

23:2B-1 to 23:2B-10

LEGISLATIVE HISTORY CHECKLIST

NJSA 23:2B-1 to 23:2B-10 et al; 34:1B-3; 50:1-5 et al. "Marine Fisheries Management and Commercial Fisheries Act"

LAWS OF 1979 CHAPTER 199

Bill No. S1399

Sponsor(s) Dodd and others

Date Introduced Oct. 19, 1978

Committee: Assembly Agriculture and Environment

Senate Energy and Environment; Revenue, Finance & Appropriations

Amended during passage Yes * Amendments during passage denoted by asterisks

Date of Passage: Assembly July 16, 1979

Senate Feb. 26, 1979

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Following statements are attached if available:

Sponsor statement Yes *
Committee Statement: Assembly Yes *
Senate Yes * 12-4-78 and 2-13-79
Fiscal Note Yes No
Veto message Yes No
Message on signing Yes *

Following were printed:

Reports Yes *
Hearings Yes No

974.90 N.J. Governor. Office of Policy and Planning.
I42 A proposal for the development of the
1979b New Jersey fisheries industry: a working paper.
Trenton, 1979.

(over)

EJ
9/1/78

Cited in above report (Recommendation #17--p.5)

974.90 N.J. Marine Fisheries Advisory Committee
F537 Report... 1978.
1978d

SENATE, No. 1399

STATE OF NEW JERSEY

INTRODUCED OCTOBER 19, 1978

By Senators DODD, LASKIN, FELDMAN, HIRKALA and PARKER

Referred to Committee on Energy and Environment

AN ACT concerning marine fisheries management, the development of the commercial fisheries industry, and the support of recreational fishing, establishing a Marine Fisheries Council, providing certain powers, duties and responsibilities to the Commissioner of Environmental Protection, the Marine Fisheries Council and the New Jersey Economic Development Authority, providing penalties for its violation, making an appropriation and amending, supplementing and repealing parts of the statutory law.

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

1 1. (New section) This act shall be known and may be cited as the
2 "Marine Fisheries Management and Commercial Fisheries Act."

1 2. (New section) a. The Legislature hereby finds that:

2 (1) The fisheries resources of the State make a material contri-
3 bution to our economy and food supply, as well as to the health,
4 recreation, and well-being of our citizens; and,

5 (2) The fisheries resources of the State are a living, renewable
6 form of wealth capable of being maintained and greatly increased
7 with proper management, but equally capable of destruction if
8 neglected or unwisely exploited.

9 b. It is hereby declared to be the policy of this State to:

10 (1) Provide an organizational framework that will permit the
11 State to manage more effectively its fisheries resources with the
12 following objectives:

13 (a) The conservation of fisheries resources and their habitat
14 to ensure their continued existence;

15 (b) The maintenance and enhancement of fisheries resources
16 to support a recreational use where a species is the object of
17 recreational fishing;

18 (c) The maintenance and enhancement of fisheries resources
19 to support a commercial use where a species is the object of
20 commercial fishing;

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.

21 (d) The management, on a basis of scientific information,
22 of the fisheries resources under the State's jurisdiction, and
23 the participation in the management of other fisheries in which
24 New Jersey fishermen are engaged, with the objective of
25 optimum yield;

26 (2) Develop an active and modern commercial fisheries fleet,
27 docks, freezing, processing and marketing facilities;

28 (3) Encourage citizen participation through advisory councils
29 and otherwise, since decisions concerning the distribution and allo-
30 cation of fisheries resources have important consequences for all
31 citizens of this State; and,

32 (4) Provide for conservation and management measures involv-
33 ing a reciprocal and cooperative relationship among States and
34 between States and the Federal Government, and between States
35 and the fisheries management councils established pursuant to the
36 "Federal Fisheries Conservation and Management Act of 1976"
37 (16 USC §§ 1801 to 1882), since many species of fisheries resources
38 travel across state and state-federal boundaries;

39 (5) Develop a viable aquaculture industry in the State, utilizing
40 existing Federal and other programs where appropriate, and
41 necessary supportive infrastructure.

1 3. (New section) As used in this act:

2 a. "Aquaculture" means the propagation and rearing of aquatic
3 species in controlled or selected environments;

4 b. "Commissioner" means the Commissioner of Environmental
5 Protection;

6 c. "Council" means the Marine Fisheries Council created pur-
7 suant to this act, except in those sections of this act amending
8 sections of Title 50 of the Revised Statutes;

9 d. "Department" means the Department of Environmental
10 Protection;

11 e. "Fish" means any marine or anadromous animal, or part
12 thereof, excepting mammals and birds;

13 f. "Fisheries management plans" means plans to prevent over-
14 fishing, achieve optimal yield from each fishery on a continuing
15 basis, which are based on the best scientific information available,
16 are in accordance with management plans promulgated pursuant
17 to the Fisheries Conservation and Management Act of 1976 and
18 any appropriate interstate programs, provide for the management
19 of stock as a unit throughout their range, and allow for flexibility
20 of management;

21 g. "Marine waters" means all the salt waters of this State, and
22 none of the fresh waters of this State as defined in R. S. 23:1-2.

23 Specifically it includes the waters of the Atlantic ocean, and all
24 bays, inlets and estuarine waters located below the mouth of any
25 fresh water river, stream or creek;

26 h. "Optimum yield" means the amount of fish from a fishery
27 which will provide the greatest overall benefit to the State, with
28 particular reference to food production and recreational oppor-
29 tunities, and the amount of fish which is prescribed as such on the
30 basis of the maximum sustainable yield from such fishery as modi-
31 fied by any relevant economic, social or ecological factor;

32 i. "Processing" means handling, storing, freezing, preparing,
33 preserving, packing, transporting, holding, or selling fish or fish
34 products;

35 j. "Taking" means to catch, net, capture, possess, or collect any
36 fish or to attempt to engage in any such conduct;

1 4. (New section) There is hereby created in the department a
2 Marine Fisheries Council, which shall consist of 11 members, nine
3 of whom shall be appointed by the Governor, with the advice and
4 consent of the Senate, of whom four shall represent and be knowl-
5 edgeable of the interests of sports fishermen, two shall be members
6 of the commercial fin fishery industry and three shall represent
7 the general public; the other two members shall be the chairmen
8 of the two sections of the Shell Fisheries Council.

9 Of the nine members first to be appointed by the Governor,
10 three shall be appointed for a term of 1 year, three for a term of 2
11 years, and three for a term of 3 years. Thereafter, all appoint-
12 ments shall be made for terms of 3 years. All appointed members
13 shall serve after the expiration of their terms until their respective
14 successors are appointed and shall qualify, and any vacancy oc-
15 ccurring in the appointed membership of the council, by expiration
16 of term or otherwise, shall be filled in the same manner as the
17 original appointment for the unexpired term only, notwithstanding
18 that the previous incumbent may have held over and continued
19 in office as aforesaid. The Governor may remove any member of
20 the council for cause after a public hearing.

21 Members of the council shall serve without compensation, but
22 shall be reimbursed for expenses actually incurred in attending
23 meetings of the council and in the performance of their duties as
24 members thereof.

25 The Governor shall appoint a chairman, from the citizen mem-
26 bers of the council, who shall serve at his pleasure. Six members
27 of the council shall constitute a quorum to transact its business.

1 5. (New section) The Marine Fisheries Council shall:

- 2 a. Contribute to the preparation and revision of fisheries man-
3 agement plans;
- 4 b. Approve or disapprove any rule or regulation or any amend-
5 ment thereto proposed by the commissioner pursuant to this act;
- 6 c. Advise the commissioner on policies of the department and
7 in the planning, development, and implementation of all depart-
8 mental programs related to this act;
- 9 d. Examine, consider and make recommendations in any matters
10 pertaining to the conservation and management of fisheries re-
11 sources throughout the State;
- 12 e. From time to time submit to the commissioner any recom-
13 mendation for new rules and regulations or revision to existing
14 rules and regulations which it deems necessary for the proper
15 operation of an effective marine fisheries program;
- 16 f. Hold periodic public hearings in regard to current issues
17 affecting the operation of the marine fisheries program;
- 18 g. Recommend the convening of species related citizen panels
19 where appropriate;
- 20 h. Study and analyze economic, social and ecological data relat-
21 ing to the operation of the marine fisheries program.
- 22 6. (New section) The commissioner shall prepare fisheries man-
23 agement plans for each major fishery in the State, with the advice
2 and assistance of the council, and if deemed necessary, advisory
3 species related citizen panels. The citizen panels shall be com-
4 posed of persons appointed by the commissioner. They shall review
5 suggested management plans and any rules and regulations im-
6 plementing said plans. Such management plans shall be coordi-
7 nated with and take into consideration the appropriate Federal,
8 Federal-State, regional management council and interstate pro-
9 grams.
- 10 The commissioner, with the approval of the council, shall prepare
11 and promulgate and may amend and repeal rules and regulations
12 to carry out the intent of this act and to implement the provisions
13 of the fisheries management plans. Any such rules and regulations
14 shall be promulgated in accordance with the "Administrative Pro-
15 cedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.). Such rules
16 and regulations may:
- 17 a. Prohibit, limit, condition, require or establish the use of
18 specified types of fishing gear; the size, number and quantity of
19 specific species that may be taken; the areas to be opened or closed
20 to their taking, the time and manner of their taking; the number
21 of persons or vessels or amount of fishing gear that may participate
22 in harvest of a specified fisheries resource, and may prescribe such

24 other limitations, conditions, requirements, or restrictions as is
25 necessary and appropriate to the policy and purposes of this act;

26 b. Establish and develop fisheries management areas and pre-
27 scribe rules governing the use of such areas;

28 The commissioner may not regulate, pursuant to this section,
29 any species in any body of water which is regulated pursuant to
30 Title 50 of the Revised Statutes.

1 7. (New section) The commissioner shall have the following
2 powers and duties:

3 a. Administer and enforce the laws, rules and regulations re-
4 lating to fisheries resources;

5 b. Appoint the chief administrative officer of the marine fisheries
6 program and all other necessary employees, including enforcement
7 personnel within the limits of available revenues;

8 c. Develop and implement a program for the management of
9 fisheries resources, including such species related management
10 plans as may be appropriate;

11 d. Acquire by gift or purchase and hold real property in the
12 name of the State, or any right or interest therein, including, but
13 not limited to, easements or rights of access;

14 e. Accept for the State any Federal funds apportioned under
15 Federal law related to authorized programs of the department and
16 to do such acts as are necessary for the purpose of carrying out
17 such Federal laws; and to accept from any other agency or govern-
18 ment, individual, group, or corporation, such funds, gifts, or de-
19 vises as may be available to carry out the purposes of this act;

20 f. Make periodic reports to the Governor and the Legislature,
21 including therein such recommendations for changes and amend-
22 ments in existing law and licensing procedures as are warranted
23 by investigations and research;

24 g. Conduct or sponsor a program or programs for research and
25 development of fisheries resources of the State, in cooperation,
26 where appropriate, with Rutgers, The State University, the Marine
27 Sciences Consortium, and other responsible research or academic
28 agencies, which programs shall include, but not be limited to bio-
29 logical, chemical, technological, hydrological, processing, market-
30 ing, financial, economic, and promotional research and development.
31 The department may carry out such a program or programs in
32 cooperation with other State agencies, Federal, regional, and local
33 governmental entities, or with private institutions or persons;

34 h. Establish programs for public education concerning the con-
35 servation, utilization, development, and enhancement of fisheries
36 resources;

37 i. Acquire, introduce, and propagate marine fish species in such
38 manner as will carry out the fisheries resources management pro-
39 grams;

40 j. To coordinate and integrate the marine fisheries program
41 established herein with the activities of all other State agencies
42 which affect fisheries resources, including but not limited to, fresh-
43 water fisheries, coastal zone management, water pollution control
44 and marine law enforcement; and,

45 k. To encourage every agency which operates a bridge over
46 any of the marine waters of this State to construct a fishing plat-
47 form on each such bridge.

1 8. (New section) In the management of fisheries resources which
2 are shared by the State of New Jersey with other states or with
3 other states and the Federal Government, the commissioner shall
4 cooperate with the appropriate agencies of said states, the Federal
5 Government and the regional fisheries management councils estab-
6 lished under the Federal Fisheries Conservation and Management
7 Act of 1976, and any appropriate interstate programs to develop
8 integrated management plans for such shared resources.

9 The commissioner is empowered to make the following reciprocal
10 agreements with other jurisdictions:

11 a. Rules and regulations with respect to fishing in boundary
12 waters after consultation with the appropriate body in the neigh-
13 boring states;

14 b. A procedure whereby valid fishing license issued by the par-
15 ties to the reciprocal agreements may be used by their licensees
16 within the jurisdiction of either in accordance with the terms of
17 such agreements;

18 c. Any individual from a state who has the responsibility of
19 enforcing that state's marine fisheries laws may pursue any person
20 found fishing in the coastal waters of such state in violation of the
21 marine fisheries laws thereof onto adjacent waters of this State
22 and there arrest him and return him to the state where the viola-
23 tion occurred for the purpose of prosecuting him for such violation;
24 provided, that such other state shall have enacted legislation giving
25 substantially similar authority to individuals of this State who
26 have responsibility for enforcing the marine fisheries laws of this
27 State relative to persons found fishing in the coastal waters of
28 this State in violation of the marine fishing laws thereof.

1 9. (New section) a. The commissioner may by regulation require
2 that every person, who takes fisheries resources, provide informa-
3 tion on the species, number, weight, and any other information

4 pertinent to management of the resources taken in a manner pre-
5 scribed and on forms supplied by the department.

6 b. Every person engaged in the buying, packing, storing, whole-
7 saling, marketing, or processing of any fisheries resources within
8 the State shall keep accurate records, books or accounts showing
9 the species, quantity, and source of fisheries resources.

10 c. Every record, book, or account referred to in subsection b.
11 shall be open for inspection by the department at reasonable hours.

12 d. The department may audit the records, books, or accounts of
13 any person referred to in subsection b., and of anyone who takes
14 fisheries resources and ships directly to market in order to
15 determine the quantity of resources taken and other information
16 pertinent to management.

17 e. The records obtained by the department, and the information
18 contained therein, shall except as otherwise provided in this section,
19 be confidential, and the records shall not be public records and
20 insofar as possible, the information contained in the records shall
21 be compiled or published in such a manner so as not to disclose
22 the business record of any person.

23 f. The information in the above records can be provided to other
24 states and regional fisheries agencies provided that those entities
25 have similar confidentiality provisions that do not disclose the
26 business record of any person.

1 10. (New section) For a period of 1 year from the effective date
2 of this act the Commissioner of Labor and Industry, the Commis-
3 sioner of Environmental Protection, the Secretary of Agriculture,
4 the Executive Director of the Economic Development Authority
5 and the Director of the Division of Fisheries and Wildlife shall
6 serve on an Aquaculture and Commercial Fisheries Development
7 Task Force. The task force shall be located in the Governor's
8 office and shall promote the development of aquaculture, of the
9 commercial fisheries industry, and of the commercial aspects of
10 fish products. Each such administrator shall, to the extent prac-
11 ticable, encourage the growth and expansion of piers and docks,
12 processing and storage facilities, fishing equipment and vessels
13 and marketing facilities and the development of aquaculture,
14 personnel training programs, research, or any other procedures
15 designed to stimulate, expand and promote the commercial fisheries
16 industry and the commercial aspects of recreational fishing and
17 the development of processing and marketing facilities for fish
18 and fish products.

1 11. Section 3 of P. L. 1974, c. 80 (C. 34:1B-3) is amended to
2 read as follows:

3 3. As used in this act, unless a different meaning clearly appears
4 from the context:

5 a. "Authority" means the New Jersey Economic Development
6 Authority, created by section 4 of this act.

7 b. "Bonds" means bonds or other obligations issued by the
8 Authority pursuant to this act.

9 c. "Cost" means

10 **[The]** *the* cost of the acquisition, construction, reconstruction,
11 repair, alteration, improvement and extension of any building,
12 structure, facility including water transmission facilities, or other
13 improvement; the cost of machinery and equipment, the cost of
14 acquisition, construction, reconstruction, repair, alteration, im-
15 provement and extension of pollution control devices, equipment
16 or facilities; the cost of lands, rights-in-lands, easements, privileges,
17 agreements, franchises, utility extensions, disposal facilities, access
18 roads and site development deemed by the authority to be neces-
19 sary or useful and convenient for any project or in connection
20 therewith, discount on bonds, costs of issuance of bonds, engineer-
21 ing and inspection costs, cost of financial, legal, professional and
22 other estimates and advice, organization, administrative, insur-
23 ance, operating and other expenses of the authority or any person
24 prior to and during any acquisition or construction, and all such
25 expenses as may be necessary or incident to the financing, acquisi-
26 tion, construction or completion of any project or part thereof,
27 and also such provision for reserves for payment or security of
28 principal of or interest on bonds during or after such acquisition
29 or construction as the authority may determine.

30 d. "County" means any county of any class.

31 e. "Development property" means any real or personal property
32 interest therein, improvements thereon, appurtenances thereto and
33 air or other rights in connection therewith, including land, build-
34 ings, plants, structures, systems, works, machinery and equipment
35 acquired or to be acquired by purchase, gift or otherwise by the
36 authority within an urban growth zone.

37 f. "Person" means any person, including individuals, firms,
38 partnerships, associations, societies, trusts, public or private
39 corporations, or other legal entities, including public or govern-
40 mental bodies as well as natural persons. "Person" shall include
41 the plural as well as the singular.

42 g. "Pollution control project" means any device, equipment,
43 improvement, structure or facility or any land and any building,
44 structure, facility or other improvement thereon, or any combina-
45 tion thereof, whether or not in existence or under construction, or

46 the refinancing thereof in order to facilitate improvements or
47 additions thereto or upgrading thereof, and all real and personal
48 property deemed necessary thereto, having to do with or the end
49 purpose of which is the control, abatement or prevention of land,
50 sewer, water, air, noise or general environmental pollution, includ-
51 ing, but not limited to, any air pollution control facility, noise
52 abatement facility, water management facility, thermal pollution
53 control facility, radiation contamination control facility, waste
54 water collection system, waste water treatment works, sewage
55 treatment works system, sewage treatment system or solid waste
56 disposal facility or site; provided that the authority shall have
57 received from the Commissioner of the State Department of
58 Environmental Protection or his duly authorized representative,
59 a certificate stating the opinion that, based upon information, facts
60 and circumstances available to the State Department of Environ-
61 mental Protection and any other pertinent data, (1) said pollution
62 control facilities do not conflict with, overlap or duplicate any other
63 planned or existing pollution control facilities undertaken or
64 planned by another public agency or authority within any political
65 subdivision, and (2) that such facilities, as designed, will be a pol-
66 lution control project as defined in this act and are in furtherance
67 of the purpose of abating or controlling pollution.

68 h. "Project" means (1) (a) acquisition, construction, recon-
69 struction, repair, alteration, improvemnt and extension of any
70 building, structure, facility including water transmission facilities
71 or other improvemnt, whether or not in existence or under con-
72 struction, (b) purchase and installation of equipment and machin-
73 ery, (c) acquisition and improvement of real estate and the
74 extension or provision of utilities, access roads and other appurte-
75 nant facilities, and (2) (a) the acquisition, financing, or refinancing
76 of inventory, raw materials, supplies, work in process, or stock
77 in trade, or (b) the financing, refinancing or consolidation of
78 secured or unsecured debt, borrowings, or obligations, or (c) the
79 provision of financing for any other expense incurred in the
80 ordinary course of business; all of which are to be used or occupied
81 by any person in any enterprise promoting employment, either
82 for the manufacturing, processing or assembly of materials or
83 products, or for research or office purposes, including, but not
84 limited to, medical and other professional facilities, or for indus-
85 trial, recreational, hotel or motel facilities, public utility and ware-
86 housing, or for commercial and service purposes, including, but
87 not limited to, retail outlets, retail shopping centers, restaurant
88 and retail food outlets, and any and all other employment promot-

89 ing enterprises including, but not limited to motion picture and
90 television studios and facilities *and commercial fishing facilities,*
91 *commercial facilities for recreational fishermen, fishing vessels,*
92 *aquaculture facilities and marketing facilities for fish and fish*
93 *products* and (d) acquisition of an equity interest in, including
94 capital stock of, any corporation; or any combination of the above,
95 which the authority determines will (i) tend to maintain or provide
96 gainful employment opportunities within and for the people of
97 the State, or (ii) aid, assist and encourage the economic develop-
98 ment or redevelopment of any political subdivision of the State,
99 or (iii) maintain or increase the tax base of the State or of any
100 political subdivision of the State, or (iv) maintain or diversify
101 and expand employment promoting enterprises within the State;
102 and (3) the cost of acquisition, construction, reconstruction, repair,
103 alteration, improvement and extension of a pollution control
104 project which the authority determines will tend to reduce, abate
105 or prevent environmental pollution within the State. Project may
106 also include (i) reimbursement to any person for costs in connec-
107 tion with any project, or the refinancing of any project or portion
108 thereof, if determined by the authority as necessary and in the
109 public interest to maintain employment and the tax base of any
110 political subdivision and will facilitate improvements thereto or
111 the completion thereof, and (ii) development property and any
112 construction, reconstruction, improvement, alteration, equipment
113 or maintenance or repair, or, planning and designing in connection
114 therewith.

