

23:5-24.2

LEGISLATIVE HISTORY CHECKLIST

NJSA: 23:5-24.2 (Net fishing-increase fees)

LAWS OF: 1985 CHAPTER: 108

Bill No: S1305

Sponsor(s): Zane

Date Introduced: Feb. 23, 1984

Committee: Assembly: Agriculture and Environment

Senate: Natural Resources and Agriculture

Amended during passage: Yes Amendments during passage denoted by asterisks.

Date of Passage: Assembly: Dec. 13, 1984

Senate: Jun. 28, 1984

Date of Approval: April 9, 1985

Following statements are attached if available:

Sponsor statement: Yes Attached: Senate amendments, adopted 6-28-84. (w/statement).

Committee statement: Assembly Yes

Senate No

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

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SENATE, No. 1305

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 23, 1984

By Senator ZANE

Referred to Committee on Natural Resources and Agriculture

AN ACT concerning the netting of fish and amending P. L. 1941, c. 211.

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

1 1. Section 2 of P. L. 1941, c. 211 (C. 23:5-24.2) is amended  
2 to read as follows:

3 2. A person intending to take fish with a net in the waters afore-  
4 said shall, except as hereinafter provided, apply to the commis-  
5 sioner for a license therefor, and the commissioner upon receipt  
6 of the application and the fee hereinafter prescribed may in his  
7 discretion issue licenses for the taking of fish with nets **\*\*[as**  
7A follows:]**\*\* \*\*.\*\*\***

8 **\*\*[(a)** Haul seines, the mesh of which shall not be smaller than  
9 two and three-quarter inches stretched, and not to exceed 70 fathoms  
10 in length, whether singly or attached, for all species, except those  
11 specifically protected. November 1 to April 30. **\*[Fee]\* \*Resi-**  
11A **dent fee\***, \$25.00 **\*per net\***.

12 (b) Fykes, the length of which including leaders, shall not ex-  
13 ceed 30 fathoms and no part of net or leaders to be larger than  
14 three inches stretched mesh, for all species, except those specifically  
15 protected. November 1 to April 30. **\*[Fee]\* \*Resident fee\***,  
15A \$30.00 **\*per net\***.

16 (c) Special fyke for flounder only, the length of the net not to  
17 exceed 30 fathoms and the mesh of which shall not be less than  
18 four inches stretched. October 1 to April 30. **\*[Fee]\* \*Resident**  
18A **fee\***, \$4.00 **\*per net\***.

19 (d) Minature fykes or pots for the taking of catfish, suckers

**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 June 28, 1984.**

**\*\*—Assembly committee amendments adopted September 13, 1984.**

20 and eels, the same not to exceed 16 inches in diameter in the marine  
 21 waters of this State except the Delaware bay. March 15 to Decem-  
 22 ber 15. \***[Fee, \$1.00 per pot or fyke]**\* *\*Resident fee, \$100.00, re-  
 22A gardless of the number of pots or fykes used. No license or fee  
 22B is required for the use of miniature pots or fykes in the taking of  
 22C killifish (Cyprinodontidae ssp.) for bait\**.

23 (e) \***[Run around net the smallest mesh of which shall be two and  
 24 three-quarter inches stretched and the length of which net shall  
 25 not exceed 200 fathoms, for all species, except those specifically  
 26 protected. March 15 to December 15. Fee, \$20.00. This net shall  
 27 be used in the Atlantic ocean and the Delaware bay and its tribu-  
 28 taries only. The limit shall be one run around net per boat.]**\*

28A *\*(Deleted by amendment, P. L. . . . ., c. . . .)\**

29 (f) **[Shad nets, either drifting, staked or anchored, the smallest  
 30 mesh of which shall be five inches stretched, for all species, except  
 31 those specifically protected. February 1 to May 15. Fee, \$20.00.  
 32 These nets shall be used in the Atlantic ocean and the Delaware  
 33 bay and its tributaries. Staked or anchored nets may be used in  
 34 Raritan bay and Sandy Hook bay.]** *(Deleted by amendment, P. L.  
 35 . . . . ., c. . . .)\***[.]**\**

36 (g) Bait seines, over 50 feet long and not exceeding 150 feet.  
 37 \***[Fee]**\* *\*Resident fee\*, \$3.00 *\*per net\**.*

38 (h) Bait seines, not more than 50 feet long and cast nets, not more  
 39 than 20 feet in diameter, *\*and lift or umbrella nets not greater than  
 40 four feet square\** may be used without application for or granting  
 40A of license.

