. L. 1983, c. 506 (C. 23:5-47) is amended to read
 2 as follows:

3 5. No person shall take, catch or kill a striped bass from or in
 4 any of the marine waters of this State by means of a net or by
 5 any method other than by hook and line or by [goggle fishing]
 6 spearfishing as defined. Nothing in this section shall preclude the
 7 use of a landing net or gaff in landing a striped bass caught on
 8 hook and line, except that it shall be unlawful to foul hook striped
 9 bass.*

1 * [3.]* *4.* This act shall take effect immediately.