115 i. "Revenues" means receipts, fees, rentals or other payments
116 to be received on account of lease, mortgage, conditional sale, or
117 sale and payments and any other income derived from the lease,
118 sale or other disposition of a project, moneys in such reserve and
119 insurance funds or accounts or other funds and accounts and income
120 from the investment thereof, established in connection with the
121 issuance of bonds or notes for a project or projects, and fees,
122 charges or other moneys to be received by the authority in respect
123 of projects and contracts with persons.

124 j. "Resolution" means any resolution adopted or trust agree-
125 ment executed by the authority pursuant to which bonds of the
126 authority are authorized to be issued.

127 k. "Urban growth zone" means any area within a municipality
128 receiving State aid pursuant to the provisions of P. L. 1971, c. 64,
129 or a municipality certified by the Commissioner of Community
130 Affairs to qualify under such law in every respect except popula-
131 tion, which area has been so designated pursuant to an ordinance
132 of the governing body of such municipality.

1 12. (New section) No person shall, willfully and without reason-
2 able cause interfere with, break, damage or destroy any net, trap,
3 seine, fyke pot or any other device used to take fish, which is being
4 utilized in a lawfully authorized manner.

1 13. (New section) The marine police shall devote a sufficient
2 number of hours and sufficient resources to the enforcement of the
3 marine management statutes and rules and regulations promulgated
4 pursuant thereto to assure compliance therewith. The chief admini-
5 strative officer of the marine fisheries program and of the marine
6 police shall jointly work out an effective marine fisheries enforce-
7 ment program. The two chief administrative officers shall periodi-
8 cally report to the Marine Fisheries Council on enforcement activi-
9 ties, whether completed, underway or contemplated. Each marine
10 policeman shall be trained for a minimum of one full work week on
11 marine resources management procedures during his first year on
12 the job and for a minimum of one working day every year there-
13 after.

1 14. R. S. 50:1-5 is amended to read as follows:

2 50:1-5. The [board] *Commissioner of Environmental Protection*
3 shall have full control and direction of the shellfish industry and
4 resource and of the protection of shellfish throughout the entire
5 State, *subject to the remaining provisions of this Title. [It] He*
6 shall make such rules and regulations as may be necessary for the
7 preservation and improvement of the shellfish industry and re-
8 source of the State, *after consultation with the Shell Fisheries*
9 *Council and subject to the approval of the Marine Fisheries*
10 *Council. For purposes of this title the term "shellfish" shall mean*
11 *hard clams, (mercenaria mercenaria) soft clams (mya arenaria)*
12 *and oysters (coassostrea virginica) and the term "commissioner"*
13 *shall mean Commissioner of Environmental Protection.*

14 [The board shall report annually to the legislature.]

1 15. R. S. 50:1-18 is amended to read as follows:

2 50:1-18 a. *The Shell Fisheries Council shall be composed of nine*
3 *members; one each residing in the counties of Monmouth, Ocean,*
4 *Burlington, Atlantic, Cape May and Salem and three residents of*
5 *Cumberland county; each of whom shall be chosen with due regard*
6 *to his knowledge of and interest in the shellfish industry and in the*
7 *conservation and management of shellfish. Each member of the*
8 *council shall be appointed by the Governor, with the advice and*
9 *consent of the Senate, for a term of 4 years and shall serve until*
10 *his successor has been appointed and has qualified.*

11 *Any vacancies in the membership of said council occurring other*
12 *than by expiration of term shall be filled by the Governor, with the*

13 *advice and consent of the Senate, for the unexpired term only. Any*
14 *member of the council may be removed from office by the Governor,*
15 *for cause, upon notice and opportunity to be heard.*

16 *The members of the council shall serve without compensation*
17 *but shall be reimbursed for necessary expenses incurred in the*
18 *performance of their duties. Each section of the council shall*
19 *annually elect a chairman of the council from its own members.*

20 *b. The council shall, subject to the approval of the commissioner,*
21 *formulate comprehensive policies for the preservation and improve-*
22 *ment of the shellfish industry and resource of the State. The*
23 *council shall also: (1) consult with and advise the commissioner*
24 *and the Marine Fisheries Council with respect to the implementa-*
25 *tion of the shellfisheries program; (2) study the activities of the*
26 *shellfisheries program and hold hearings with respect thereto as it*
27 *may deem necessary or desirable; and (3) recommend, by resolu-*
28 *tion of the council, proposed rules and regulations concerning shell-*
29 *fish to the commissioner.*

30 *c. No lease of any of the lands of the State under the tidal waters*
31 *thereof, to be exclusively used and enjoyed by the lessee for the*
32 *planting and cultivating of shellfish, shall hereafter be allowed*
33 *except when approved by a majority of the appropriate section of*
34 *the council; and no such lease shall hereafter in any case be allowed*
35 *except when approved and signed by the commissioner.*

36 *d. The [Shell Fisheries] council [in the State Department of*
37 *Conservation and Economic Development] shall be divided into*
38 *two sections one to be known as the “[Maurice River Cove]*
39 *Delaware Bay Section,” consisting of the members from the*
40 *counties of Cumberland and [Cape May] Salem, and the other to*
41 *be known as the “Atlantic Coast Section” consisting of the*
42 *members from the counties of Atlantic, Burlington, Ocean and*
43 *Monmouth. The member of the said council from [a county other*
44 *than the above enumerated counties] Cape May shall be entitled*
45 *to participate in the exercise of the powers and the performance*
46 *of the duties of each of the said two sections.*

47 *The [Maurice River Cove] Delaware Bay Section shall, subject*
48 *to the approval of the Commissioner [of Conservation and*
49 *Economic Development], exercise all the powers and perform all*
50 *the duties of the council in matters relating to the shellfish in-*
51 *dustry in the tidal waters of Delaware river, Delaware bay and*
52 *their tributaries.*

53 *The Atlantic Coast Section shall, subject to the approval of the*
54 *Commissioner [of Conservation and Economic Development],*
55 *exercise all the powers and perform all the duties of the council*

56 in matters relating to the shellfish industry in all of the tidal
57 waters of the State except in the tidal waters of the Delaware river,
58 Delaware bay and their tributaries.

1 16. R. S. 50:1-22 is amended to read as follows:

2 50:1-22. The [board] commissioner shall establish and main-
3 tain an office [within the boundaries of each department and divi-
4 sion,] located at some place convenient to persons engaged in the
5 [oyster] shellfish industry [in such department or division. Such
6 office shall also be the office of the chief of the department or
7 division, and the]. *The records of all leases and licenses issued by
8 him shall be kept therein. One office shall be located in the area
9 served by the Atlantic Coast Section and one office shall be located
10 in the area served by the Delaware Bay Section of the Council.*

1 17. R. S. 50:1-24 is amended to read as follows:

2 50:1-24. The power granted by this title to the [board] council,
3 subject to the provisions of R. S. 50:1-18, to lease lands under the
4 tidal waters of this State for the planting and culture of shellfish
5 is exclusive, and no other State agency may, in the name of the
6 State or otherwise, give, grant or convey to any person the exclu-
7 sive right to plant or take shellfish from any of such waters; and
8 no grant or lease of lands under tidewater, whereon there are
9 natural oyster beds, shall be made by any other state agency except
10 for the purpose of building wharves, bulkheads or piers.

1 18. R. S. 50:1-25 is amended to read as follows:

2 50:1-25. No lease shall be granted to any person who is not at
3 the time of granting such lease[, and shall not have been for
4 12 months preceding,] a [citizen and actual] resident of this
5 State[, but this restriction shall not apply to the renewal of any
6 lease granted prior to March 24, 1917].

1 19. R. S. 50:1-27 is amended to read as follows:

2 50:1-27. The [board] council, with the approval of the commis-
3 sioner, shall fix the term for which leases may be granted, not
4 exceeding 30 years, the rental to be paid, the maximum size of any
5 single ground to be leased, and the total acreage which may be
6 leased to any person or persons.

1 20. R. S. 50:1-28 is amended to read as follows:

2 50:1-28. The [board] commissioner shall, from time to time,
3 cause the leased lands to be measured, and the metes and bounds
4 thereof ascertained and located by ranges, monuments or other
5 means, so that the limits thereof may be accurately fixed and easily
6 located.

7 The [board] commissioner shall cause the leased lands to be
8 mapped, and the maps to be filed in the office of the [board; and

9 copies thereof to be filed in the office of the department of the
10 Maurice river cove, and the offices of the department or divisions of
11 the Atlantic coast, respectively] *department*.

12 The expense of surveying, measuring, locating and mapping any
13 ground or grounds shall be paid by the applicant therefor before he
14 shall be entitled to a lease or leases for the same.

1 21. R. S. 50:1-29 is amended to read as follows:

2 50:1-29. The [board] *commissioner* shall cause leases, and
3 assignments and transfers thereof, to be recorded in books kept in
4 the offices of the [departments or divisions, respectively] *depart-*
5 *ment*; and no assignment or transfer of any ground or lease
6 therefor shall be valid unless approved by the [board] *commis-*
7 *sioner and the council* and forthwith recorded in the office of the
8 department [or division in which the leased land is located].

1 22. R. S. 50:1-30 is amended to read as follows:

2 50:1-30. The [board] *council with the approval of the commis-*
3 *sioner* may lease to applicants therefor any of the lands of this
4 State that have been or may hereafter be condemned [by the State
5 Department of Health] *pursuant to the provisions of chapter 14 of*
6 *Title 24 of the Revised Statutes*.

1 23. R. S. 50:1-31 is amended to read as follows:

2 50:1-31. The [board] *commissioner* may make such rules and
3 regulations for the removal and distribution of shellfish from lands
4 leased under section 50:1-30 of this Title, as in [its] *his* judgment
5 will be in accord with the object of the condemnation. Such rules
6 and regulations shall not be inconsistent with those [of the State
7 Department of Health. The board may require the lessee to give
8 bond in a sum not to exceed \$10,000.00 for the faithful observance
9 of such rules and regulations] *adopted pursuant to the provisions*
10 *of chapter 14 of Title 24 of the Revised Statutes*.

1 24. R. S. 50:1-34 is amended to read as follows:

2 50:1-34. No [oysters, seed oysters, or other mollusks, commonly
3 known as] shellfish, native to, or brought directly or indirectly,
4 from any foreign country *or any other state* shall be planted or
5 lodged in the waters of this State without written permission issued
6 by the [board] *commissioner, after notice to the council*, for each
7 separate shipment. Application for such permission shall be made
8 in writing, and shall state:

9 a. The species of such [oysters, seed oysters or mollusks]
10 *shellfish*;

11 b. The location from which they were, or are to be, immediately
12 taken;

13 c. The source from which they were originally obtained; and

14 d. The country to which their kind is native.

15 The same information shall be shown upon a tag attached to, or
16 upon the billing accompanying each shipment upon its arrival in
17 this State.

1 25. R. S. 50:1-35 is amended to read as follows:

2 50:1-35. The [board] *commissioner* may issue such permission
3 after due inspection and examination of the nature, species, quan-
4 tity, source, location of proposed planting or lodging, and the
5 condition of the [oysters, seed oysters or mollusks] *shellfish* and
6 after [certification by the biologist of the board] *his determination*
7 that the same will not [in his opinion,] be detrimental to the native
8 [oysters] *shellfish* or to the [oyster] *shellfish* industry of this
9 State.

10 Such permission shall specify the nature, species, quantity and
11 proposed location of planting or lodgment of the [oysters, seed
12 oysters or mollusks] *shellfish* and shall apply only to the particular
13 shipment for which it is issued.

1 26. R. S. 50:1-36 is amended to read as follows:

2 50:1-36. The [board] *commissioner* shall make such charge, and
3 collect in advance, for the issuance of such permission, such sum
4 of money as may be necessary to defray the cost of the inspection,
5 examination and certification.

1 27. R. S. 50:2-1 is amended to read as follows:

2 50:2-1. No person shall catch or take oysters or clams from any
3 of the natural oyster or clam grounds in the waters of this State,
4 without first obtaining a license from the [board] *commissioner*.
5 Such licenses shall grant the privilege of taking oysters or clams
6 upon any natural oyster bed or clam ground of this State, except
7 such as may be [reserved for leasing purposes] *leased* by the
8 [board] *council*.

1 28. R. S. 50:2-2 is amended to read as follows:

2 50:2-2. No *recreational* license shall be granted to any applicant
3 who does not present satisfactory evidence that he is [at the time
4 of such application, and has been for 12 months next preceding,]
5 a [citizen and actual] resident of this State; except that a *non-*
6 *resident's recreational* license effective only in the months of June,
7 July, August and September in any calendar year may be granted
8 to a nonresident of this State upon payment of a license fee [to
9 be fixed by the Shell Fisheries Council, within the limits of, and
10 subject to, the rules and regulations provided by this chapter, and
11 limited to the Atlantic seaboard, and except that any resident of
12 the state of New York may be granted such a license to take clams
13 from the clamming grounds in the waters of Raritan bay in this

14 State, if the same privileges are granted to the citizens of New
 15 Jersey to obtain licenses to take clams from the clamming grounds
 16 in said bay in New York State].

17 No [nonresident] holder of [any] *either* such *recreational* license
 18 *may take more than 150 clams per day or* shall sell or offer for sale
 19 oysters or clams taken under said license and any such sale or offer
 20 for sale shall constitute ground for the revocation of said license.
 21 *No person shall take or catch more than 150 clams per day unless*
 22 *such person is a holder of a commercial clam license.*

1 29. R. S. 50:2-3 is amended to read as follows:

2 50:2-3. The license fee shall be fixed by the [Division of Fish,
 3 Game and Shell Fisheries from time to time, subject to approval
 4 of the] commissioner [of the Department of Environmental Pro-
 5 tection], *with the approval of the council*, at not less than [\$1.00]
 6 \$5.00 nor more than \$10.00 for [residents] *either recreational li-*
 7 *cence*, and shall be *not less than \$25.00 nor more than \$50.00* for
 8 [nonresidents] *a commercial clam license*. No fee shall be charged
 9 to a person who is 62 or more years of age; provided such person
 10 is a citizen and actual resident of this State.

1 30. R. S. 50:2-4 is amended to read as follows:

2 50:2-4. Each license shall be for the term of 1 year from Janu-
 3 ary 1 of the year of issue, and shall be [under the hand and seal
 4 of the chief of a department or division of the board] *granted by*
 5 *the commissioner*. Each license shall be numbered and shall state
 6 the name and residence of the licensee, and a record thereof shall
 7 be kept by the [chiefs of departments and divisions respectively]
 8 *commissioner*.

1 31. R. S. 50:2-5 is amended to read as follows:

2 50:2-5. [Each licensee shall, at all times while engaged in op-
 3 erating under his license wear in a conspicuous place on his outer
 4 clothing a button to be furnished by the person issuing the license.
 5 The button shall bear a number corresponding to the number of
 6 the license delivered to the applicant and any other matter the
 7 board determines.] Each licensee shall [also] have the license on
 8 his person and shall exhibit it for inspection to any [member of
 9 the board, any] officer or employee [thereof] *of the department*
 10 or other person requesting to see the same.

1 32. Section 1 of P. L. 1950, c. 310 (C. 50:2-6.1) is amended to
 2 read as follows:

3 1. No person or vessel shall take, harvest or dredge for sea clams
 4 (*macra solidissima*) also known as *spisula solidissima* from any
 5 waters of this State without first obtaining a license from the
 6 [Division of Fish, Game and Shell Fisheries in the Department of

7 Environmental Protection] *commissioner*. The [Division of Fish,
8 Game and Shell Fisheries] *commissioner* may license every vessel
9 engaged in the harvesting of sea clams within the waters of this
10 State. Such license shall be issued on an annual basis.

11 Such licenses shall grant the privilege of gathering sea clams
12 by dredging, but only in the Atlantic ocean, but not in the Delaware
13 bay northerly of a line from Cape May Point lighthouse tower to
14 Brandywine lighthouse or in the Sandy Hook bay west of a line
15 from the west point of Sandy Hook to Roamer Shoal lighthouse.
16 No boat or vessel shall be licensed under this act unless its bona
17 fide owner is a [citizen and actual] resident of this State [and shall
18 have been such for 12 months next preceding the issuance of such
19 license].

20 The [division] *commissioner* may adopt regulations regarding
21 the issuance procedures of such licenses.

22 The [Division of Fish, Game and Shell Fisheries] *commissioner*
23 may issue permits for sea clam research, inventory and educational
24 projects. Nothing in this section shall be construed to limit the
25 activities of such projects.

1 33. R. S. 50:2-7 is amended to read as follows:

2 50:2-7. All oysters, oyster shells and other material dredged,
3 tonged or in any manner raised or taken from any of the beds and
4 grounds above what is known as the southwest line in Delaware
5 bay, or from any natural oyster bed or ground, shell bed or reef,
6 where oysters naturally spawn and grow under the tidal waters of
7 the State, shall be culled as soon as the same are emptied out of
8 the tongs or dredges on the culling board, *conveyor, culling device,*
9 or deck of the boat or vessel employed for the purpose, and before
10 the same are shoveled back from the culling board or portion of the
11 deck used for emptying the tongs or dredges.

1 34. R. S. 50:2-8 is amended to read as follows:

2 50:2-8. Such culling shall be so close that three bushels of oys-
3 ters[,] and oyster shells [and other material] taken from any part
4 of a boat or vessel, after having been shoveled back from the culling
5 board, *conveyor, culling device* or that part of the boat or vessel
6 used for emptying the tongs and dredges, shall not contain more
7 than 15% of shells and other material.

8 All shells and other material except oysters and clams, shall be
9 immediately thrown back upon the beds or grounds from which
10 they shall have been taken.

1 35. R. S. 50:2-9 is amended to read as follows:

2 50:2-9. When the person in charge of any boat or vessel licensed
3 under the provisions of this Title, or any person holding a tonger's

4 license, is hailed or signaled by any officer of the [board] depart-
5 ment and refuses to stop and permit such officer or officers to board
6 his boat, vessel or other craft and examine the oysters, oyster shells
7 and other material thereon, the [board] commissioner may revoke
8 the license of such boat or vessel and the license of the tonger.

1 36. R. S. 50:2-10.1 is amended to read as follows:

2 50:2-10.1. No person shall use or employ any boat or other
3 vessel propelled wholly or in part by steam, naphtha, gasoline,
4 electricity or any other mechanical motive power, or any motor
5 driven apparatus, for the purpose of catching or taking of clams
6 from any of the waters of this State, whereby the soil or bottom
7 on or in which the clams are found is agitated or disturbed by the
8 propellor wheel or wheels of such boat or vessel or by any other
9 motor or mechanically driven apparatus thereon for the purpose
10 of catching or taking clams as aforesaid, *except by permit issued*
11 *by the Department of Environmental Protection with the approval*
12 *of the council for taking soft clams from the waters of the Raritan*
13 *bay and Sandy Hook bay.*

1 37. R. S. 50:2-11 is amended to read as follows:

2 50:2-11. No person shall dredge upon, or throw, cast or drag an
3 oyster dredge or any other instrument or appliance used for catch-
4 ing clams or oysters, or assist in so doing, or tread for clams, upon
5 any of the lands lying under the tidal waters of this State before
6 sunrise or after sunset, or at any time on Sunday, *except that soft*
7 *clams may be taken from the waters of Raritan bay on Sunday.*

1 38. R. S. 50:2-12 is amended to read as follows:

2 50:2-12. Seed oysters of any size and hard shell clams measuring
3 less than 1½ inches in length caught and taken from any of the
4 natural oyster or clam beds or grounds under the tidal waters of
5 this State shall not be sold and taken out of this State for the
6 purpose of planting on grounds in any other state, *excepting for*
7 *methods of aquaculture approved by the commissioner.* No person
8 may sell natural seed oysters or clams in violation of this section
9 nor shall any person purchase or transport such oysters or clams
10 in violation of this section.

11 Possession of such oysters or clams outside of the boundaries
12 of this State shall be prima facie evidence of violation of this
13 section.

1 39. R. S. 50:3-1 is amended to read as follows:

2 50:3-1. No boat or vessel shall be used or employed in the catch-
3 ing or taking of oysters in the Delaware river, Delaware bay or
4 Maurice river cove, in this State, without a license for that purpose
5 [under this article. Such license shall be issued by the chief of

6 the department of Maurice river cove, duly certified by himself, to
7 the captains of the boats or vessels entitled thereto] *issued by the*
8 *commissioner.*

1 40. R. S. 50:3-2 is amended to read as follows:

2 50:3-2. The [board] *council* may fix the license fee at any sum
3 [not exceeding \$4.00 per ton] on the gross tonnage measurement
4 of such boat or vessel.