41 (i) Dip nets, not to exceed 24 inches in diameter, may be used  
 42 for the taking of herring for live bait without application for or  
 43 granting of license.

44 (j) Drifting gill **[net]** *nets*, the smallest mesh of which shall be  
 45 two and three-quarter inches stretched and the length of which  
 46 net shall not exceed 200 fathoms, and staked **[and]** *or* anchored  
 47 gill nets, the smallest mesh of which shall be two and three-quarter  
 48 inches stretched and the length of which shall not exceed 30 fathoms,  
 49 *or 50 fathoms in the Atlantic ocean*, for all species except **[shad  
 50 and]** those specifically protected. \***[Fee]**\* *\*Separate drifting,  
 50A staked or anchored gill nets or a series of joined drifting, staked  
 50B or anchored gill nets shall be marked at each end with a florescent  
 50C orange float at least 12 inches in diameter or a florescent orange  
 50D flag at least 12 inches square which is suspended at least two  
 50E feet above the water. Resident fee\*, \$20.00 for **[the]** each  
 51 drifting gill net and \$3.00 for **[the]** each staked or anchored gill  
 52 net. **[These]** *Drifting gill nets shall be used only in the Atlantic**

53 ocean and the Delaware bay and its tributaries [only. March 1 to  
 54 December 15 for the Atlantic ocean and Delaware bay. March 1  
 55 to May 15 and July 15 to December 15 for the tributaries of the  
 56 Delaware bay]. *Drifting, staked, and anchored gill nets shall be*  
 57 *used in the Atlantic ocean and Delaware bay from February 1 to*  
 58 *December 15 and in the tributaries of the Delaware bay from Feb-*  
 59 *ruary 1 to May 15 and July 15 to December 15. The minimum*  
 60 *stretched mesh size for the drifting, staked, and anchored gill nets*  
 61 *shall be five inches from February 1 to March 1 in the Atlantic*  
 62 *ocean, Delaware bay and its tributaries. Staked and anchored gill*  
 63 *nets, minimum mesh size five inches stretched, shall be used in the*  
 64 *Sandy Hook and Raritan bays for shad only, from February 1 to*  
 65 *May 15. Shad may only be taken from February 1 to May 15.*  
 66 *\*Drifting, staked and anchored gill nets shall not be used in the*  
 67 *Atlantic ocean within one-half mile of any inlet. Drifting gill nets*  
 68 *shall not be fastened together to form a series of nets which exceeds*  
 69 *400 fathoms from February 1 to April 30. Drifting gill nets shall*  
 70 *not be fastened together to form a series of nets which exceeds 200*  
 71 *fathoms from May 1 to December 15. Staked or anchored gill nets*  
 72 *shall not be fastened together to form a series of nets which exceeds*  
 73 *120 fathoms. Separate drifting gill nets or a series of joined gill*  
 74 *nets shall not be set closer to any other net or series of nets than*  
 75 *100 fathoms. Separate staked or anchored gill nets or a series of*  
 76 *joined staked or anchored gill nets shall not be set closer to any*  
 77 *other net or series of nets than 20 fathoms.\**

78 (k) Pound net, the smallest mesh of which shall be two inches  
 79 stretched for all species except those specifically protected. Feb-  
 80 ruary 15 to May 15. \***[Fee]**\* *\*Resident fee\**, \$100.00 *\*per net\**.  
 81 These nets shall be used in the Delaware bay only, except as other-  
 82 wise provided by law.