5 No license shall be issued for a period longer than 1 year.

6 All licenses shall be numbered and recorded [in a book kept for
7 that purpose in the office of the board, at Bivalve] *by the com-*
8 *missioner.*

1 41. R. S. 50:3-3 is amended to read as follows:

2 50:3-3. The [chief of the department of Maurice river cove]
3 *commissioner*, before issuing a license to any boat or vessel as
4 provided in this article, shall cause the master or captain thereof
5 to [make and] file with him [an oath] *a statement* that such boat
6 or vessel is wholly owned bona fide by [citizens and actual]
7 residents of this State[, and who have been such for 12 months
8 next preceding]; and no boat or vessel owned wholly or in part
9 by a nonresident and licensed in any other state to catch oysters
10 on natural beds or grounds in such other state shall be licensed
11 in this State within the same year in which such license to catch
12 oysters in such other state shall have been or shall be issued.
13 [Such oath may be administered by any member of the board or
14 the chief of the department, and the board] *The commissioner*
15 may revoke a license issued by reason of a false [oath made or
16 taken] *statement filed* by any applicant.

1 42. R. S. 50:3-5 is amended to read as follows:

2 50:3-5. The [board shall] *commissioner may* revoke the license
3 of any boat or vessel, the owner, captain, master or person in charge
4 of which shall violate or cause or permit to be violated any of the
5 provisions of this Title or any rule or regulation of the [board]
6 *commissioner*, and the [board] *commissioner* may refuse there-
7 after to allow any license to be issued to the boat or vessel for such
8 period of time as [the board] *he* shall fix.

1 43. R. S. 50:3-7 is amended to read as follows:

2 50:3-7. No person shall use any dredge for the purpose of catch-
3 ing or taking oysters or clams from any of the natural beds or
4 grounds in Delaware bay or Delaware river above the line running
5 direct from the mouth of Straight creek to Cross Ledge lighthouse,
6 commonly known and hereafter referred to as the "southwest
7 line", the tooth bar of which dredge measures more than fifty-four
8 inches across from center of bolt hole to center of bolt hole where

9 the frame thereof is fastened to the tooth bar, or any dredge which
 10 measures more than 5 feet 2 inches in width from the extreme
 11 outside to outside of frame, or any dredge which measures more
 12 than 21 inches from center of tooth bar to center of cross bar, or
 13 any dredge the bag of which contains more than 17 rows of 2 inch
 14 rings, or any dredge the rings of which are less than 2 inches in
 15 diameter, inside measurement, or any dredge the bag of which
 16 measures more than 5 feet around the bag from center of tooth
 17 bar to center of cross bar, or any dredge which weighs more than
 18 **[190]** 250 pounds.

1 44. R. S. 50:3-11 is amended to read as follows:

2 50:3-11. No oysters shall be dredged for, caught or taken from
 3 any of the lands lying under the tidal waters of the Delaware bay
 4 and Maurice river cove below a line running direct from the mouth
 5 of Straight creek to Cross Ledge lighthouse, commonly known and
 6 hereinafter referred to as the "southwest line," at any time except
 7 from September 1 to June 30 then next, both inclusive, of each
 8 year; but the **[**chief of the department of Maurice river cove or
 9 any member of the board**]** *commissioner* may, upon application,
 10 give permission, in writing, to any lessee of oyster grounds to
 11 dredge, catch or take oysters or to employ such methods for the
 12 protection of his oysters on said grounds and for the promotion
 13 of the growth thereof during the closed season as the **[**chief or
 14 board**]** *commissioner* may deem advisable.

1 45. R. S. 50:3-12 is amended to read as follows:

2 50:3-12. The **[**chief of the department of Maurice river cove, or
 3 any member of the board,**]** *council* may upon application give per-
 4 mission, in writing, to any prospective lessee to examine and in-
 5 spect, with proper appliances, any of the unleased lands of the
 6 State below the southwest line for the purpose of determining
 7 their suitability or adaptability for oyster culture or propagation;
 8 but no oysters shall be permanently removed from any such lands
 9 by virtue of any such permit.

1 46. R. S. 50:3-13 is amended to read as follows:

2 50:3-13. No person shall dredge upon or throw, cast or drag an
 3 oyster or clam dredge, or any other instrument or appliance used
 4 for catching oysters or clams, upon any of the land of the State
 5 lying under the tidal waters of the Delaware bay or Maurice river
 6 cove, in this State, below the southwest line, other than land or
 7 ground for which such person then holds a lease from the Shell
 8 Fisheries Council under this Title.

9 **[**Any person violating the provisions of this section shall be
 10 liable to a penalty of not less than \$100.00 nor more than \$300.00

11 for the first offense, and of not less than \$300.00 nor more than
12 \$500.00 for any subsequent offense.】

1 47. Section 2 of P. L. 1966, c. 52 (C. 50:3-16.2) is amended to
2 read as follows:

3 2. The 【Division of Shell Fisheries in the Department of Con-
4 servation and Economic Development】 *commissioner* shall cause
5 the limits of each of said areas to be plainly marked by stakes or
6 buoys as soon as practical after the effective date of this act.

1 48. Section 5 of P. L. 1966, c. 52 (C. 50:3-16.5) is amended to read
2 as follows:

3 5. No person shall catch or take any shellfish from the natural
4 shellfish beds contained within said Area No. 1 unless there shall
5 have been first issued by the 【Shell Fisheries】 Council【, Maurice
6 River Cove Section, of the Division of Shell Fisheries in the De-
7 partment of Conservation and Economic Development,】 for each
8 boat or vessel, so to be used or employed therein, a special license
9 authorizing the catching or taking of shellfish within said area,
10 which shall be issued for a term not longer than 1 year and shall
11 contain an agreement on the part of the holder thereof that any
12 person or officer authorized by regulation of said council to make
13 inspections of such area may board said boat or vessel to inspect
14 shellfish therein contained, and all licenses issued under this act
15 shall be numbered.

1 49. Section 14 of P. L. 1966, c. 52 (C. 50:3-16.14) is amended to
2 read as follows:

3 14. No person shall catch or take any shellfish from the natural
4 shellfish beds, contained within said Area 3, unless there shall have
5 been first issued by the 【Shell Fisheries】 Council【, Maurice River
6 Cove Section, of the Division of Shell Fisheries in the Department
7 of Conservation and Economic Development,】 for each boat or
8 vessel, so to be used or employed therein, a special license authoriz-
9 ing the catching or taking of shellfish within said area, which shall
10 be issued for a term not longer than 1 year and shall contain an
11 agreement on the part of the holder thereof.

12 (a) That any person or officer authorized by regulation of said
13 council to make inspections of such area may board said boat or
14 vessel to inspect shellfish therein contained, and

15 (b) That such holder will deliver or cause to be delivered to said
16 council the shells taken in said area in the process of opening or
17 shucking, from 40% of all of the oysters taken from under the tidal
18 waters of said area and delivered by such holder or for his account
19 to any shucking houses, pursuant to chapter 39 of the laws of 1945,
20 at the times and in the manner prescribed therein.

21 (c) That such holder will, in the case of oysters packed and
 22 shipped or otherwise sold in the shells by him to persons not re-
 23 quired to be licensed under this act, pay to the State of New
 24 Jersey the true, fair, cash market value of the oyster shells so
 25 packed and shipped and otherwise sold, as fixed by the Council of
 26 Shell Fisheries, under the provisions of this act, on the basis of one
 27 bushel of shells for each bushel of oysters so sold or shipped which
 28 payments shall be made as statements are submitted.

29 All licenses issued under this act shall be numbered.

1 50. Section 21 of P. L. 1966, c. 52 (C. 50:3-16.21) is amended to
 2 read as follows:

3 21. The council may, subject to the approval of the commissioner
 4 **[of Conservation and Economic Development]**, by rule and regula-
 5 tion, prohibit the taking or catching of shellfish in such area at such
 6 times as, in the judgment of the council, may be necessary to close
 7 said beds or any part thereof for conservation purposes.

1 51. Section 22 of P. L. 1966, c. 52 (C. 50:3-16.22) is amended to
 2 read as follows:

3 22. All applications for licenses made under this act shall be filed,
 4 and all licenses issued under this act shall be recorded, in books to
 5 be kept for said purposes **[in the office of the Division of Shell**
 6 **Fisheries in the Department of Conservation and Economic Devel-**
 7 **opment in Bivalve, New Jersey,]** *by the department.*

1 52. Section 2 of P. L. 1945, c. 39 (C. 50:3-20.11) is amended to
 2 read as follows:

3 2. It shall be unlawful for any person to operate within this State
 4 an oyster shucking house or to engage in or carry on the business
 5 of an oyster planter or an oyster dealer, as defined in this act,
 6 without first obtaining a license so to do from the **[Board of Shell**
 7 **Fisheries]** *commissioner* as provided in this act.

1 53. Section 4 of P. L. 1945, c. 39 (C. 50:3-20.13) is amended to
 2 read as follows:

3 4. The license to conduct an oyster shucking house *or to engage*
 4 *in and conduct the business of an oyster planter or an oyster dealer*
 5 shall be issued upon the payment of a license fee of **[\$10.00]**
 6 *\$100.00.*

1 54. Section 6 of P. L. 1945, c. 39 (C. 50:3-20.15) is amended to
 2 read as follows:

3 6. The license to engage in the business of an oyster dealer shall
 4 be issued in consideration of the agreement of the licensee to pay to
 5 the **[Board of Shell Fisheries]** *commissioner* the sums prescribed
 6 to be paid by this act in lieu of the delivery of oyster shells.

1 55. Section 7 of P. L. 1945, c. 39 (C. 50:3-20.16) is amended to
2 read as follows:

3 7. Said oyster shells so to be returned to the State shall be
4 returned by the respective oyster planters by whom or for whose
5 account they are delivered to the respective oyster shucking houses
6 and shall be stored and loaded on boats, to be furnished by such
7 oyster planters by the operators of such oyster shucking houses and
8 shall be planted or spread upon said natural oyster beds, at the cost
9 and expense of said oyster planters, at times and places to be
10 designated by the **[Board of Shell Fisheries after consultation with**
11 **representatives of the Delaware Bay Oyster Planters Association]**
12 *council*.

1 56. Section 8 of P. L. 1945, c. 39 (C. 50:3-20.17) is amended to
2 read as follows:

3 8. The cost of storage and loading of such shells upon boats shall
4 be paid to the operators of the respective oyster shucking houses
5 by the State through the **[Board of Shell Fisheries]** *commissioner*
6 at a price to be fixed by said **[board]** *commissioner*, but not to
7 exceed **[\$0.04 per bushel]** *the market price of shells*.

1 57. Section 9 of P. L. 1945, c. 39 (C. 50:3-20.18) is amended to
2 read as follows:

3 9. In the case of oysters packed and shipped or otherwise sold in
4 the shells by oyster dealers to persons not required to be licensed
5 under this act, the respective oyster dealers shall pay to the
6 State of New Jersey the true, fair, cash, market value of the oyster
7 shells so packed and shipped and otherwise sold, as fixed by the
8 **[Board of Shell Fisheries]** *commissioner*, under the provisions of
9 this act, on the basis of one bushel of shells for each bushel of
10 oysters so sold or shipped which payments shall be made as state-
11 ments are submitted.

1 58. Section 11 of P. L. 1945, c. 39 (C. 50:3-20.20) is amended to
2 read as follows:

3 11. The **[Board of Shell Fisheries]** *council* shall, between June 1
4 and July 1 of each year, make a survey and determine the locations
5 in which, in the judgment of the **[board]** *council*, oyster shells
6 should be returned to the natural oyster beds lying within said
7 tidal waters within the year beginning on said July 1 in order to
8 prevent depletion of said natural oyster beds and seed
8a grounds and in order to improve the same and effectuate an
9 increase in the nation's food supply, and shall, at the same time,
10 ascertain the number of bushels of oyster shells to be returned to
11 the State by each licensed oyster planter, and to be stored and
12 loaded on boats by the operators of the respective oyster shucking

13 houses, as required by this act, and, at the same time, shall fix the
 14 price to be paid to the operators of the respective oyster shucking
 15 houses by the State for storing and loading such shells and shall
 16 ascertain the true, fair, cash, market value of oyster shells per
 17 bushel to be paid in lieu of the return of oyster shells under this
 18 act during said year.

1 59. Section 12 of P. L. 1945, c. 39 (C. 50:3-20.21) is amended to
 2 read as follows:

3 12. All moneys received as license fees and in lieu of the return of
 4 oyster shells under the provisions of this act shall be used by the
 5 **[Board of Shell Fisheries]** *commissioner* for the purchase of
 6 oyster shells and oysters which shall be spread over and planted in
 7 said natural oyster beds and seed grounds of the State and to
 8 establish and maintain oyster sanctuaries.

1 60. Section 13 of P. L. 1945, c. 39 (C. 50:3-20.22) is amended to
 2 read as follows:

3 13. The **[Board of Shell Fisheries]** *commissioner* shall have
 4 power to make rules and regulations for the carrying out of the
 5 purposes of, and enforcement of, the provisions of this act.

1 61. R. S. 50:4-2 is amended to read as follows:

2 50:4-2. No person shall use or cause to be used any dredge with
 3 bag or pocket, drag or scrape upon any of the natural oyster or
 4 clam beds under the tidal waters of the Atlantic seaboard of this
 5 State and tributaries thereof, except Delaware bay, and no license
 6 shall be issued by the **[board]** *commissioner* contrary to this sec-
 7 tion; but this section shall not prohibit the use of any fork, hoe or
 8 drag used by hand in the taking of soft clams; nor shall it prohibit
 9 the catching of oysters with hand power dredges from the natural
 10 oyster grounds of this State north of Shrewsbury river; nor shall
 11 it prohibit the taking of clams with power dredges from specified
 12 leased lands under said waters, except Delaware bay, with the
 13 approval of the Commissioner of Environmental Protection and
 14 under such conditions and supervision as he may prescribe, and
 15 under rules and regulation of the Shell Fisheries Council.

1 62. R. S. 50:4-3 is amended to read as follows:

2 50:4-3. No person shall go upon, take or remove oysters, clams
 3 or other material, dredge upon, throw, cast or drag an oyster dredge,
 4 use oyster tongs, rakes, forks or other instruments or appliances
 5 used for catching oysters or clams, or tread for clams, upon any
 6 of the leased lands of this State lying under the tidal waters of
 7 the Atlantic seaboard or tributaries thereof, above Cape May Point,
 8 other than land or ground for which such person or his employer
 9 then holds a lease from the **[Shell Fisheries]** council.

10 【Any person violating the provisions of this section shall be
11 liable to a penalty of not less than \$100.00 nor more than \$300.00
12 for the first offense, and of not less than \$300.00 nor more than
13 \$500.00 for any subsequent offense.】

1 63. (New section) Within 1 year of the effective date of this
2 act, the commissioner shall review all rules and regulations pre-
3 viously adopted pursuant to the provisions of Title 50 of the Re-
4 vised Statutes for conformance to the revisions to that Title con-
5 tained herein and shall, after consultation with the Shell Fisheries
6 Council, amend or repeal any rules and regulations which are not
7 in conformance herewith.

1 64. R. S. 23:3-41 is amended to read as follows:

2 23:3-41. No person shall erect, set, operate or maintain a fish-
3 pound net in the waters of the Atlantic ocean, within 3 nautical
4 miles from the coast line of this State, or in Sandy Hook or Raritan
5 bay, without first obtaining a license for that purpose, as herein-
6 after provided.

7 An application for a license for such purpose shall be made to
8 the 【division】 *commissioner*. The 【division】 *commissioner* upon
9 the payment to 【it】 *him* of the sum of \$100.00 for each pound net
10 to be erected or set in the Atlantic ocean, and \$50.00 for each pound
11 net to be erected or set in Sandy Hook or Raritan bay, as a license
12 fee, may in 【its】 *his* discretion issue to the applicant, if he is a
13 citizen of the United States, a license, to erect, set, operate and
14 maintain a fishpound net in one of the waters above specified. The
15 method of numbering and identification of pounds shall be that
16 which the 【division】 *commissioner* determines. A license issued
17 hereunder shall expire annually on December 31 next succeeding
18 its issuance, and may be renewed by the 【division】 *commissioner*
19 upon the payment of the same fee and upon the same terms as those
20 upon which the original license was granted.

1 65. R. S. 23:3-47 is amended to read as follows:

2 23:3-47. A person who intends to take fish with shirred or purse
3 seines, otter or beam trawls in the waters of the Atlantic ocean
4 within the jurisdiction of this State shall make application to the
5 【board】 *commissioner* for a license for that purpose for each vessel
6 proposed to be engaged in the fishing.

7 The 【Division of Fish, Game and Shellfisheries】 *commissioner*
8 upon the receipt of the application and the payment to 【it】 *him*
9 of the sum of \$100.00 for each vessel proposed to be engaged in
10 the fishing, shall issue to the applicant a license for the vessel to
11 take with shirred or purse seine, otter or beam trawl, fish of any
12 kind, excepting striped bass, in the waters of the Atlantic ocean

13 within the jurisdiction of this State at a distance of not less than 2
14 miles from the coast line. The license shall expire on December 31
15 in the year in which it is issued.

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

2 23:3-51. A person intending to take menhaden with purse or
3 shirred nets in any waters in the jurisdiction of this State, includ-
4 ing the waters of the Atlantic ocean, within 3 nautical miles of
5 the coast line of this State, shall apply to the [division] commis-
6 sioner for a license therefor. The [division] commissioner, upon
7 the receipt of the application and payment to [it] him of the fee
8 provided in section 23:3-52 of this Title, may, in [its] his discre-
9 tion, issue to the applicant a license, to take menhaden with purse
10 or shirred nets. The license shall be void after December 31 next
11 succeeding its issuance.

1 67. R. S. 23:5-9 is amended to read as follows:

2 23:5-9. No person shall take from the salt waters of this State
3 by any means, import, export, have in his possession, buy, sell or
4 offer to buy or sell, any lobster, which in length shall be less than
5 $3\frac{1}{8}$ inches measured from the rear end of the eye socket along
6 a line parallel to the center line of the body shell to the rear
7 end of the body shell, or any spawning lobster[, under a penalty
8 of \$20.00 for each lobster so taken, imported, exported, offered for
9 sale or had in possession]. This section shall not apply to the taking
10 or possession of lobsters bearing a tag that has been issued or
11 affixed by the Department of Environmental Protection or by any
12 other state or Federal agency with which the department cooperates
13 in a research project.

1 68. R. S. 23:5-16 is amended to read as follows:

2 23:5-16. No person shall catch or take, or attempt to catch or
3 take, eels from the tidal waters of this State by means or use of a
4 dredge, rake, spear or other device attached to or drawn by a boat
5 or vessel[, under a penalty of \$50.00 for each offense].

1 69. Section 2 of P. L. 1941, c. 211 (C. 23:5-24.2) is amended to
2 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 [Division
5 of Fish, Game and Shellfisheries] commissioner for a license there-
6 for, and the [division] commissioner upon receipt of the application
7 and the fee hereinafter prescribed may in [its] his discretion issue
8 licenses for the taking of fish with nets as follows:

9 (a) Haul seines, the mesh of which shall not be larger than 3
10 inches stretched mesh while being fished, and not to exceed 70

11 fathoms in length, whether singly or attached, for all species, ex-
 12 cepting striped bass. November 1 to April 30. Fee, \$25.00.

13 (b) Fykes, with leaders, shall not exceed 30 fathoms in length
 14 and no part of net or leaders to be larger than 3 inches stretched
 15 mesh while being fished, for all species excepting striped bass.
 16 November 1 to April 30. Fee, \$30.00.

17 (c) Special fyke for flounder only, the length of the net not
 18 to exceed 30 fathoms and the mesh of which shall not be less than
 19 4 inches stretched mesh. October 1 to April 30. Fee, \$4.00.

20 (d) Miniature fykes or pots for the taking of catfish, suckers
 21 and eels, the same not to exceed 16 inches in diameter. March 15
 22 to December 15. Fee, \$1.00.

23 (e) Run around net the smallest mesh of which shall be $2\frac{3}{4}$
 24 inches wide stretched mesh and the length of which net shall not
 25 exceed 200 fathoms, for all species excepting striped bass. March
 26 15 to December 15. Fee, \$20.00. This net shall be used in the At-
 27 lantic ocean only. The limit shall be one run around net per boat.

28 (f) Shad nets, either staked or anchored, the smallest mesh of
 29 which shall be 5 inches while being fished, and shall not exceed
 30 50 fathoms in length, for all species excepting striped bass.
 31 March 1 to June 15. Fee, \$3.00.

32 These nets shall be used in the Atlantic ocean only.

33 (g) Bait seines, over 50 feet long and not exceeding 150 feet.
 34 Fee, \$3.00.

35 (h) Bait seines, not more than 50 feet long, may be used without
 36 application for or granting of license.

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

40 (j) Drifting gill net, the smallest mesh of which shall be $2\frac{3}{4}$
 41 inches stretched mesh and the length of which net shall not exceed
 42 150 fathoms, for all species excepting striped bass. The limit shall
 43 be two drifting gill nets per boat. March 15 to December 15. Fee,
 44 \$20.00. These nets shall be used in the Atlantic ocean only.

1 70. R. S. 23:5-35 is amended to read as follows:

2 23:5-35. No person shall take from any of the tidal waters of
 3 this State, or have in possession, any female crustacean, commonly
 4 known as crab, with eggs or spawn attached thereto, or from which
 5 the egg pouch or bunion has been removed[, under a penalty of
 6 \$20.00 for each crab taken or had in possession].

1 71. R. S. 23:9-115 is amended to read as follows:

2 23:9-115. Upon application to the [Division of Fish, Game and
 3 Shellfisheries] *commissioner* and the payment of a fee of \$60.00

4 for each net, the [division] *commissioner* may issue, in [its] *his*
 5 discretion, a license permitting the licensee to fish for shad, in the
 6 Hudson river, from March 15 to June 15; provided further, how-
 7 ever, no net shall be set or put in position and no shad shall be
 8 taken during the period from Friday noon until Saturday midnight
 9 of each week; provided, however, that any net which has been set
 10 prior to Friday noon shall be permitted to remain in position and
 11 be lifted at the next high water; provided further, however, that
 12 the aforementioned 36-hour lift period shall be the minimum period
 13 and the maximum lift period shall be at the discretion of the [Di-
 14 vision of Fish, Game and Shellfisheries] *commissioner*.

1 72. Section 26 of P. L. 1948, c. 448 (C. 13:1B-24) is amended
 2 to read as follows:

3 26. There shall be within the Division of [Fish] *Fisheries* and
 4 [Game] *Wildlife*, a Fish and Game Council which shall consist
 5 of 11 members, each of whom shall be chosen with due regard to
 6 his knowledge of and interest in the conservation of fish and game.
 7 Each member of the council shall be appointed by the Governor,
 8 with the advice and consent of the Senate. Three of such members
 9 shall be farmers, recommended to the Governor for appointment
 10 to the council by the agricultural convention held pursuant to the
 11 provisions of article 2 of chapter 1 of Title 4 of the Revised Stat-
 12 utes; six of such members shall be sportsmen, recommended to the
 13 Governor for appointment to the council by the New Jersey State
 14 Federation of Sportsmen's Clubs; and two of such members shall
 15 be [commercial fishermen] *members of the general public*. One
 16 of such farmer representatives and two of such sportsmen repre-
 17 sentatives in the council shall be chosen from among residents of
 18 any of the following counties—Bergen, Essex, Hudson, Morris,
 19 Passaic, Sussex and Warren; one of such farmer representatives
 20 and two of such sportsmen representatives in the council shall be
 21 chosen from among residents of any of the following counties—
 22 Hunterdon, Mercer, Middlesex, Monmouth, Ocean, Somerset and
 23 Union; and one of such farmer representatives and two of such
 24 sportsmen representatives shall be chosen from among residents
 25 of any of the following counties—Atlantic, Burlington, Camden,
 26 Cape May, Cumberland, Gloucester and Salem.

27 Each member of the council shall be appointed for a term of 4
 28 years and shall serve until his successor has been appointed and
 29 has qualified; except that of the first appointments hereunder,
 30 two shall be for a term of 1 year, three for 2 years, three for 3
 31 years, and three for 4 years, each commencing on April 1 following
 32 the date of appointment. The term of each of the respective first

33 appointees to the council shall be designated by the Governor].

34 [The persons in office as members of the Fish and Game Council
35 in the Division of Fish and Game of the existing State Department
36 of Conservation on the effective date of this act shall constitute
37 the Fish and Game Council established hereunder until April 1,
38 1949, at which time their respective terms of office shall expire.]

1 73. (New section) For purposes of this section, the "act" means
2 and includes all the new sections and amended sections contained
3 herein, all the remaining sections of Title 50 of the Revised
4 Statutes, sections 23:3-41, 23:3-46, 23:3-47, 23:3-48, 23:3-51,
5 23:3-52, 23:5-9, 23:5-16, 23:5-35, 23:9-114, 23:9-115 and 23:9-120
6 of Title 23 of the Revised Statutes, sections 1, 2, 3 and 7 of P. L.
7 1938, c. 318 (C. 23:5-5.1 through 23:5-5.3 and 23:5-5.7), P. L. 1952,
8 c. 216 (C. 23:5-5.1a); and sections 1, 2, and 3 of P. L. 1941, c. 211
9 (C. 23:5-24.1 to 23:5-24.3).

10 The commissioner may utilize any or all of the following remedies
11 for any violation of this act:

12 a. (1) Any person who violates the provisions of this act or of
13 any rule, regulation, license or permit promulgated or issued pur-
14 suant to this act shall be liable to a penalty of not less than \$100.00
15 or more than \$3,000.00 for the first offense and not less than \$200.00
16 or more than \$5,000.00 for any subsequent offense, unless the com-
17 missioner has established an alternate penalty pursuant to sub-
18 section a. (2) of this section.

19 (2) The Commissioner of Environmental Protection, with the
20 approval of the Marine Fisheries Council, may, by regulation,
21 establish a penalty schedule for any violation of this act or of any
22 rule or regulation promulgated pursuant to this act. No such
23 penalty may be less than \$10.00 nor more than \$100.00 on the first
24 offense or less than \$20.00 nor more than \$200.00 on any subsequent
25 offense. Any penalty provided for by this act or by the fee schedule
26 promulgated by the commissioner shall be collected in a civil action
27 by a summary proceeding under the penalty enforcement law
28 (N. J. S. 2A:58-1 et seq.). The Superior Court or any County
29 Court, county district court or municipal court shall have jurisdic-
30 tion to enforce said penalty enforcement law. If the violation is of
31 a continuing nature, each day during which it continues shall con-
32 stitute an additional separate and distinct offense.

33 b. Any vessel, vehicle or equipment used in violation of this act
34 or any rule or regulation or any license or permit promulgated pur-
35 suant to this act may be forfeited. The department may seize and
36 secure any such vessel, vehicle or equipment and shall immediately
37 thereafter give notice thereof to a court located in the county

38 where the seizure is made which shall, at an appointed time and
39 place, summarily hear and determine whether such vessel, vehicle
40 or equipment was unlawfully used and if it does so determine, it
41 may direct the confiscation and forfeiture of such vessel, vehicle
42 or equipment for the use of the department. The commissioner
43 may dispose of any such confiscated or forfeited vessel, vehicle or
44 equipment at his discretion.

45 c. Any person who violates the provisions of this act or any rule
46 or regulation or any license or permit promulgated or issued pur-
47 suant to this act shall be liable to the revocation of any license
48 which he holds pursuant to this act for such period of time as the
49 court may choose.

50 d. If any person violates any of the provisions of this act, or any
51 rule or regulation or any license or permit promulgated or issued
52 pursuant to the provisions of this act, the department may institute
53 a civil action in a court of competent jurisdiction for injunctive
54 relief to prohibit and prevent such violation or violations and the
55 said court may proceed in the action in a summary manner.

56 The department is hereby authorized and empowered to com-
57 promise and settle any claim for a penalty under this section in
58 such amount in the discretion of the department as may appear
59 appropriate and equitable under all of the circumstances.

1 74. (New section) a. The Division of Fish, Game and Shellfish-
2 eries is continued and constituted as the Division of Fisheries and
3 Wildlife in the Department of Environmental Protection. Except
4 as otherwise provided by this act, all the functions, powers and
5 duties of the existing Division of Fish, Game and Shellfisheries,
6 and the director, thereof, are continued in the Division of Fisheries
7 and Wildlife and the director thereof, and whenever the term
8 "Division of Fish, Game and Shellfisheries" occurs or any refer-
9 ence is made thereto in any law, contract or document, the same
10 shall be deemed or mean to refer to the Division of Fisheries and
11 Wildlife.

12 b. The Fish and Game Council, together with all its functions,
13 powers and duties, is continued as the Fish and Game Council in
14 the Division of Fisheries and Wildlife in the Department of
15 Environmental Protection.

1 75. (New section) If any provision of this act or the applica-
2 tion thereof to any person or circumstance is held invalid, the
3 remainder of the act and the application of such provision to
4 persons or circumstances other than those to which it is held in-
5 valid, shall not be affected thereby. This act shall be liberally con-
6 strued to effectuate the purpose and intent thereof.

1 76. (New section) This act shall not affect, impair or invalidate
 2 any action or proceeding, civil or criminal, brought by or against
 3 the department, pending on the effective date of this act, and all
 4 such actions or proceedings may and shall be continued to final
 5 judgment, decree or decision, as if the foregoing provisions had not
 6 taken effect; nor shall this act affect orders, rules and regulations
 7 heretofore made, promulgated or issued by the department or
 8 other matters or proceedings pending before the department on
 9 the effective date of this act. Such orders, rules, regulations,
 10 matters or proceedings shall continue in full force and effect
 11 until amended or repealed pursuant to law.

1 76. The following statutes, acts and parts of acts are repealed:

2 a. R. S. 23:3-42

3 R. S. 23:3-44 and 23:3-45

4 R. S. 23:3-49

5 R. S. 23:3-53

6 R. S. 23:5-8

7 R. S. 23:5-18 through 23:5-20

8 R. S. 23:5-22 and 23:5-23

9 R. S. 23:5-26

10 R. S. 23:5-36 through 23:5-42

11 R. S. 23:9-22 through 23:9-35

12 R. S. 23:9-37 through 23:9-42

13 R. S. 23:9-44

14 R. S. 23:9-46

15 R. S. 23:9-50 and 23:9-51

16 R. S. 23:9-53 through 23:9-58

17 R. S. 23:9-94 through 23:9-98

18 R. S. 23:9-108 through 23:9-112

19 R. S. 23:9-116 through 23:9-119

20 P. L. 1938, c. 318, ss. 8, 9 (C. 23:5-5.8 and 23:5-5.9)

21 P. L. 1952, c. 71 (C. 23:5-8.1 and 23:5-8.2)

22 P. L. 1941, c. 211, ss. 5-13 (C. 23:5-24.4 through 23:5-24.12)

23 P. L. 1948, c. 154, s. 2 (C. 23:5-35.1)

24 P. L. 1944, c. 111 (C. 23:9-76.1)

25 P. L. 1947, c. 297 (C. 23:9-112.1 and 23:9-112.2)

26 P. L. 1941, c. 244 (C. 23:9-122 through 23:9-125)

27 b. R. S. 50:1-6 through 50:1-17

28 R. S. 50:1-19 through 50:1-21

29 R. S. 50:1-26

30 R. S. 50:1-32

31 R. S. 50:1-37 and 50:1-38

32 R. S. 50:2-6

- 33 R. S. 50:2-13 through 50:2-17
 34 R. S. 50:3-4
 35 R. S. 50:4-1
 36 R. S. 50:5-1 through 50:5-4
 37 R. S. 50:5-6 and 50:5-7
 38 R. S. 50:5-9 through 50:5-13
 39 R. S. 50:5-15 through 50:5-17
 40 P. L. 1945, c. 22, ss. 18-22 (C. 13:1A-18 through 13:1A-22)
 41 P. L. 1948, c. 448, ss. 93-97 (C. 13:1B-42 through 13:1B-46)
 42 P. L. 1956, c. 191, s. 1 (C. 50:1-13.1)
 43 P. L. 1950, c. 310, s. 4 (C. 50:2-6.4)
 44 P. L. 1975, c. 398, s. 6 (C. 50:2-6.5)
 45 P. L. 1945, c. 39, ss. 14-16 (C. 50:3-20.23 through 50:3-20.25)
- 1 77. (New section) There is hereby appropriated to the Depart-
 2 ment of Environmental Protection the sum of \$500,000.00 for the
 3 administration of the fisheries management program authorized
 4 by this act.
- 1 78. (New section) This act shall take effect immediately, pro-
 2 vided, however, that subsection a. of section 76 shall take effect
 3 1 year after the effective date of this act.

STATEMENT

This bill creates a comprehensive marine fisheries management and commercial fisheries program to enable New Jersey's commercial and recreational fishermen to maximize their share of the Atlantic Ocean fishery resource opened up to American fishermen through the enactment of the Federal 200 mile limit fisheries law. The bill authorizes the development and enforcement of fisheries management plans by the State Department of Environmental Protection in cooperation with the Marine Fisheries Council created herein and the Federal government.

The fisheries management plans will provide the basis for implementing rules and regulations, that will be contained in a marine fisheries code, similar to the fish and game code. The Marine Fisheries Council will have the power to veto any such rules and regulations that the Commissioner of Environmental Protection may propose. The bill continues the Shell Fisheries Council with its existing powers and duties and directs the use of species related citizen panels to advise on the preparation and promulgation of management plans and implementing rules and regulations.

51399 (1979)

The bill promotes the development and expansion of the commercial fisheries industry and the commercial aspects of recreational fishing through the use of low interest loans made by the New Jersey Economic Development Authority. The bill also establishes an interdepartmental "Aquaculture and Commercial Fisheries Development Task Force" located in the Governor's office with the objective of stimulating, expanding and promoting the commercial fisheries industry, the commercial aspects of recreational fishing, aquaculture, and the development of processing and marketing facilities for fish and fish products.

The bill requires the Marine Police to enforce the fisheries management statutes and any implementing rules and regulations. It further provides for the chief administrative officers of the Marine Police and of the marine fisheries program to jointly work out an effective marine fisheries enforcement program and to periodically report to the Marine Fisheries Council on enforcement activities.

The bill repeals 130 redundant, confusing and contradictory sections of the existing statutory law. It also amends 70 other sections of the law, to bring them into conformity with the new fisheries management program created by the act.

The Division of Fish, Game and Shellfisheries name is changed to the Division of Fisheries and Wildlife. The Fish and Game Council retains all its existing responsibilities and remains as the sole regulatory authority for all freshwater fishery and wildlife programs.

The bill appropriates \$500,000.00 to the Department of Environmental Protection for the administration of the fisheries management program authorized by this act.

SENATE ENERGY AND ENVIRONMENT COMMITTEE

STATEMENT TO

SENATE, No. 1399

STATE OF NEW JERSEY

DATED: DECEMBER 4, 1978

As amended by the Senate Energy and Environment Committee, this bill creates a comprehensive marine fisheries management and commercial fisheries program to enable New Jersey's commercial and recreational fishermen to maximize their share of the Atlantic Ocean fishery resource opened up to American fishermen through the enactment of the Federal 200 mile limit fisheries law. The bill authorizes the development and enforcement of fisheries management plans by the State Department of Environmental Protection in cooperation with the Marine Fisheries Council created herein and the Federal government.

The fisheries management plans will provide the basis for implementing rules and regulations, that will be contained in a marine fisheries code, similar to the fish and game code. The Marine Fisheries Council will have the power to veto rules and regulations that the Commissioner of Environmental Protection may propose, except for rules and regulations adopted pursuant to the "imminent peril" section of the "Administrative Procedure Act" (C. 52:14B-4.c.). The bill continues the Shell Fisheries Council, and the two sections thereof, together with its existing powers and duties and directs the use of species-related citizen panels to advise on the preparation and promulgation of management plans and implementing rules and regulations.

The bill promotes the development and expansion of the commercial fisheries industry and the commercial aspects of recreational fishing through the use of low interest loans made by the New Jersey Economic Development Authority. The bill also establishes interdepartmental "Aquaculture" and "Commercial Fisheries Development" Task forces, assigned to the Governor's office, with the objective of stimulating, expanding and promoting the commercial fisheries industry, the commercial aspects of recreational fishing, aquaculture, and the development of processing and marketing facilities for fish and fish products. These task forces will also define the roles of the various State agencies in implementing a permanent program to promote the develop-

ment of an aquaculture program and the commercial fishing industry, and are required to report thereon to the Governor and the Legislature within 2 years of the effective date of this act.

The bill requires the Marine Police to enforce the fisheries management statutes and any implementing rules and regulations. It further provides for the chief administrative officers of the Marine Police and of the marine fisheries program to jointly work out an effective marine fisheries enforcement program and to periodically report to the Marine Fisheries Council on enforcement activities.

The bill repeals 130 redundant, confusing and contradictory sections of the existing statutory law. It also amends 70 other sections of the law, to bring them into conformity with the new fisheries management program created by the act.

The Division of Fish, Game and Shellfisheries name is changed to the Division of Fish, Game and Wildlife. The Fish and Game Council retains all its existing responsibilities and remains as the sole regulatory authority for all freshwater fishery and wildlife programs. The 2 members of the council who are commercial fishermen would be replaced by the chairman of the Endangered and Non-Game Species Committee and by a person knowledgeable in land use management and soil conservation practices.

SENATE COMMITTEE AMENDMENTS TO
SENATE, No. 1399

STATE OF NEW JERSEY

ADOPTED DECEMBER 4, 1978

Amend page 1, section 2, line 14, omit "ensure", insert "promote"; omit "existence", insert "productivity".

Amend page 2, section 3, line 11, after "animal", insert "or plant".

Amend page 2, section 3, line 20, after "management;", insert "provided, however, that such plans, where practicable and feasible, give preference to the interests and concerns of fishermen in this State;".

Amend page 3, section 3, line 36, after "conduct;", add new subsection as follows:

"k. 'Fishery' means one or more stocks of fish which can be treated as a unit for purposes of conservation and management and which are identified on the basis of geographical, scientific, technical, recreational and economic characteristics and any fishing for such stocks."

Amend page 3, section 4, line 20, omit "after a public hearing", insert "upon notice and opportunity to be heard".

Amend page 4, section 5, line 4, omit "Approve or disapprove", insert "Be empowered to disapprove, within 60 days of the proposal thereof and the submittal thereto,".

Amend page 4, section 5, line 5, after "act", insert "except for any rule or regulation adopted pursuant to subsection (c) of section 4 of the 'Administrative Procedure Act,' (C. 52:14B-4)".

Amend page 4, section 6, line 11, omit "with the approval of the council", insert "subject to the disapproval of the council as hereinbefore provided".

Amend page 4, section 6, line 21, omit "the number".

Amend page 4, section 6, line 22, omit in its entirety.

Amend page 4, section 6, line 23, omit "in harvest of a specified fisheries resource,".

Amend page 5, section 7, line 7, after "personnel", insert ",".

Amend page 6, section 7, line 42, after "resources,", insert "and access thereto".

Amend page 6, section 7, line 45, after "bridge", insert "or road".

Amend page 7, section 9, line 6, after "the", insert "commercial".

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Amend page 7, section 9, line 24, after "states", insert ", Federal agencies".

Amend page 7, section 10, line 1, omit "1 year", insert "2 years".

Amend page 7, section 10, line 6, after "Aquaculture", insert "Task Force to be chaired by the Secretary of Agriculture"; after "and", insert "a".

Amend page 7, section 10, line 7, after "Force", insert "to be chaired by the Commissioner of Environmental Protection"; omit "force", insert "forces"; omit "located in", insert "assigned to".

Amend page 7, section 10, line 10, omit "Each such administrator", insert "The task forces".

Amend page 7, section 10, line 18, after "products.", insert "The task forces shall define the roles of the various concerned State agencies in carrying out a permanent program to promote the development of an aquaculture program and of a commercial fisheries industry. The task forces shall report to the Governor and Legislature on their findings and conclusions, and shall recommend whatever legislative changes are necessary for a permanent program prior to the termination of the 2-year period."

Amend page 11, section 12, line 2, after "cause", insert ",."

Amend page 11, section 14, line 5, omit "remaining".

Amend page 11, section 14, line 9, omit "approval", insert "disapproval, as hereinbefore provided,".

Amend page 11, section 14, line 11, omit "(mercenaria mercenaria)", insert "(Mercenaria mercenaria)"; omit "mya", insert "Mya"; after "arenaria)", insert ", sea clams (*Mactra solidissima*)".

Amend page 11, section 14, line 12, omit "coassostrea", insert "Cassostrea".

Amend page 11, section 15, line 4, after "Salem", insert ",."

Amend page 11, section 15, line 5, after "be", insert "a licensed and practicing shellfisherman and shall be".

Amend page 12, section 15, line 27, omit "recommend", insert "initiate".

Amend page 13, section 16, line 3, omit "an office", insert "several offices".

Amend page 13, section 16, line 4, omit "some place", insert "places".

Amend page 14, section 24, line 3, omit "shellfish", insert "oysters".