83 (l) Wire pound net which does not extend into the Delaware bay  
 84 more than 300 feet from the mean low water mark or 300 feet from  
 85 the outside of the flats which fall bare at low water, which may be  
 86 set and used in the Delaware bay only. March 1 to December 31.  
 87 \***[Fee]**\* *\*Resident fee\**, \$25.00 *\*per net\**.

88 (m) Parallel nets, the mesh of which shall not be smaller than  
 89 three and one-half inches stretched *and the length of which shall*  
 90 *not exceed* \***[100]**\* *\*120\* fathoms. \*No person shall set a parallel*  
 91 *net other than approximately parallel to the shore, and at the low*  
 92 *water mark. No net shall be set across any tributary or mouth of*  
 93 *any tributary, and shall not be set in any manner where it impedes*  
 94 *navigation.\* This net shall be used \*only\* in \***[the Atlantic ocean***  
 95 *and]\* the Delaware bay and its tributaries. September 1 to May 31.*

96 \***[Fee]**\* *\*Resident fee\*, \$10.00 per net. This net may be used for*  
 97 *all species, except those specifically protected.*

98 (n) Lobster or fish pots, for the taking of all species except  
 99 those specifically protected, shall be used in the Atlantic ocean,  
 100 Delaware bay, Raritan bay and Sandy Hook bay only and shall be  
 101 marked for identification in the manner prescribed by the com-  
 102 missioner. The commissioner may require that lobster or fish pots  
 103 shall be designed to include escape vents. *\*Resident fee, \$100.00,*  
 104 *regardless of the number of pots used.\**

105 The commissioner may adopt any rules and regulations which he  
 106 deems necessary to carry out the purposes of this section. **]**\*\*

107 **\*\*a.** *The commissioner shall establish resident fees within the*  
 108 *following ranges:*

109 (1) *Haul seines, \$25.00 to \$50.00 per net;*

110 (2) *Fykes, \$12.00 to \$30.00 per net;*

111 (3) *Miniature fykes or pots, \$100.00 to \$200.00 regardless of the*  
 112 *number, provided that not more than two miniature fykes or pots*  
 113 *may be used for the taking of killifish (Cyprinodontidae ssp.) or*  
 114 *eels for bait without a license. Killifish or eels taken without a*  
 115 *license may not be sold or used for barter;*

116 (4) *Bait seines greater than 50 feet long but less than 150 feet*  
 117 *long, \$3.00 to \$10.00 per net;*

118 (5) *Drifting gill nets, \$20.00 to \$50.00 per net;*

119 (6) *Staked or anchored gill nets, \$3.00 to \$10.00 per net;*

120 (7) *Pound net, \$100.00 to \$200.00 per net;*

121 (8) *Wire pound net, \$25.00 to \$100.00 per net;*

122 (9) *Parallel nets, \$10.00 to \$30.00 per net;*

123 (10) *Lobster or fish pots, \$100.00 to \$200.00 regardless of the*  
 124 *number of pots used;*

125 (11) *Horseshoe crab dredge, \$15.00 to \$30.00 per vessel;*

126 (12) *Shrimp trawl, \$12.00 to \$30.00 per net.*

127 *b. No license shall be required for the following:*

128 (1) *Dip nets 24 inches in diameter or less used for the taking of*  
 129 *herring for live bait;*

130 (2) *Bait seines 50 feet long or less;*

131 (3) *Cast nets 20 feet in diameter or less;*

132 (4) *Lift or umbrella nets four feet square or less.*

133 *Fish taken under this subsection may not be sold or used for*  
 134 *barter.\*\**

135 **\*\*c.\*\*** *\*Nonresident license fees **\*\*[are]\*\*** **\*\*shall be\*\*** the same*  
 136 *as resident fees if a resident of this State may obtain a license to*  
 137 *fish for similar species of fish with similar gear in the nonresident*  
 138 *applicant's state for the same fee as a resident of that state. Other-*

139 wise, the license fee for a nonresident is **\*\*[five]\*\*** **\*\*10\*\*** times  
140 the license fee charged to a resident.\*

141 **\*\*The commissioner may, pursuant to the "Administrative Pro-**  
142 **cedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), adopt rules and**  
143 **regulations necessary to carry out the provisions of this section.\*\***

1 2. This act shall take effect **\*\*[immediately]\*\*** **\*\*January 1,**  
2 **1985\*\***.