Amend page 14, section 24, line 10, omit "shellfish", insert "oysters".

Amend page 15, section 25, line 5, omit "shellfish", insert "oysters".

Amend page 15, section 25, line 8, omit "shellfish", insert "oysters"; omit "shellfish", insert "oysters".

Amend page 15, section 25, line 12, omit "shellfish", insert "oysters".

- Amend page 15, section 27, line 2, omit "oysters or".
- Amend page 15, section 27, line 3, omit "oyster or".
- Amend page 15, section 27, line 5, omit "oysters or".
- Amend page 15, section 27, line 6, omit "oyster bed or".
- Amend page 16, section 28, line 19, omit "oysters or".
- Amend page 16, section 29, line 8, after "charged", insert "for a recreational license".
- Amend page 16, section 29, line 10, omit "citizen and actual".
- Amend page 16, section 32, line 4, omit "mactra", insert "Mactra"; omit "spisula", insert "Spisula".
- Amend page 17, section 34, line 3, omit "and", insert ","; after "material", insert "and other material".
- Amend page 18, section 36, line 12, omit "soft".
- Amend page 18, section 36, line 13, omit "and", insert ","; after "bay", insert ", Shrewsbury river or Navesink river".
- Amend page 18, section 37, line 6, omit "soft".
- Amend page 18, section 37, line 7, after "bay", insert "Sandy Hook bay, Shrewsbury river or Navesink river".
- Amend page 28, section 72, line 3, omit "Fisheries", insert "Fish, Game".
- Amend page 28, section 72, line 14, omit "and two", insert "one".
- Amend page 28, section 72, line 15, omit "members of the general public", insert "the chairman of the committee established pursuant to section 7 of the 'Endangered and Nongame Species Conservation Act' (P. L. 1973, c. 309; C. 23:2A-7), and one of such members shall be a person knowledgeable in land use management and soil conservation practices".
- Amend page 29, section 73, line 17, after "penalty", insert "for a specific offense".
- Amend page 29, section 73, line 21, after "any", insert "specific".
- Amend page 30, section 73, line 43, after "confiscated", omit "or", insert "and".
- Amend page 30, section 74, line 2, omit "Fisheries", insert "Fish, Game".
- Amend page 30, section 74, line 6, omit "Fisheries", insert "Fish, Game".
- Amend page 30, section 74, line 10, omit "Fisheries", insert "Fish, Game".
- Amend page 30, section 74, line 14, omit "Fisheries", insert "Fish, Game".
- Amend page 31, section 76, line 11, after "law.", insert new sections:
"77. R. S. 50:3-15 is amended to read as follows:

50:3-15. No person shall gather, scrape, rake or tong any oysters in or upon the beds, rivers or creeks of this State named in section 50:3-14 of this Title, for and during the period from June 30 until September 1 in each and every year; but this closed season shall not apply to the beds (a) at the mouth of Maurice river, described as follows: Beginning at a point with co-ordinates $x=1,897,678$ $y=132,207$ said point being now or formerly East Point Lighthouse and running thence $N 48^{\circ}-23'-07''$ $W 9,400$ feet to a point $x=1,890,650$ $y=138,450$ on the east bank of the mouth of New England creek; thence following in an easterly direction the shore line and crossing the mouth of the Maurice river and following the shore line to the point of beginning, and in Maurice river, from which oysters may be taken between sunrise and sunset at anytime, except on Sundays; or (b) to the Nantuxent beds *in that area* at the mouth of Nantuxent creek, *Back creek and Cedar creek* and the Cohansey beds at the mouth of Cohansey river, from which oysters may be taken [only during the months of May and June] *at any time* between sunrise and sunset, except on Sunday, *provided, however, that any oysters so taken shall be 3 inches from hinge to mouth or longer*; or (c) to the Back creek beds at the mouth of Back creek, Back creek from the mouth to the south bank of the mouth of Tweed creek, which areas are described as follows: Beginning at the intersection of the southerly bank of the mouth of Tweed creek with the westerly bank of Back creek, said intersection being at high-water mark, thence from said point in a southeasterly, southwesterly, and southerly direction, being along the westerly bank of Back creek and the westerly shore of Nantuxent Cove to a point on the said shore, said point being $N 71^{\circ} E$ 700 feet more or less from the Sextant tower on Ben Davis Point; thence $N 71^{\circ} E$ 4,300 feet more or less to a stake set in Nantuxent Cove; thence $N 19^{\circ} E$ 3,300 feet more or less to a stake set at the high-water mark along the north shore of Nantuxent Cove; thence bounding on the said highwater mark in a general westerly direction to the mouth of Back creek, thence along the easterly bank of Back creek in a general, easterly, northerly and northwesterly direction to a point due east from the southerly bank of the mouth of Tweed creek; thence crossing Back creek in a due west direction to the place of beginning, from which oysters may be taken only during the months of April, May, June, September, October and November between sunrise and sunset, except on Sunday.

78. R. S. 50:3-17 is amended to read as follows:

No person shall take or attempt to take edible crabs from any of the waters of the Delaware bay or any of its tributaries within the jurisdiction of this State, in any manner except by rod, hand line, or scoop net

operated by hand, without first obtaining a license so to do from the [board] commissioner.

79. R. S. 50:3-18 is amended to read as follows:

50:3-18. The [Division of Fish, Game and Shellfisheries] commissioner may grant licenses, under such rules and regulation as it may establish, to catch and take edible crabs from the waters of the Delaware bay and its tributaries in this State, by means of layout lines, crabpots or trawl lines; but such licenses shall be granted only to persons who are residents of this State, or of any other state bordering on Delaware bay or its tributaries, if any such other state grants to New Jersey residents the privilege of obtaining licenses to take such crabs in the waters of Delaware bay and its tributaries within the area of its jurisdiction.

80. R. S. 50:3-20 is amended to read as follows:

The [board] commissioner may establish and enforce rules and regulations for the propagation and protection of edible crabs in the waters of the Delaware bay and its tributaries in this State.”

Amend pages 31 and 32, sections 76-78, renumber sections 76 to 78 as sections 80 to 82 respectively.

Amend page 32, section 78, line 2, omit “76.”, insert “80.”.

[OFFICIAL COPY REPRINT]

SENATE, No. 1399

STATE OF NEW JERSEY

INTRODUCED OCTOBER 19, 1978

By Senators DODD, LASKIN, FELDMAN, HIRKALA and PARKER

Referred to Committee on Energy and Environment

AN ACT concerning marine fisheries management, the development of the commercial fisheries industry, and the support of recreational fishing, establishing a Marine Fisheries Council, providing certain powers, duties and responsibilities to the Commissioner of Environmental Protection, the Marine Fisheries Council and the New Jersey Economic Development Authority, providing penalties for its violation, making an appropriation and amending, supplementing and repealing parts of the statutory law.

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

1 1. (New section) This act shall be known and may be cited as the
2 "Marine Fisheries Management and Commercial Fisheries Act."

1 2. (New section) a. The Legislature hereby finds that:

2 (1) The fisheries resources of the State make a material contri-
3 bution to our economy and food supply, as well as to the health,
4 recreation, and well-being of our citizens; and,

5 (2) The fisheries resources of the State are a living, renewable
6 form of wealth capable of being maintained and greatly increased
7 with proper management, but equally capable of destruction if
8 neglected or unwisely exploited.

9 b. It is hereby declared to be the policy of this State to:

10 (1) Provide an organizational framework that will permit the
11 State to manage more effectively its fisheries resources with the
12 following objectives:

13 (a) The conservation of fisheries resources and their habitat
14 to ***[ensure]*** **promote** their continued ***[existence]*** **pro-*
14A *ductivity**;

15 (b) The maintenance and enhancement of fisheries resources
16 to support a recreational use where a species is the object of
17 recreational fishing;

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

18 (c) The maintenance and enhancement of fisheries resources
 19 to support a commercial use where a species is the object of
 20 commercial fishing;

21 (d) The management, on a basis of scientific information,
 22 of the fisheries resources under the State's jurisdiction, and
 23 the participation in the management of other fisheries in which
 24 New Jersey fishermen are engaged, with the objective of
 25 optimum yield;

26 (2) Develop an active and modern commercial fisheries fleet,
 27 docks, freezing, processing and marketing facilities;

28 (3) Encourage citizen participation through advisory councils
 29 and otherwise, since decisions concerning the distribution and allo-
 30 cation of fisheries resources have important consequences for all
 31 citizens of this State; and,

32 (4) Provide for conservation and management measures involv-
 33 ing a reciprocal and cooperative relationship among States and
 34 between States and the Federal Government, and between States
 35 and the fisheries management councils established pursuant to the
 36 "Federal Fisheries Conservation and Management Act of 1976"
 37 (16 USC §§ 1801 to 1882), since many species of fisheries resources
 38 travel across state and state-federal boundaries;

39 (5) Develop a viable aquaculture industry in the State, utilizing
 40 existing Federal and other programs where appropriate, and
 41 necessary supportive infrastructure.

1 3. (New section) As used in this act:

2 a. "Aquaculture" means the propagation and rearing of aquatic
 3 species in controlled or selected environments;

4 b. "Commissioner" means the Commissioner of Environmental
 5 Protection;

6 c. "Council" means the Marine Fisheries Council created pur-
 7 suant to this act, except in those sections of this act amending
 8 sections of Title 50 of the Revised Statutes;

9 d. "Department" means the Department of Environmental
 10 Protection;

11 e. "Fish" means any marine or anadromous animal **or plant**,
 12 or part thereof, excepting mammals and birds;

13 f. "Fisheries management plans" means plans to prevent over-
 14 fishing, achieve optimal yield from each fishery on a continuing
 15 basis, which are based on the best scientific information available,
 16 are in accordance with management plans promulgated pursuant
 17 to the Fisheries Conservation and Management Act of 1976 and
 18 any appropriate interstate programs, provide for the management
 19 of stock as a unit throughout their range, and allow for flexibility

20 management; **provided, however, that such plans, where practi-*
 20A *cable and feasible, give preference to the interests and concerns of*
 20B *fishermen in this State;**

21 g. "Marine waters" means all the salt waters of this State, and
 22 none of the fresh waters of this State as defined in R. S. 23:1-2.
 23 Specifically it includes the waters of the Atlantic ocean, and all
 24 bays, inlets and estuarine waters located below the mouth of any
 25 fresh water river, stream or creek;

26 h. "Optimum yield" means the amount of fish from a fishery
 27 which will provide the greatest overall benefit to the State, with
 28 particular reference to food production and recreational oppor-
 29 tunities, and the amount of fish which is prescribed as such on the
 30 basis of the maximum sustainable yield from such fishery as modi-
 31 fied by any relevant economic, social or ecological factor;

32 i. "Processing" means handling, storing, freezing, preparing,
 33 preserving, packing, transporting, holding, or selling fish or fish
 34 products;

35 j. "Taking" means to catch, net, capture, possess, or collect any
 36 fish or to attempt to engage in any such conduct;

37 **k. "Fishery" means one or more stocks of fish which can be*
 38 *treated as a unit for purposes of conservation and management and*
 39 *which are identified on the basis of geographical, scientific, techni-*
 40 *cal, recreational and economic characteristics and any fishing for*
 41 *such stocks.**

1 4. (New section) There is hereby created in the department a
 2 Marine Fisheries Council, which shall consist of 11 members, nine
 3 of whom shall be appointed by the Governor, with the advice and
 4 consent of the Senate, of whom four shall represent and be knowl-
 5 edgeable of the interests of sports fishermen, two shall be members
 6 of the commercial fin fishery industry and three shall represent
 7 the general public; the other two members shall be the chairmen
 8 of the two sections of the Shell Fisheries Council.

9 Of the nine members first to be appointed by the Governor,
 10 three shall be appointed for a term of 1 year, three for a term of 2
 11 years, and three for a term of 3 years. Thereafter, all appoint-
 12 ments shall be made for terms of 3 years. All appointed members
 13 shall serve after the expiration of their terms until their respective
 14 successors are appointed and shall qualify, and any vacancy oc-
 15 curring in the appointed membership of the council, by expiration
 16 of term or otherwise, shall be filled in the same manner as the
 17 original appointment for the unexpired term only, notwithstanding
 18 that the previous incumbent may have held over and continued

19 in office as aforesaid. The Governor may remove any member of
 20 the council for cause ***[after a public hearing]*** **upon notice and*
 20A *opportunity to be heard**.

21 Members of the council shall serve without compensation, but
 22 shall be reimbursed for expenses actually incurred in attending
 23 meetings of the council and in the performance of their duties as
 24 members thereof.

25 The Governor shall appoint a chairman, from the citizen mem-
 26 bers of the council, who shall serve at his pleasure. Six members
 27 of the council shall constitute a quorum to transact its business.

1 5. (New section) The Marine Fisheries Council shall:

2 a. Contribute to the preparation and revision of fisheries man-
 3 agement plans;

4 b. ***[Approve or disapprove]*** **Be empowered to disapprove,*
 5 *within 60 days of the proposal thereof and the submittal thereto,**
 5A any rule or regulation or any amendment thereto proposed by the
 5B commissioner pursuant to this act **except for any rule or regula-*
 5C *tion adopted pursuant to subsection (c) of section 4 of the "Admin-*
 5D *istrative Procedure Act," (C. 52:14B-4)*;*

6 c. Advise the commissioner on policies of the department and
 7 in the planning, development, and implementation of all depart-
 8 mental programs related to this act;

9 d. Examine, consider and make recommendations in any matters
 10 pertaining to the conservation and management of fisheries re-
 11 sources throughout the State;

12 e. From time to time submit to the commissioner any recom-
 13 mendation for new rules and regulations or revision to existing
 14 rules and regulations which it deems necessary for the proper
 15 operation of an effective marine fisheries program;

16 f. Hold periodic public hearings in regard to current issues
 17 affecting the operation of the marine fisheries program;

18 g. Recommend the convening of species related citizen panels
 19 where appropriate;

20 h. Study and analyze economic, social and ecological data relat-
 21 ing to the operation of the marine fisheries program.

1 6. (New section) The commissioner shall prepare fisheries man-
 2 agement plans for each major fishery in the State, with the advice
 3 and assistance of the council, and if deemed necessary, advisory
 4 species related citizen panels. The citizen panels shall be com-
 5 posed of persons appointed by the commissioner. They shall review
 6 suggested management plans and any rules and regulations im-
 7 plementing said plans. Such management plans shall be coordi-

8 nated with and take into consideration the appropriate Federal,
9 Federal-State, regional management council and interstate pro-
10 grams.

11 The commissioner, *~~with the approval of the council~~* *subject*
12 *to the disapproval of the council as hereinbefore provided**, shall
13 prepare and promulgate and may amend and repeal rules and
14 regulations to carry out the intent of this act and to implement the
15 provisions of the fisheries management plans. Any such rules and
16 regulations shall be promulgated in accordance with the "Admin-
17 istrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.).

17A Such rules and regulations may:

18 a. Prohibit, limit, condition, require or establish the use of
19 specified types of fishing gear; the size, number and quantity of
20 specific species that may be taken; the areas to be opened or closed
21 to their taking, the time and manner of their taking; *~~the number~~
22 ~~of persons or vessels or amount of fishing gear that may participate~~
23 ~~in harvest of a specified fisheries resource,~~* and may prescribe
24 such other limitations, conditions, requirements, or restrictions as
25 is necessary and appropriate to the policy and purposes of this act;

26 b. Establish and develop fisheries management areas and pre-
27 scribe rules governing the use of such areas;

28 The commissioner may not regulate, pursuant to this section,
29 any species in any body of water which is regulated pursuant to
30 Title 50 of the Revised Statutes.

1 7. (New section) The commissioner shall have the following
2 powers and duties:

3 a. Administer and enforce the laws, rules and regulations re-
4 lating to fisheries resources;

5 b. Appoint the chief administrative officer of the marine fisheries
6 program and all other necessary employees, including enforcement
7 personnel*,* within the limits of available revenues;

8 c. Develop and implement a program for the management of
9 fisheries resources, including such species related management
10 plans as may be appropriate;

11 d. Acquire by gift or purchase and hold real property in the
12 name of the State, or any right or interest therein, including, but
13 not limited to, easements or rights of access;

14 e. Accept for the State any Federal funds apportioned under
15 Federal law related to authorized programs of the department and
16 to do such acts as are necessary for the purpose of carrying out
17 such Federal laws; and to accept from any other agency or govern-
18 ment, individual, group, or corporation, such funds, gifts, or de-
19 vises as may be available to carry out the purposes of this act;

20 f. Make periodic reports to the Governor and the Legislature,
21 including therein such recommendations for changes and amend-
22 ments in existing law and licensing procedures as are warranted
23 by investigations and research;

24 g. Conduct or sponsor a program or programs for research and
25 development of fisheries resources of the State, in cooperation,
26 where appropriate, with Rutgers, The State University, the Marine
27 Sciences Consortium, and other responsible research or academic
28 agencies, which programs shall include, but not be limited to bio-
29 logical, chemical, technological, hydrological, processing, market-
30 ing, financial, economic, and promotional research and development.
31 The department may carry out such a program or programs in
32 cooperation with other State agencies, Federal, regional, and local
33 governmental entities, or with private institutions or persons;

34 h. Establish programs for public education concerning the con-
35 servation, utilization, development, and enhancement of fisheries
36 resources;

37 i. Acquire, introduce, and propagate marine fish species in such
38 manner as will carry out the fisheries resources management pro-
39 grams;

40 j. To coordinate and integrate the marine fisheries program
41 established herein with the activities of all other State agencies
42 which affect fisheries resources, **and access thereto** including but
43 not limited to, freshwater fisheries, coastal zone management, water
44 pollution control and marine law enforcement; and,

45 k. To encourage every agency which operates a bridge **or road**
46 over any of the marine waters of this State to construct a fishing
47 platform on each such bridge.

1 8. (New section) In the management of fisheries resources which
2 are shared by the State of New Jersey with other states or with
3 other states and the Federal Government, the commissioner shall
4 cooperate with the appropriate agencies of said states, the Federal
5 Government and the regional fisheries management councils estab-
6 lished under the Federal Fisheries Conservation and Management
7 Act of 1976, and any appropriate interstate programs to develop
8 integrated management plans for such shared resources.

9 The commissioner is empowered to make the following reciprocal
10 agreements with other jurisdictions:

11 a. Rules and regulations with respect to fishing in boundary
12 waters after consultation with the appropriate body in the neigh-
13 boring states;

14 b. A procedure whereby valid fishing license issued by the par-
15 ties to the reciprocal agreements may be used by their licensees
16 within the jurisdiction of either in accordance with the terms of
17 such agreements;

18 c. Any individual from a state who has the responsibility of
19 enforcing that state's marine fisheries laws may pursue any person
20 found fishing in the coastal waters of such state in violation of the
21 marine fisheries laws thereof onto adjacent waters of this State
22 and there arrest him and return him to the state where the viola-
23 tion occurred for the purpose of prosecuting him for such violation;
24 provided, that such other state shall have enacted legislation giving
25 substantially similar authority to individuals of this State who
26 have responsibility for enforcing the marine fisheries laws of this
27 State relative to persons found fishing in the coastal waters of
28 this State in violation of the marine fishing laws thereof.

1 9. (New section) a. The commissioner may by regulation require
2 that every person, who takes fisheries resources, provide informa-
3 tion on the species, number, weight, and any other information
4 pertinent to management of the resources taken in a manner pre-
5 scribed and on forms supplied by the department.

6 b. Every person engaged in the **commercial** buying, packing,
7 storing, wholesaling, marketing, or processing of any fisheries
8 resources within the State shall keep accurate records, books or
9 accounts showing the species, quantity, and source of fisheries
9A resources.

10 c. Every record, book, or account referred to in subsection b.
11 shall be open for inspection by the department at reasonable hours.

12 d. The department may audit the records, books, or accounts of
13 any person referred to in subsection b., and of anyone who takes
14 fisheries resources and ships directly to market in order to
15 determine the quantity of resources taken and other information
16 pertinent to management.

17 e. The records obtained by the department, and the information
18 contained therein, shall except as otherwise provided in this section,
19 be confidential, and the records shall not be public records and
20 insofar as possible, the information contained in the records shall
21 be compiled or published in such a manner so as not to disclose
22 the business record of any person.

23 f. The information in the above records can be provided to other
24 states*, *Federal agencies** and regional fisheries agencies provided
25 that those entities have similar confidentiality provisions that do
26 not disclose the business record of any person.