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66 (k) Pound net, the smallest mesh of which shall be two inches  
 67 stretched for all species except those specifically protected. Febru-  
 68 ary 15 to May 15. Fee, \$100.00. These nets shall be used in the  
 69 Delaware bay only, except as otherwise provided by law.

70 (l) Wire pound net which does not extend into the Delaware  
 71 bay more than 300 feet from the mean low water mark or 300 feet  
 72 from the outside of the flats which fall bare at low water, which  
 73 may be set and used in the Delaware bay only. March 1 to Decem-  
 74 ber 31. Fee, \$25.00.

75 (m) Parallel nets, the mesh of which shall not be smaller than  
 76 three and one-half inches stretched *and the length of which shall*  
 77 *not exceed 100 fathoms. This net shall be used in the Atlantic ocean*  
 78 *and the Delaware bay and its tributaries.* September 1 to May 31.  
 79 *Fee, \$10.00 per net. This net may be used for all species, except*  
 80 *those specifically protected.*

81 (n) Lobster or fish pots, for the taking of all species except  
 82 those specifically protected, shall be used in the Atlantic ocean,  
 83 Delaware bay, Raritan bay and Sandy Hook bay only and shall be  
 84 marked for identification in the manner prescribed by the com-  
 85 missioner. The commissioner may require that lobster or fish pots  
 86 shall be designed to include escape vents.

87 The commissioner may adopt any rules and regulations which he  
 88 deems necessary to carry out the purposes of this section.

1 2. This act shall take effect immediately.

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#### STATEMENT

This bill simplifies the law concerning the use of drifting, staked or anchored gill nets by eliminating the requirement that a separate license be obtained for the use of these gill nets in shad fishing. This bill also makes minor changes to the dates when these gill nets may be used in certain waters. Parallel nets shall not be more than 100 fathoms in length and a fee of \$10.00 per net shall be charged.

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ASSEMBLY AGRICULTURE AND ENVIRONMENT  
COMMITTEE

STATEMENT TO

**SENATE, No. 1305**

[OFFICIAL COPY REPRINT]

with Assembly committee amendments

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**STATE OF NEW JERSEY**

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DATED: SEPTEMBER 13, 1984

As amended by the Assembly Agriculture and Environment Committee, this bill authorizes the Commissioner of the Department of Environmental Protection to establish a range of fees for licenses for the residents of the State required for the taking of fish with certain nets, pots and other devices. The bill would require that the same fees be charged non-residents if the State in which the non-resident resides does not distinguish between residents and non-residents for the purpose of charging fees for licenses. If such a distinction is made, however, the fee charged by this State to a non-resident would be ten times the fee charged a resident. The bill also prescribes those nets which may be used without a license.

The committee amended the bill to omit all of the technical requirements concerning net mesh size and seasons during which certain fish could be taken, and established a range within which license fees may be fixed. The purpose of these amendments is to provide a greater degree of administrative flexibility.

The committee reported the bill favorably.



Senate Amendments  
(Proposed by Sen. Zane)

to

Senate Bill No. 1305

(Sponsored by Sen. Zane)

Amend:

Page

Sec.

Line

STATEMENT

The purpose of these amendments to Senate Bill No. 1305 of 1984 is to include in that bill those changes recommended by the Department of Environmental Protection. Resident and nonresident fees are established; the fee for a resident license to take catfish, suckers and eels with miniature fykes and pots is changed from a "per pot" to a "per license" fee; licenses for certain methods of taking fish are eliminated; certain restrictions for the use of lift and umbrella nets, drifting, staked and anchored gill nets and parallel nets are established; and certain seasonal limitations are changed or imposed.