1 10. (New section) For a period of ~~*[1 year]*~~ **2 years** from the
 2 effective date of this act the Commissioner of Labor and Industry,
 3 the Commissioner of Environmental Protection, the Secretary of
 4 Agriculture, the Executive Director of the Economic Development
 5 Authority and the Director of the Division of Fisheries and Wild-
 6 life shall serve on an Aquaculture **Task Force to be chaired by*
 7 *the Secretary of Agriculture** and **a** Commercial Fisheries De-
 8 velopment Task Force **to be chaired by the Commissioner of*
 9 *Environmental Protection**. The task ~~*[force]*~~ **forces** shall be
 10 ~~*[located in]*~~ **assigned to** the Governor's office and shall pro-
 10A mote the development of aquaculture, of the commercial fisheries
 10B industry, and of the commercial aspects of fish products. ~~*[Each~~
 10C ~~such administrator]*~~ **The task forces** shall, to the extent prac-
 11 ticable, encourage the growth and expansion of piers and docks,
 12 processing and storage facilities, fishing equipment and vessels
 13 and marketing facilities and the development of aquaculture,
 14 personnel training programs, research, or any other procedures
 15 designed to stimulate, expand and promote the commercial fisheries
 16 industry and the commercial aspects of recreational fishing and
 17 the development of processing and marketing facilities for fish
 18 and fish products. **The task forces shall define the roles of the*
 19 *various concerned State agencies in carrying out a permanent pro-*
 20 *gram to promote the development of an aquaculture program and*
 21 *of a commercial fisheries industry. The task forces shall report*
 22 *to the Governor and Legislature on their findings and conclusions,*
 23 *and shall recommend whatever legislative changes are necessary*
 24 *for a permanent program prior to the termination of the 2-year*
 25 *period.**

1 11. Section 3 of P. L. 1974, c. 80 (C. 34:1B-3) is amended to
 2 read as follows:

3 3. As used in this act, unless a different meaning clearly appears
 4 from the context:

5 a. "Authority" means the New Jersey Economic Development
 6 Authority, created by section 4 of this act.

7 b. "Bonds" means bonds or other obligations issued by the
 8 Authority pursuant to this act.

9 c. "Cost" means

10 ~~[The]~~ *the* cost of the acquisition, construction, reconstruction,
 11 repair, alteration, improvement and extension of any building,
 12 structure, facility including water transmission facilities, or other
 13 improvement; the cost of machinery and equipment, the cost of
 14 acquisition, construction, reconstruction, repair, alteration, im-

15 improvement and extension of pollution control devices, equipment
16 or facilities; the cost of lands, rights-in-lands, easements, privileges,
17 agreements, franchises, utility extensions, disposal facilities, access
18 roads and site development deemed by the authority to be neces-
19 sary or useful and convenient for any project or in connection
20 therewith, discount on bonds, costs of issuance of bonds, engineer-
21 ing and inspection costs, cost of financial, legal, professional and
22 other estimates and advice, organization, administrative, insur-
23 ance, operating and other expenses of the authority or any person
24 prior to and during any acquisition or construction, and all such
25 expenses as may be necessary or incident to the financing, acquisi-
26 tion, construction or completion of any project or part thereof,
27 and also such provision for reserves for payment or security of
28 principal of or interest on bonds during or after such acquisition
29 or construction as the authority may determine.

30 d. "County" means any county of any class.

31 e. "Development property" means any real or personal property
32 interest therein, improvements thereon, appurtenances thereto and
33 air or other rights in connection therewith, including land, build-
34 ings, plants, structures, systems, works, machinery and equipment
35 acquired or to be acquired by purchase, gift or otherwise by the
36 authority within an urban growth zone.

37 f. "Person" means any person, including individuals, firms,
38 partnerships, associations, societies, trusts, public or private
39 corporations, or other legal entities, including public or govern-
40 mental bodies as well as natural persons. "Person" shall include
41 the plural as well as the singular.

42 g. "Pollution control project" means any device, equipment,
43 improvement, structure or facility or any land and any building,
44 structure, facility or other improvement thereon, or any combina-
45 tion thereof, whether or not in existence or under construction, or
46 the refinancing thereof in order to facilitate improvements or
47 additions thereto or upgrading thereof, and all real and personal
48 property deemed necessary thereto, having to do with or the end
49 purpose of which is the control, abatement or prevention of land,
50 sewer, water, air, noise or general environmental pollution, includ-
51 ing, but not limited to, any air pollution control facility, noise
52 abatement facility, water management facility, thermal pollution
53 control facility, radiation contamination control facility, waste
54 water collection system, waste water treatment works, sewage
55 treatment works system, sewage treatment system or solid waste
56 disposal facility or site; provided that the authority shall have

57 received from the Commissioner of the State Department of
58 Environmental Protection or his duly authorized representative,
59 a certificate stating the opinion that, based upon information, facts
60 and circumstances available to the State Department of Environ-
61 mental Protection and any other pertinent data, (1) said pollution
62 control facilities do not conflict with, overlap or duplicate any other
63 planned or existing pollution control facilities undertaken or
64 planned by another public agency or authority within any political
65 subdivision, and (2) that such facilities, as designed, will be a pol-
66 lution control project as defined in this act and are in furtherance
67 of the purpose of abating or controlling pollution.

68 h. "Project" means (1) (a) acquisition, construction, recon-
69 struction, repair, alteration, improvement and extension of any
70 building, structure, facility including water transmission facilities
71 or other improvement, whether or not in existence or under con-
72 struction, (b) purchase and installation of equipment and machin-
73 ery, (c) acquisition and improvement of real estate and the
74 extension or provision of utilities, access roads and other appurte-
75 nant facilities, and (2) (a) the acquisition, financing, or refinancing
76 of inventory, raw materials, supplies, work in process, or stock
77 in trade, or (b) the financing, refinancing or consolidation of
78 secured or unsecured debt, borrowings, or obligations, or (c) the
79 provision of financing for any other expense incurred in the
80 ordinary course of business; all of which are to be used or occupied
81 by any person in any enterprise promoting employment, either
82 for the manufacturing, processing or assembly of materials or
83 products, or for research or office purposes, including, but not
84 limited to, medical and other professional facilities, or for indus-
85 trial, recreational, hotel or motel facilities, public utility and ware-
86 housing, or for commercial and service purposes, including, but
87 not limited to, retail outlets, retail shopping centers, restaurant
88 and retail food outlets, and any and all other employment promot-
89 ing enterprises including, but not limited to motion picture and
90 television studios and facilities *and commercial fishing facilities,*
91 *commercial facilities for recreational fishermen, fishing vessels,*
92 *aquaculture facilities and marketing facilities for fish and fish*
93 *products* and (d) acquisition of an equity interest in, including
94 capital stock of, any corporation; or any combination of the above,
95 which the authority determines will (i) tend to maintain or provide
96 gainful employment opportunities within and for the people of
97 the State, or (ii) aid, assist and encourage the economic develop-
98 ment or redevelopment of any political subdivision of the State,
99 or (iii) maintain or increase the tax base of the State or of any

100 political subdivision of the State, or (iv) maintain or diversify
101 and expand employment promoting enterprises within the State;
102 and (3) the cost of acquisition, construction, reconstruction, repair,
103 alteration, improvement and extension of a pollution control
104 project which the authority determines will tend to reduce, abate
105 or prevent environmental pollution within the State. Project may
106 also include (i) reimbursement to any person for costs in connec-
107 tion with any project, or the refinancing of any project or portion
108 thereof, if determined by the authority as necessary and in the
109 public interest to maintain employment and the tax base of any
110 political subdivision and will facilitate improvements thereto or
111 the completion thereof, and (ii) development property and any
112 construction, reconstruction, improvement, alteration, equipment
113 or maintenance or repair, or, planning and designing in connection
114 therewith.

115 i. "Revenues" means receipts, fees, rentals or other payments
116 to be received on account of lease, mortgage, conditional sale, or
117 sale and payments and any other income derived from the lease,
118 sale or other disposition of a project, moneys in such reserve and
119 insurance funds or accounts or other funds and accounts and income
120 from the investment thereof, established in connection with the
121 issuance of bonds or notes for a project or projects, and fees,
122 charges or other moneys to be received by the authority in respect
123 of projects and contracts with persons.

124 j. "Resolution" means any resolution adopted or trust agree-
125 ment executed by the authority pursuant to which bonds of the
126 authority are authorized to be issued.

127 k. "Urban growth zone" means any area within a municipality
128 receiving State aid pursuant to the provisions of P. L. 1971, c. 64,
129 or a municipality certified by the Commissioner of Community
130 Affairs to qualify under such law in every respect except popula-
131 tion, which area has been so designated pursuant to an ordinance
132 of the governing body of such municipality.

1 12. (New section) No person shall, willfully and without reason-
2 able cause*,* interfere with, break, damage or destroy any net, trap,
3 seine, fyke pot or any other device used to take fish, which is being
4 utilized in a lawfully authorized manner.

1 13. (New section) The marine police shall devote a sufficient
2 number of hours and sufficient resources to the enforcement of the
3 marine management statutes and rules and regulations promulgated
4 pursuant thereto to assure compliance therewith. The chief admini-
5 strative officer of the marine fisheries program and of the marine

6 police shall jointly work out an effective marine fisheries enforce-
 7 ment program. The two chief administrative officers shall periodi-
 8 cally report to the Marine Fisheries Council on enforcement activi-
 9 ties, whether completed, underway or contemplated. Each marine
 10 policeman shall be trained for a minimum of one full work week on
 11 marine resources management procedures during his first year on
 12 the job and for a minimum of one working day every year there-
 13 after.

1 14. R. S. 50:1-5 is amended to read as follows:

2 50:1-5. The **[board]** *Commissioner of Environmental Protection*
 3 shall have full control and direction of the shellfish industry and
 4 resource and of the protection of shellfish throughout the entire
 5 State, subject to the ***[remaining]*** provisions of this Title. **[It]**
 6 He shall make such rules and regulations as may be necessary for
 7 the preservation and improvement of the shellfish industry and re-
 8 source of the State, after consultation with the Shell Fisheries
 9 Council and subject to the ***[approval]*** *disapproval, as herein-
 10 before provided,* of the Marine Fisheries Council. For purposes
 11 of this title the term "shellfish" shall mean hard clams,
 12 ***[(mercenaria mercenaria)]*** *(Mercenaria mercenaria)* soft
 13 clams (***[mya]*** **Mya* arenaria*), sea clams (*Mactra solidissima*)
 13A and oysters (***[coassostrea]*** **Cassostrea* virginica*) and the
 13B term "commissioner" shall mean Commissioner of Environmental
 13C Protection.

14 **[The board shall report annually to the legislature.]**

1 15. R. S. 50:1-18 is amended to read as follows:

2 50:1-18 a. *The Shell Fisheries Council shall be composed of nine*
 3 *members; one each residing in the counties of Monmouth, Ocean,*
 4 *Burlington, Atlantic, Cape May and Salem*,* and three residents of*
 5 *Cumberland county; each of whom shall be *a licensed and practic-*
 6 *ing shellfisherman and shall be* chosen with due regard to his*
 6A *knowledge of and interest in the shellfish industry and in the*
 7 *conservation and management of shellfish. Each member of the*
 8 *council shall be appointed by the Governor, with the advice and*
 9 *consent of the Senate, for a term of 4 years and shall serve until*
 10 *his successor has been appointed and has qualified.*

11 *Any vacancies in the membership of said council occurring other*
 12 *than by expiration of term shall be filled by the Governor, with the*
 13 *advice and consent of the Senate, for the unexpired term only. Any*
 14 *member of the council may be removed from office by the Governor,*
 15 *for cause, upon notice and opportunity to be heard.*

16 *The members of the council shall serve without compensation*
17 *but shall be reimbursed for necessary expenses incurred in the*
18 *performance of their duties. Each section of the council shall*
19 *annually elect a chairman of the council from its own members.*

20 *b. The council shall, subject to the approval of the commissioner,*
21 *formulate comprehensive policies for the preservation and improve-*
22 *ment of the shellfish industry and resource of the State. The*
23 *council shall also: (1) consult with and advise the commissioner*
24 *and the Marine Fisheries Council with respect to the implementa-*
25 *tion of the shellfisheries program; (2) study the activities of the*
26 *shellfisheries program and hold hearings with respect thereto as it*
27 *may deem necessary or desirable; and (3) ***[recommend]*** *in-*
28 *itiate*, by resolution of the council, proposed rules and regulations*
29 *concerning shellfish to the commissioner.*

30 *c. No lease of any of the lands of the State under the tidal waters*
31 *thereof, to be exclusively used and enjoyed by the lessee for the*
32 *planting and cultivating of shellfish, shall hereafter be allowed*
33 *except when approved by a majority of the appropriate section of*
34 *the council; and no such lease shall hereafter in any case be allowed*
35 *except when approved and signed by the commissioner.*

36 *d. The **[Shell Fisheries]** council **[in the State Department of***
37 *Conservation and Economic Development]* shall be divided into
38 two sections one to be known as the "**[Maurice River Cove]**
39 *Delaware Bay Section,"* consisting of the members from the
40 counties of Cumberland and **[Cape May]** *Salem,* and the other to
41 be known as the "Atlantic Coast Section" consisting of the
42 members from the counties of Atlantic, Burlington, Ocean and
43 Monmouth. The member of the said council from **[a county other**
44 *than the above enumerated counties]* *Cape May* shall be entitled
45 to participate in the exercise of the powers and the performance
46 of the duties of each of the said two sections.

47 The **[Maurice River Cove]** *Delaware Bay* Section shall, subject
48 to the approval of the Commissioner **[of Conservation and**
49 *Economic Development]*, exercise all the powers and perform all
50 the duties of the council in matters relating to the shellfish in-
51 dustry in the tidal waters of Delaware river, Delaware bay and
52 their tributaries.

53 The Atlantic Coast Section shall, subject to the approval of the
54 Commissioner **[of Conservation and Economic Development]**,
55 exercise all the powers and perform all the duties of the council
56 in matters relating to the shellfish industry in all of the tidal
57 waters of the State except in the tidal waters of the Delaware river,
58 Delaware bay and their tributaries.

1 16. R. S. 50:1-22 is amended to read as follows:

2 50:1-22. The [board] *commissioner* shall establish and main-
 3 tain * [an office] * *several offices* * [within the boundaries of each
 4 department and division,] located at * [some place] * *places* *
 5 convenient to persons engaged in the [oyster] *shellfish* industry
 6 [in such department or division. Such office shall also be the office
 7 of the chief of the department or division, and the]. *The records*
 8 *of all leases and licenses issued by him shall be kept therein. One*
 9 *office shall be located in the area served by the Atlantic Coast*
 10 *Section and one office shall be located in the area served by the*
 11 *Delaware Bay Section of the Council.*

1 17. R. S. 50:1-24 is amended to read as follows:

2 50:1-24. The power granted by this title to the [board] *council*,
 3 *subject to the provisions of R. S. 50:1-18*, to lease lands under the
 4 tidal waters of this State for the planting and culture of shellfish
 5 is exclusive, and no other State agency may, in the name of the
 6 State or otherwise, give, grant or convey to any person the exclu-
 7 sive right to plant or take shellfish from any of such waters; and
 8 no grant or lease of lands under tidewater, whereon there are
 9 natural oyster beds, shall be made by any other state agency except
 10 for the purpose of building wharves, bulkheads or piers.

1 18. R. S. 50:1-25 is amended to read as follows:

2 50:1-25. No lease shall be granted to any person who is not at
 3 the time of granting such lease[, and shall not have been for
 4 12 months preceding,] a [citizen and actual] resident of this
 5 State[, but this restriction shall not apply to the renewal of any
 6 lease granted prior to March 24, 1917].

1 19. R. S. 50:1-27 is amended to read as follows:

2 50:1-27. The [board] *council, with the approval of the commis-*
 3 *sioner*, shall fix the term for which leases may be granted, not
 4 exceeding 30 years, the rental to be paid, the maximum size of any
 5 single ground to be leased, and the total acreage which may be
 6 leased to any person or persons.

1 20. R. S. 50:1-28 is amended to read as follows:

2 50:1-28. The [board] *commissioner* shall, from time to time,
 3 cause the leased lands to be measured, and the metes and bounds
 4 thereof ascertained and located by ranges, monuments or other
 5 means, so that the limits thereof may be accurately fixed and easily
 6 located.

7 The [board] *commissioner* shall cause the leased lands to be
 8 mapped, and the maps to be filed in the office of the [board; and
 9 copies thereof to be filed in the office of the department of the
 10 Maurice river cove, and the offices of the department or divisions of
 11 the Atlantic coast, respectively] *department*.

12 The expense of surveying, measuring, locating and mapping any
 13 ground or grounds shall be paid by the applicant therefor before he
 14 shall be entitled to a lease or leases for the same.

1 21. R. S. 50:1-29 is amended to read as follows:

2 50:1-29. The [board] commissioner shall cause leases, and
 3 assignments and transfers thereof, to be recorded in books kept in
 4 the offices of the [departments or divisions, respectively] depart-
 5 ment; and no assignment or transfer of any ground or lease
 6 therefor shall be valid unless approved by the [board] commis-
 7 sioner and the council and forthwith recorded in the office of the
 8 department [or division in which the leased land is located].

1 22. R. S. 50:1-30 is amended to read as follows:

2 50:1-30. The [board] council with the approval of the commis-
 3 sioner may lease to applicants therefor any of the lands of this
 4 State that have been or may hereafter be condemned [by the State
 5 Department of Health] pursuant to the provisions of chapter 14 of
 6 Title 24 of the Revised Statutes.

1 23. R. S. 50:1-31 is amended to read as follows:

2 50:1-31. The [board] commissioner may make such rules and
 3 regulations for the removal and distribution of shellfish from lands
 4 leased under section 50:1-30 of this Title, as in [its] his judgment
 5 will be in accord with the object of the condemnation. Such rules
 6 and regulations shall not be inconsistent with those [of the State
 7 Department of Health. The board may require the lessee to give
 8 bond in a sum not to exceed \$10,000.00 for the faithful observance
 9 of such rules and regulations] adopted pursuant to the provisions
 10 of chapter 14 of Title 24 of the Revised Statutes.

1 24. R. S. 50:1-34 is amended to read as follows:

2 50:1-34. No [oysters, seed oysters, or other mollusks, commonly
 3 known as] *[shellfish]* *oysters*, native to, or brought directly
 4 or indirectly, from any foreign country or any other state shall be
 5 planted or lodged in the waters of this State without written per-
 6 mission issued by the [board] commissioner, after notice to the
 7 council, for each separate shipment. Application for such per-
 8 mission shall be made in writing, and shall state:

9 a. The species of such [oysters, seed oysters or mollusks]
 10 *[shellfish]* *oysters*;

11 b. The location from which they were, or are to be, immediately
 12 taken;

13 c. The source from which they were originally obtained; and

14 d. The country to which their kind is native.

15 The same information shall be shown upon a tag attached to, or
 16 upon the billing accompanying each shipment upon its arrival in
 17 this State.

1 25. R. S. 50:1-35 is amended to read as follows:

2 50:1-35. The [board] *commissioner* may issue such permission
3 after due inspection and examination of the nature, species, quan-
4 tity, source, location of proposed planting or lodging, and the
5 condition of the [oysters, seed oysters or mollusks] **[shellfish]**
6 **oysters** and after [certification by the biologist of the board] *his*
7 *determination* that the same will not [in his opinion,] be detrimental
8 to the native [oysters] **[shellfish]** **oysters** or to the [oyster]
9 **[shellfish]** **oysters** industry of this State.

10 Such permission shall specify the nature, species, quantity and
11 proposed location of planting or lodgment of the [oysters, seed
12 oysters or mollusks] **[shellfish]** **oysters** and shall apply only to
13 the particular shipment for which it is issued.

1 26. R. S. 50:1-36 is amended to read as follows:

2 50:1-36. The [board] *commissioner* shall make such charge, and
3 collect in advance, for the issuance of such permission, such sum
4 of money as may be necessary to defray the cost of the inspection,
5 examination and certification.

1 27. R. S. 50:2-1 is amended to read as follows:

2 50:2-1. No person shall catch or take **[oysters or]** clams from
3 any of the natural **[oyster or]** clam grounds in the waters of this
4 State, without first obtaining a license from the [board] *commis-*
5 *sioner*. Such licenses shall grant the privilege of taking **[oysters*
6 *or]** clams upon any natural **[oyster bed or]** clam ground of this
7 State, except such as may be [reserved for leasing purposes]
8 *leased* by the [board] *council*.

1 28. R. S. 50:2-2 is amended to read as follows:

2 50:2-2. No *recreational* license shall be granted to any applicant
3 who does not present satisfactory evidence that he is [at the time
4 of such application, and has been for 12 months next preceding,]
5 a [citizen and actual] resident of this State; except that a *non-*
6 *resident's recreational* license effective only in the months of June,
7 July, August and September in any calendar year may be granted
8 to a nonresident of this State upon payment of a license fee [to
9 be fixed by the Shell Fisheries Council, within the limits of, and
10 subject to, the rules and regulations provided by this chapter, and
11 limited to the Atlantic seaboard, and except that any resident of
12 the state of New York may be granted such a license to take clams
13 from the clamming grounds in the waters of Raritan bay in this
14 State, if the same privileges are granted to the citizens of New
15 Jersey to obtain licenses to take clams from the clamming grounds
16 in said bay in New York State].

17 No [nonresident] holder of [any] *either* such recreational license
 18 *may take more than 150 clams per day* or shall sell or offer for sale
 19 ***[oysters or]*** clams taken under said license and any such sale or
 20 offer for sale shall constitute ground for the revocation of said
 21 license. *No person shall take or catch more than 150 clams per day*
 22 *unless such person is a holder of a commercial clam license.*

1 29. R. S. 50:2-3 is amended to read as follows:

2 50:2-3. The license fee shall be fixed by the [Division of Fish,
 3 Game and Shell Fisheries from time to time, subject to approval
 4 of the] commissioner [of the Department of Environmental Pro-
 5 tection], *with the approval of the council*, at not less than [**\$1.00**]
 6 *\$5.00* nor more than \$10.00 for [residents] *either recreational li-*
 7 *cence*, and shall be *not less than \$25.00 nor more than \$50.00* for
 8 [nonresidents] *a commercial clam license*. No fee shall be charged
 9 **for a recreational license** to a person who is 62 or more years of
 10 age; provided such person is a ***[citizen and actual]*** resident of
 11 this State.

1 30. R. S. 50:2-4 is amended to read as follows:

2 50:2-4. Each license shall be for the term of 1 year from Janu-
 3 ary 1 of the year of issue, and shall be [under the hand and seal
 4 of the chief of a department or division of the board] *granted by*
 5 *the commissioner*. Each license shall be numbered and shall state
 6 the name and residence of the licensee, and a record thereof shall
 7 be kept by the [chiefs of departments and divisions respectively]
 8 *commissioner*.

1 31. R. S. 50:2-5 is amended to read as follows:

2 50:2-5. [Each licensee shall, at all times while engaged in op-
 3 erating under his license wear in a conspicuous place on his outer
 4 clothing a button to be furnished by the person issuing the license.
 5 The button shall bear a number corresponding to the number of
 6 the license delivered to the applicant and any other matter the
 7 board determines.] Each licensee shall [also] have the license on
 8 his person and shall exhibit it for inspection to any [member of
 9 the board, any] officer or employee [thereof] *of the department*
 10 *or other person requesting to see the same.*

1 32. Section 1 of P. L. 1950, c. 310 (C. 50:2-6.1) is amended to
 2 read as follows:

3 1. No person or vessel shall take, harvest or dredge for sea clams
 4 (***[mactra]*** **Mactra* solidissima*) also known as ***[spisula]***
 5 **Spisula* solidissima* from any waters of this State without first
 6 obtaining a license from the [Division of Fish, Game and Shell
 7 Fisheries in the Department of Environmental Protection] *com-*

8 *missioner*. The [Division of Fish, Game and Shell Fisheries]
 9 *commissioner* may license every vessel engaged in the harvesting
 10 of sea clams within the waters of this State. Such license shall be
 10A issued on an annual basis.

11 Such licenses shall grant the privilege of gathering sea clams
 12 by dredging, but only in the Atlantic ocean, but not in the Delaware
 13 bay northerly of a line from Cape May Point lighthouse tower to
 14 Brandywine lighthouse or in the Sandy Hook bay west of a line
 15 from the west point of Sandy Hook to Roamer Shoal lighthouse.
 16 No boat or vessel shall be licensed under this act unless its bona
 17 fide owner is a [citizen and actual] resident of this State [and shall
 18 have been such for 12 months next preceding the issuance of such
 19 license].

20 The [division] *commissioner* may adopt regulations regarding
 21 the issuance procedures of such licenses.

22 The [Division of Fish, Game and Shell Fisheries] *commissioner*
 23 may issue permits for sea clam research, inventory and educational
 24 projects. Nothing in this section shall be construed to limit the
 25 activities of such projects.

1 33. R. S. 50:2-7 is amended to read as follows:

2 50:2-7. All oysters, oyster shells and other material dredged,
 3 tonged or in any manner raised or taken from any of the beds and
 4 grounds above what is known as the southwest line in Delaware
 5 bay, or from any natural oyster bed or ground, shell bed or reef,
 6 where oysters naturally spawn and grow under the tidal waters of
 7 the State, shall be culled as soon as the same are emptied out of
 8 the tongs or dredges on the culling board, *conveyor, culling device,*
 9 or deck of the boat or vessel employed for the purpose, and before
 10 the same are shoveled back from the culling board or portion of the
 11 deck used for emptying the tongs or dredges.

1 34. R. S. 50:2-8 is amended to read as follows:

2 50:2-8. Such culling shall be so close that three bushels of oys-
 3 ters[,] **[and]* *, *oyster shells [and other material] **and other*
 4 *material** taken from any part of a boat or vessel, after having been
 5 shoveled back from the culling board, *conveyor, culling device* or
 6 that part of the boat or vessel used for emptying the tongs and
 7 dredges, shall not contain more than 15% of shells and other
 7A material.

8 All shells and other material except oysters and clams, shall be
 9 immediately thrown back upon the beds or grounds from which
 10 they shall have been taken.

1 35. R. S. 50:2-9 is amended to read as follows:

2 50:2-9. When the person in charge of any boat or vessel licensed
3 under the provisions of this Title, or any person holding a tonger's
4 license, is hailed or signaled by any officer of the [board] depart-
5 ment and refuses to stop and permit such officer or officers to board
6 his boat, vessel or other craft and examine the oysters, oyster shells
7 and other material thereon, the [board] commissioner may revoke
8 the license of such boat or vessel and the license of the tonger.

1 36. R. S. 50:2-10.1 is amended to read as follows:

2 50:2-10.1. No person shall use or employ any boat or other
3 vessel propelled wholly or in part by steam, naphtha, gasoline,
4 electricity or any other mechanical motive power, or any motor
5 driven apparatus, for the purpose of catching or taking of clams
6 from any of the waters of this State, whereby the soil or bottom
7 on or in which the clams are found is agitated or disturbed by the
8 propellor wheel or wheels of such boat or vessel or by any other
9 motor or mechanically driven apparatus thereon for the purpose
10 of catching or taking clams as aforesaid, *except by permit issued*
11 *by the Department of Environmental Protection with the approval*
12 *of the council for taking * [soft] * clams from the waters of the*
13 *Raritan bay * [and] * , * Sandy Hook bay * , Shrewsbury river or*
14 *Navesink river*.*

1 37. R. S. 50:2-11 is amended to read as follows:

2 50:2-11. No person shall dredge upon, or throw, cast or drag an
3 oyster dredge or any other instrument or appliance used for catch-
4 ing clams or oysters, or assist in so doing, or tread for clams, upon
5 any of the lands lying under the tidal waters of this State before
6 sunrise or after sunset, or at any time on Sunday, *except that*
7 ** [soft] * clams may be taken from the waters of Raritan bay,*
8 ** Sandy Hook bay, Shrewsbury river or Navesink river * on Sunday.*

1 38. R. S. 50:2-12 is amended to read as follows:

2 50:2-12. Seed oysters of any size and hard shell clams measuring
3 less than 1½ inches in length caught and taken from any of the
4 natural oyster or clam beds or grounds under the tidal waters of
5 this State shall not be sold and taken out of this State for the
6 purpose of planting on grounds in any other state, *excepting for*
7 *methods of aquaculture approved by the commissioner.* No person
8 may sell natural seed oysters or clams in violation of this section
9 nor shall any person purchase or transport such oysters or clams
10 in violation of this section.

11 Possession of such oysters or clams outside of the boundaries
12 of this State shall be prima facie evidence of violation of this
13 section.

1 39. R. S. 50:3-1 is amended to read as follows :

2 50:3-1. No boat or vessel shall be used or employed in the catch-
3 ing or taking of oysters in the Delaware river, Delaware bay or
4 Maurice river cove, in this State, without a license for that purpose
5 [under this article. Such license shall be issued by the chief of
6 the department of Maurice river cove, duly certified by himself, to
7 the captains of the boats or vessels entitled thereto] *issued by the*
8 *commissioner.*

1 40. R. S. 50:3-2 is amended to read as follows :

2 50:3-2. The [board] *council* may fix the license fee at any sum
3 [not exceeding \$4.00 per ton] on the gross tonnage measurement
4 of such boat or vessel.

5 No license shall be issued for a period longer than 1 year.

6 All licenses shall be numbered and recorded [in a book kept for
7 that purpose in the office of the board, at Bivalve] *by the com-*
8 *missioner.*

1 41. R. S. 50:3-3 is amended to read as follows :

2 50:3-3. The [chief of the department of Maurice river cove]
3 *commissioner*, before issuing a license to any boat or vessel as
4 provided in this article, shall cause the master or captain thereof
5 to [make and] file with him [an oath] *a statement* that such boat
6 or vessel is wholly owned bona fide by [citizens and actual]
7 residents of this State[, and who have been such for 12 months
8 next preceding]; and no boat or vessel owned wholly or in part
9 by a nonresident and licensed in any other state to catch oysters
10 on natural beds or grounds in such other state shall be licensed
11 in this State within the same year in which such license to catch
12 oysters in such other state shall have been or shall be issued.
13 [Such oath may be administered by any member of the board or
14 the chief of the department, and the board] *The commissioner*
15 may revoke a license issued by reason of a false [oath made or
16 taken] *statement filed* by any applicant.

1 42. R. S. 50:3-5 is amended to read as follows :

2 50:3-5. The [board shall] *commissioner may* revoke the license
3 of any boat or vessel, the owner, captain, master or person in charge
4 of which shall violate or cause or permit to be violated any of the
5 provisions of this Title or any rule or regulation of the [board]
6 *commissioner*, and the [board] *commissioner* may refuse there-
7 after to allow any license to be issued to the boat or vessel for such
8 period of time as [the board] *he* shall fix.

1 43. R. S. 50:3-7 is amended to read as follows :

2 50:3-7. No person shall use any dredge for the purpose of catch-
 3 ing or taking oysters or clams from any of the natural beds or
 4 grounds in Delaware bay or Delaware river above the line running
 5 direct from the mouth of Straight creek to Cross Ledge lighthouse,
 6 commonly known and hereafter referred to as the "southwest
 7 line", the tooth bar of which dredge measures more than fifty-four
 8 inches across from center of bolt hole to center of bolt hole where
 9 the frame thereof is fastened to the tooth bar, or any dredge which
 10 measures more than 5 feet 2 inches in width from the extreme
 11 outside to outside of frame, or any dredge which measures more
 12 than 21 inches from center of tooth bar to center of cross bar, or
 13 any dredge the bag of which contains more than 17 rows of 2 inch
 14 rings, or any dredge the rings of which are less than 2 inches in
 15 diameter, inside measurement, or any dredge the bag of which
 16 measures more than 5 feet around the bag from center of tooth
 17 bar to center of cross bar, or any dredge which weighs more than
 18 **[190]** 250 pounds.

1 44. R. S. 50:3-11 is amended to read as follows:

2 50:3-11. No oysters shall be dredged for, caught or taken from
 3 any of the lands lying under the tidal waters of the Delaware bay
 4 and Maurice river cove below a line running direct from the mouth
 5 of Straight creek to Cross Ledge lighthouse, commonly known and
 6 hereinafter referred to as the "southwest line," at any time except
 7 from September 1 to June 30 then next, both inclusive, of each
 8 year; but the **[chief of the department of Maurice river cove or**
 9 **any member of the board]** *commissioner* may, upon application,
 10 give permission, in writing, to any lessee of oyster grounds to
 11 dredge, catch or take oysters or to employ such methods for the
 12 protection of his oysters on said grounds and for the promotion
 13 of the growth thereof during the closed season as the **[chief or**
 14 **board]** *commissioner* may deem advisable.

1 45. R. S. 50:3-12 is amended to read as follows:

2 50:3-12. The **[chief of the department of Maurice river cove, or**
 3 **any member of the board,]** *council* may upon application give per-
 4 mission, in writing, to any prospective lessee to examine and in-
 5 spect, with proper appliances, any of the unleased lands of the
 6 State below the southwest line for the purpose of determining
 7 their suitability or adaptability for oyster culture or propagation;
 8 but no oysters shall be permanently removed from any such lands
 9 by virtue of any such permit.

1 46. R. S. 50:3-13 is amended to read as follows:

2 50:3-13. No person shall dredge upon or throw, cast or drag an
 3 oyster or clam dredge, or any other instrument or appliance used
 4 for catching oysters or clams, upon any of the land of the State

5 lying under the tidal waters of the Delaware bay or Maurice river
6 cove, in this State, below the southwest line, other than land or
7 ground for which such person then holds a lease from the Shell
8 Fisheries Council under this Title.

9 **【Any person violating the provisions of this section shall be**
10 **liable to a penalty of not less than \$100.00 nor more than \$300.00**
11 **for the first offense, and of not less than \$300.00 nor more than**
12 **\$500.00 for any subsequent offense.】**

1 47. Section 2 of P. L. 1966, c. 52 (C. 50:3-16.2) is amended to
2 read as follows:

3 2. The **【Division of Shell Fisheries in the Department of Con-**
4 **servation and Economic Development】** *commissioner* shall cause
5 the limits of each of said areas to be plainly marked by stakes or
6 buoys as soon as practical after the effective date of this act.

1 48. Section 5 of P. L. 1966, c. 52 (C. 50:3-16.5) is amended to read
2 as follows:

3 5. No person shall catch or take any shellfish from the natural
4 shellfish beds contained within said Area No. 1 unless there shall
5 have been first issued by the **【Shell Fisheries】** Council**【,** Maurice
6 River Cove Section, of the Division of Shell Fisheries in the De-
7 partment of Conservation and Economic Development,**】** for each
8 boat or vessel, so to be used or employed therein, a special license
9 authorizing the catching or taking of shellfish within said area,
10 which shall be issued for a term not longer than 1 year and shall
11 contain an agreement on the part of the holder thereof that any
12 person or officer authorized by regulation of said council to make
13 inspections of such area may board said boat or vessel to inspect
14 shellfish therein contained, and all licenses issued under this act
15 shall be numbered.

1 49. Section 14 of P. L. 1966, c. 52 (C. 50:3-16.14) is amended to
2 read as follows:

3 14. No person shall catch or take any shellfish from the natural
4 shellfish beds, contained within said Area 3, unless there shall have
5 been first issued by the **【Shell Fisheries】** Council**【,** Maurice River
6 Cove Section, of the Division of Shell Fisheries in the Department
7 of Conservation and Economic Development,**】** for each boat or
8 vessel, so to be used or employed therein, a special license authoriz-
9 ing the catching or taking of shellfish within said area, which shall
10 be issued for a term not longer than 1 year and shall contain an
11 agreement on the part of the holder thereof.

12 (a) That any person or officer authorized by regulation of said
13 council to make inspections of such area may board said boat or
14 vessel to inspect shellfish therein contained, and

15 (b) That such holder will deliver or cause to be delivered to said
 16 council the shells taken in said area in the process of opening or
 17 shucking, from 40% of all of the oysters taken from under the tidal
 18 waters of said area and delivered by such holder or for his account
 19 to any shucking houses, pursuant to chapter 39 of the laws of 1945,
 20 at the times and in the manner prescribed therein.

21 (c) That such holder will, in the case of oysters packed and
 22 shipped or otherwise sold in the shells by him to persons not re-
 23 quired to be licensed under this act, pay to the State of New
 24 Jersey the true, fair, cash market value of the oyster shells so
 25 packed and shipped and otherwise sold, as fixed by the Council of
 26 Shell Fisheries, under the provisions of this act, on the basis of one
 27 bushel of shells for each bushel of oysters so sold or shipped which
 28 payments shall be made as statements are submitted.

29 All licenses issued under this act shall be numbered.

1 50. Section 21 of P. L. 1966, c. 52 (C. 50:3-16.21) is amended to
 2 read as follows :

3 21. The council may, subject to the approval of the commissioner
 4 **[of Conservation and Economic Development]**, by rule and regula-
 5 tion, prohibit the taking or catching of shellfish in such area at such
 6 times as, in the judgment of the council, may be necessary to close
 7 said beds or any part thereof for conservation purposes.

1 51. Section 22 of P. L. 1966, c. 52 (C. 50:3-16.22) is amended to
 2 read as follows :

3 22. All applications for licenses made under this act shall be filed,
 4 and all licenses issued under this act shall be recorded, in books to
 5 be kept for said purposes **[in the office of the Division of Shell**
 6 **Fisheries in the Department of Conservation and Economic Devel-**
 7 **opment in Bivalve, New Jersey,]** *by the department.*

1 52. Section 2 of P. L. 1945, c. 39 (C. 50:3-20.11) is amended to
 2 read as follows :

3 2. It shall be unlawful for any person to operate within this State
 4 an oyster shucking house or to engage in or carry on the business
 5 of an oyster planter or an oyster dealer, as defined in this act,
 6 without first obtaining a license so to do from the **[Board of Shell**
 7 **Fisheries]** *commissioner* as provided in this act.

1 53. Section 4 of P. L. 1945, c. 39 (C. 50:3-20.13) is amended to
 2 read as follows :

3 4. The license to conduct an oyster shucking house *or to engage*
 4 *in and conduct the business of an oyster planter or an oyster dealer*
 5 shall be issued upon the payment of a license fee of **[\$10.00]**
 6 **\$100.00.**

1 54. Section 6 of P. L. 1945, c. 39 (C. 50:3-20.15) is amended to
2 read as follows:

3 6. The license to engage in the business of an oyster dealer shall
4 be issued in consideration of the agreement of the licensee to pay to
5 the **【Board of Shell Fisheries】** *commissioner* the sums prescribed
6 to be paid by this act in lieu of the delivery of oyster shells.

1 55. Section 7 of P. L. 1945, c. 39 (C. 50:3-20.16) is amended to
2 read as follows:

3 7. Said oyster shells so to be returned to the State shall be
4 returned by the respective oyster planters by whom or for whose
5 account they are delivered to the respective oyster shucking houses
6 and shall be stored and loaded on boats, to be furnished by such
7 oyster planters by the operators of such oyster shucking houses and
8 shall be planted or spread upon said natural oyster beds, at the cost
9 and expense of said oyster planters, at times and places to be
10 designated by the **【Board of Shell Fisheries after consultation with
11 representatives of the Delaware Bay Oyster Planters Association】**
12 *council*.

1 56. Section 8 of P. L. 1945, c. 39 (C. 50:3-20.17) is amended to
2 read as follows:

3 8. The cost of storage and loading of such shells upon boats shall
4 be paid to the operators of the respective oyster shucking houses
5 by the State through the **【Board of Shell Fisheries】** *commissioner*
6 at a price to be fixed by said **【board】** *commissioner*, but not to
7 exceed **【\$0.04 per bushel】** *the market price of shells*.

1 57. Section 9 of P. L. 1945, c. 39 (C. 50:3-20.18) is amended to
2 read as follows:

3 9. In the case of oysters packed and shipped or otherwise sold in
4 the shells by oyster dealers to persons not required to be licensed
5 under this act, the respective oyster dealers shall pay to the
6 State of New Jersey the true, fair, cash, market value of the oyster
7 shells so packed and shipped and otherwise sold, as fixed by the
8 **【Board of Shell Fisheries】** *commissioner*, under the provisions of
9 this act, on the basis of one bushel of shells for each bushel of
10 oysters so sold or shipped which payments shall be made as state-
11 ments are submitted.

1 58. Section 11 of P. L. 1945, c. 39 (C. 50:3-20.20) is amended to
2 read as follows:

3 11. The **【Board of Shell Fisheries】** *council* shall, between June 1
4 and July 1 of each year, make a survey and determine the locations
5 in which, in the judgment of the **【board】** *council*, oyster shells
6 should be returned to the natural oyster beds lying within said
7 tidal waters within the year beginning on said July 1 in order to

8 prevent depletion of said natural oyster beds and seed
 8A grounds and in order to improve the same and effectuate an
 9 increase in the nation's food supply, and shall, at the same time,
 10 ascertain the number of bushels of oyster shells to be returned to
 11 the State by each licensed oyster planter, and to be stored and
 12 loaded on boats by the operators of the respective oyster shucking
 13 houses, as required by this act, and, at the same time, shall fix the
 14 price to be paid to the operators of the respective oyster shucking
 15 houses by the State for storing and loading such shells and shall
 16 ascertain the true, fair, cash, market value of oyster shells per
 17 bushel to be paid in lieu of the return of oyster shells under this
 18 act during said year.

1 59. Section 12 of P. L. 1945, c. 39 (C. 50:3-20.21) is amended to
 2 read as follows:

3 12. All moneys received as license fees and in lieu of the return of
 4 oyster shells under the provisions of this act shall be used by the
 5 **[Board of Shell Fisheries]** *commissioner* for the purchase of
 6 oyster shells and oysters which shall be spread over and planted in
 7 said natural oyster beds and seed grounds of the State and to
 8 establish and maintain oyster sanctuaries.

1 60. Section 13 of P. L. 1945, c. 39 (C. 50:3-20.22) is amended to
 2 read as follows:

3 13. The **[Board of Shell Fisheries]** *commissioner* shall have
 4 power to make rules and regulations for the carrying out of the
 5 purposes of, and enforcement of, the provisions of this act.

1 61. R. S. 50:4-2 is amended to read as follows:

2 50:4-2. No person shall use or cause to be used any dredge with
 3 bag or pocket, drag or scrape upon any of the natural oyster or
 4 clam beds under the tidal waters of the Atlantic seaboard of this
 5 State and tributaries thereof, except Delaware bay, and no license
 6 shall be issued by the **[board]** *commissioner* contrary to this sec-
 7 tion; but this section shall not prohibit the use of any fork, hoe or
 8 drag used by hand in the taking of soft clams; nor shall it prohibit
 9 the catching of oysters with hand power dredges from the natural
 10 oyster grounds of this State north of Shrewsbury river; nor shall
 11 it prohibit the taking of clams with power dredges from specified
 12 leased lands under said waters, except Delaware bay, with the
 13 approval of the Commissioner of Environmental Protection and
 14 under such conditions and supervision as he may prescribe, and
 15 under rules and regulation of the Shell Fisheries Council.

1 62. R. S. 50:4-3 is amended to read as follows:

2 50:4-3. No person shall go upon, take or remove oysters, clams
 3 or other material, dredge upon, throw, cast or drag an oyster dredge,
 4 use oyster tongs, rakes, forks or other instruments or appliances
 5 used for catching oysters or clams, or tread for clams, upon any
 6 of the leased lands of this State lying under the tidal waters of
 7 the Atlantic seaboard or tributaries thereof, above Cape May Point,
 8 other than land or ground for which such person or his employer
 9 then holds a lease from the [Shell Fisheries] council.

10 [Any person violating the provisions of this section shall be
 11 liable to a penalty of not less than \$100.00 nor more than \$300.00
 12 for the first offense, and of not less than \$300.00 nor more than
 13 \$500.00 for any subsequent offense.]

1 63. (New section) Within 1 year of the effective date of this
 2 act, the commissioner shall review all rules and regulations pre-
 3 viously adopted pursuant to the provisions of Title 50 of the Re-
 4 vised Statutes for conformance to the revisions to that Title con-
 5 tained herein and shall, after consultation with the Shell Fisheries
 6 Council, amend or repeal any rules and regulations which are not
 7 in conformance herewith.

1 64. R. S. 23:3-41 is amended to read as follows:

2 23:3-41. No person shall erect, set, operate or maintain a fish-
 3 pound net in the waters of the Atlantic ocean, within 3 nautical
 4 miles from the coast line of this State, or in Sandy Hook or Raritan
 5 bay, without first obtaining a license for that purpose, as herein-
 6 after provided.

7 An application for a license for such purpose shall be made to
 8 the [division] commissioner. The [division] commissioner upon
 9 the payment to [it] *him* of the sum of \$100.00 for each pound net
 10 to be erected or set in the Atlantic ocean, and \$50.00 for each pound
 11 net to be erected or set in Sandy Hook or Raritan bay, as a license
 12 fee, may in [its] *his* discretion issue to the applicant, if he is a
 13 citizen of the United States, a license, to erect, set, operate and
 14 maintain a fishpound net in one of the waters above specified. The
 15 method of numbering and identification of pounds shall be that
 16 which the [division] commissioner determines. A license issued
 17 hereunder shall expire annually on December 31 next succeeding
 18 its issuance, and may be renewed by the [division] commissioner
 19 upon the payment of the same fee and upon the same terms as those
 20 upon which the original license was granted.

1 65. R. S. 23:3-47 is amended to read as follows:

2 23:3-47. A person who intends to take fish with shirred or purse
 3 seines, otter or beam trawls in the waters of the Atlantic ocean

4 within the jurisdiction of this State shall make application to the
5 **[board]** *commissioner* for a license for that purpose for each vessel
6 proposed to be engaged in the fishing.

7 The **[Division of Fish, Game and Shellfisheries]** *commissioner*
8 upon the receipt of the application and the payment to **[it]** *him*
9 of the sum of \$100.00 for each vessel proposed to be engaged in
10 the fishing, shall issue to the applicant a license for the vessel to
11 take with shirred or purse seine, otter or beam trawl, fish of any
12 kind, excepting striped bass, in the waters of the Atlantic ocean
13 within the jurisdiction of this State at a distance of not less than 2
14 miles from the coast line. The license shall expire on December 31
15 in the year in which it is issued.

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

2 23:3-51. A person intending to take menhaden with purse or
3 shirred nets in any waters in the jurisdiction of this State, includ-
4 ing the waters of the Atlantic ocean, within 3 nautical miles of
5 the coast line of this State, shall apply to the **[division]** *commis-*
6 *sioner* for a license therefor. The **[division]** *commissioner*, upon
7 the receipt of the application and payment to **[it]** *him* of the fee
8 provided in section 23:3-52 of this Title, may, in **[its]** *his* discre-
9 tion, issue to the applicant a license, to take menhaden with purse
10 or shirred nets. The license shall be void after December 31 next
11 succeeding its issuance.

1 67. R. S. 23:5-9 is amended to read as follows:

2 23:5-9. No person shall take from the salt waters of this State
3 by any means, import, export, have in his possession, buy, sell or
4 offer to buy or sell, any lobster, which in length shall be less than
5 $3\frac{1}{8}$ inches measured from the rear end of the eye socket along
6 a line parallel to the center line of the body shell to the rear
7 end of the body shell, or any spawning lobster**[**, under a penalty
8 of \$20.00 for each lobster so taken, imported, exported, offered for
9 sale or had in possession**]**. This section shall not apply to the taking
10 or possession of lobsters bearing a tag that has been issued or
11 affixed by the Department of Environmental Protection or by any
12 other state or Federal agency with which the department cooperates
13 in a research project.

1 68. R. S. 23:5-16 is amended to read as follows:

2 23:5-16. No person shall catch or take, or attempt to catch or
3 take, eels from the tidal waters of this State by means or use of a
4 dredge, rake, spear or other device attached to or drawn by a boat
5 or vessel**[**, under a penalty of \$50.00 for each offense**]**.

1 69. Section 2 of P. L. 1941, c. 211 (C. 23:5-24.2) is amended to
2 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 [Division
5 of Fish, Game and Shellfisheries] *commissioner* for a license there-
6 for, and the [division] *commissioner* upon receipt of the application
7 and the fee hereinafter prescribed may in [its] *his* discretion issue
8 licenses for the taking of fish with nets as follows:

9 (a) Haul seines, the mesh of which shall not be larger than 3
10 inches stretched mesh while being fished, and not to exceed 70
11 fathoms in length, whether singly or attached, for all species, ex-
12 cepting striped bass. November 1 to April 30. Fee, \$25.00.

13 (b) Fykes, with leaders, shall not exceed 30 fathoms in length
14 and no part of net or leaders to be larger than 3 inches stretched
15 mesh while being fished, for all species excepting striped bass.
16 November 1 to April 30. Fee, \$30.00.

17 (c) Special fyke for flounder only, the length of the net not
18 to exceed 30 fathoms and the mesh of which shall not be less than
19 4 inches stretched mesh. October 1 to April 30. Fee, \$4.00.

20 (d) Miniature fykes or pots for the taking of catfish, suckers
21 and eels, the same not to exceed 16 inches in diameter. March 15
22 to December 15. Fee, \$1.00.

23 (e) Run around net the smallest mesh of which shall be $2\frac{3}{4}$
24 inches wide stretched mesh and the length of which net shall not
25 exceed 200 fathoms, for all species excepting striped bass. March
26 15 to December 15. Fee, \$20.00. This net shall be used in the At-
27 lantic ocean only. The limit shall be one run around net per boat.

28 (f) Shad nets, either staked or anchored, the smallest mesh of
29 which shall be 5 inches while being fished, and shall not exceed
30 50 fathoms in length, for all species excepting striped bass.
31 March 1 to June 15. Fee, \$3.00.

32 These nets shall be used in the Atlantic ocean only.

33 (g) Bait seines, over 50 feet long and not exceeding 150 feet.
34 Fee, \$3.00.

35 (h) Bait seines, not more than 50 feet long, may be used without
36 application for or granting of license.

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

40 (j) Drifting gill net, the smallest mesh of which shall be $2\frac{3}{4}$
41 inches stretched mesh and the length of which net shall not exceed
42 150 fathoms, for all species excepting striped bass. The limit shall
43 be two drifting gill nets per boat. March 15 to December 15. Fee,
44 \$20.00. These nets shall be used in the Atlantic ocean only.

1 70. R. S. 23:5-35 is amended to read as follows:

2 23:5-35. No person shall take from any of the tidal waters of
3 this State, or have in possession, any female crustacean, commonly
4 known as crab, with eggs or spawn attached thereto, or from which
5 the egg pouch or bunion has been removed, under a penalty of
6 \$20.00 for each crab taken or had in possession].

1 71. R. S. 23:9-115 is amended to read as follows:

2 23:9-115. Upon application to the [Division of Fish, Game and
3 Shellfisheries] *commissioner* and the payment of a fee of \$60.00
4 for each net, the [division] *commissioner* may issue, in [its] *his*
5 discretion, a license permitting the licensee to fish for shad, in the
6 Hudson river, from March 15 to June 15; provided further, how-
7 ever, no net shall be set or put in position and no shad shall be
8 taken during the period from Friday noon until Saturday midnight
9 of each week; provided, however, that any net which has been set
10 prior to Friday noon shall be permitted to remain in position and
11 be lifted at the next high water; provided further, however, that
12 the aforementioned 36-hour lift period shall be the minimum period
13 and the maximum lift period shall be at the discretion of the [Di-
14 vision of Fish, Game and Shellfisheries] *commissioner*.

1 72. Section 26 of P. L. 1948, c. 448 (C. 13:1B-24) is amended
2 to read as follows:

3 26. There shall be within the Division of [Fish] **[Fisheries]**
4 **Fish, Game** and [Game] *Wildlife*, a Fish and Game Council
5 which shall consist of 11 members, each of whom shall be chosen
6 with due regard to his knowledge of and interest in the conservation
7 of fish and game. Each member of the council shall be appointed
8 by the Governor, with the advice and consent of the Senate. Three
9 of such members shall be farmers, recommended to the Governor
10 for appointment to the council by the agricultural convention held
11 pursuant to the provisions of article 2 of chapter 1 of Title 4 of
12 the Revised Statutes; six of such members shall be sportsmen,
13 recommended to the Governor for appointment to the council by
14 the New Jersey State Federation of Sportsmen's Clubs; **[and*
15 *two]** **one** of such members shall be [commercial fishermen]
16 **[members of the general public]** **the chairman of the com-*
17 *mittee established pursuant to section 7 of the "Endangered and*
18 *Nongame Species Conservation Act"* (P. L. 1973, c. 309;
19 C. 23:2A-7), and one of such members shall be a person knowl-
20 *edge-*
20A *able in land use management and soil conservation practices**. One
20B of such farmer representatives and two of such sportsmen repre-
20C sentatives in the council shall be chosen from among residents of
any of the following counties—Bergen, Essex, Hudson, Morris,

20D Passaic, Sussex and Warren; one of such farmer representatives
 20E and two of such sportsmen representatives in the council shall be
 21 chosen from among residents of any of the following counties—
 22 Hunterdon, Mercer, Middlesex, Monmouth, Ocean, Somerset and
 23 Union; and one of such farmer representatives and two of such
 24 sportsmen representatives shall be chosen from among residents
 25 of any of the following counties—Atlantic, Burlington, Camden,
 26 Cape May, Cumberland, Gloucester and Salem.

27 Each member of the council shall be appointed for a term of 4
 28 years and shall serve until his successor has been appointed and
 29 has qualified; except that of the first appointments hereunder,
 30 two shall be for a term of 1 year, three for 2 years, three for 3
 31 years, and three for 4 years, each commencing on April 1 following
 32 the date of appointment. The term of each of the respective first
 33 appointees to the council shall be designated by the Governor.

34 [The persons in office as members of the Fish and Game Council
 35 in the Division of Fish and Game of the existing State Department
 36 of Conservation on the effective date of this act shall constitute
 37 the Fish and Game Council established hereunder until April 1,
 38 1949, at which time their respective terms of office shall expire.]

1 73. (New section) For purposes of this section, the "act" means
 2 and includes all the new sections and amended sections contained
 3 herein, all the remaining sections of Title 50 of the Revised
 4 Statutes, sections 23:3-41, 23:3-46, 23:3-47, 23:3-48, 23:3-51,
 5 23:3-52, 23:5-9, 23:5-16, 23:5-35, 23:9-114, 23:9-115 and 23:9-120
 6 of Title 23 of the Revised Statutes, sections 1, 2, 3 and 7 of P. L.
 7 1938, c. 318 (C. 23:5-5.1 through 23:5-5.3 and 23:5-5.7), P. L. 1952,
 8 c. 216 (C. 23:5-5.1a); and sections 1, 2, and 3 of P. L. 1941, c. 211
 9 (C. 23:5-24.1 to 23:5-24.3).

10 The commissioner may utilize any or all of the following remedies
 11 for any violation of this act:

12 a. (1) Any person who violates the provisions of this act or of
 13 any rule, regulation, license or permit promulgated or issued pur-
 14 suant to this act shall be liable to a penalty of not less than \$100.00
 15 or more than \$3,000.00 for the first offense and not less than \$200.00
 16 or more than \$5,000.00 for any subsequent offense, unless the com-
 17 missioner has established an alternate penalty *for a specific*
 18 *offense** pursuant to subsection a. (2) of this section.

19 (2) The Commissioner of Environmental Protection, with the
 20 approval of the Marine Fisheries Council, may, by regulation,
 21 establish a penalty schedule for any *specific** violation of this act
 22 or of any rule or regulation promulgated pursuant to this act. No

23 such penalty may be less than \$10.00 nor more than \$100.00 on the
24 first offense or less than \$20.00 nor more than \$200.00 on any sub-
25 sequent offense. Any penalty provided for by this act or by the fee
26 schedule promulgated by the commissioner shall be collected in a
27 civil action by a summary proceeding under the penalty enforcement
28 law (N. J. S. 2A:58-1 et seq.). The Superior Court or any County
29 Court, county district court or municipal court shall have jurisdic-
30 tion to enforce said penalty enforcement law. If the violation is of
31 a continuing nature, each day during which it continues shall con-
32 stitute an additional separate and distinct offense.

33 b. Any vessel, vehicle or equipment used in violation of this act
34 or any rule or regulation or any license or permit promulgated pur-
35 suant to this act may be forfeited. The department may seize and
36 secure any such vessel, vehicle or equipment and shall immediately
37 thereafter give notice thereof to a court located in the county
38 where the seizure is made which shall, at an appointed time and
39 place, summarily hear and determine whether such vessel, vehicle
40 or equipment was unlawfully used and if it does so determine, it
41 may direct the confiscation and forfeiture of such vessel, vehicle
42 or equipment for the use of the department. The commissioner
43 may dispose of any such confiscated ~~*[or]*~~ **and** forfeited vessel,
44 vehicle or equipment at his discretion.

45 c. Any person who violates the provisions of this act or any rule
46 or regulation or any license or permit promulgated or issued pur-
47 suant to this act shall be liable to the revocation of any license
48 which he holds pursuant to this act for such period of time as the
49 court may choose.

50 d. If any person violates any of the provisions of this act, or any
51 rule or regulation or any license or permit promulgated or issued
52 pursuant to the provisions of this act, the department may institute
53 a civil action in a court of competent jurisdiction for injunctive
54 relief to prohibit and prevent such violation or violations and the
55 said court may proceed in the action in a summary manner.

56 The department is hereby authorized and empowered to com-
57 promise and settle any claim for a penalty under this section in
58 such amount in the discretion of the department as may appear
59 appropriate and equitable under all of the circumstances.

1 74. (New section) a. The Division of Fish, Game and Shellfish-
2 eries is continued and constituted as the Division of ~~*[Fisheries]*~~
3 **Fish, Game** and Wildlife in the Department of Environmental
4 Protection. Except as otherwise provided by this act, all the func-
5 tions, powers and duties of the existing Division of Fish, Game and

6 Shellfisheries, and the director, thereof, are continued in the Divi-
 7 sion of ***[Fisheries]*** *Fish, Game* and Wildlife and the director
 8 thereof, and whenever the term "Division of Fish, Game and Shell-
 9 fisheries" occurs or any reference is made thereto in any law,
 10 contract or document, the same shall be deemed or mean to refer
 11 to the Division of ***[Fisheries]*** *Fish, Game* and Wildlife.

12 b. The Fish and Game Council, together with all its functions,
 13 powers and duties, is continued as the Fish and Game Council in
 14 the Division of ***[Fisheries]*** *Fish, Game* and Wildlife in the
 15 Department of Environmental Protection.

1 75. (New section) If any provision of this act or the applica-
 2 tion thereof to any person or circumstance is held invalid, the
 3 remainder of the act and the application of such provision to
 4 persons or circumstances other than those to which it is held in-
 5 valid, shall not be affected thereby. This act shall be liberally con-
 6 strued to effectuate the purpose and intent thereof.

1 76. (New section) This act shall not affect, impair or invalidate
 2 any action or proceeding, civil or criminal, brought by or against
 3 the department, pending on the effective date of this act, and all
 4 such actions or proceedings may and shall be continued to final
 5 judgment, decree or decision, as if the foregoing provisions had not
 6 taken effect; nor shall this act affect orders, rules and regulations
 7 heretofore made, promulgated or issued by the department or
 8 other matters or proceedings pending before the department on
 9 the effective date of this act. Such orders, rules, regulations,
 10 matters or proceedings shall continue in full force and effect
 11 until amended or repealed pursuant to law.

1 *77. R. S. 50:3-15 is amended to read as follows:

2 50:3-15. No person shall gather, scrape, rake or tong any oysters
 3 in or upon the beds, rivers or creeks of this State named in section
 4 50:3-14 of this Title, for and during the period from June 30 until
 5 September 1 in each and every year; but this closed season shall
 6 not apply to the beds (a) at the mouth of Maurice river, described
 7 as follows: Beginning at a point with co-ordinates $x=1,897,678$
 8 $y=132,207$ said point being now or formerly East Point Lighthouse
 9 and running thence N $48^{\circ}-23'-07''$ W 9,400. feet to a point
 10 $x=1,890,650$ $y=138,450$ on the east bank of the mouth of New
 11 England creek; thence following in an easterly direction the shore
 12 line and crossing the mouth of the Maurice river and following the
 13 shore line to the point of beginning, and in Maurice river, from
 14 which oysters may be taken between sunrise and sunset at any time,
 15 except on Sundays; or (b) to the Nantuxent beds *in that area* at

16 the mouth of Nantuxent creek, *Back creek and Cedar creek* and the
 17 Cohansey beds at the mouth of Cohansey river, from which oysters
 18 may be taken [only during the months of May and June] *at any*
 19 *time* between sunrise and sunset, except on Sunday, *provided, how-*
 20 *ever, that any oysters so taken shall be 3 inches from hinge to*
 21 *mouth or longer*; or (c) to the Back creek beds at the mouth of
 22 Back creek, Back creek from the mouth to the south bank of the
 23 mouth of Tweed creek, which areas are described as follows:
 24 Beginning at the intersection of the southerly bank of the mouth
 25 of Tweed creek with the westerly bank of Back creek, said intersec-
 26 tion being at high-water mark, thence from said point in a south-
 27 easterly, southwesterly, and southerly direction, being along the
 28 westerly bank of Back creek and the westerly shore of Nantuxent
 29 Cove to a point on the said shore, said point being N 71° E 700 feet
 30 more or less from the Sextant tower on Ben Davis Point; thence
 31 N 71° E 4,300 feet more or less to a stake set in Nantuxent Cove;
 32 thence N 19° E 3,300 feet more or less to a stake set at the high-
 33 water mark along the north shore of Nantuxent Cove; thence bound-
 34 ing on the said high-water mark in a general westerly direction to
 35 the mouth of Back creek, thence along the easterly bank of Back
 36 creek in a general, easterly, northerly and northwesterly direction
 37 to a point due east from the southerly bank of the mouth of Tweed
 38 creek; thence crossing Back creek in a due west direction to the
 39 place of beginning, from which oysters may be taken only during
 40 the months of April, May, June, September, October and November
 41 between sunrise and sunset, except on Sunday.

1 78. R. S. 50:3-17 is amended to read as follows:

2 No person shall take or attempt to take edible crabs from any
 3 of the waters of the Delaware bay or any of its tributaries within
 4 the jurisdiction of this State, in any manner except by rod, hand
 5 line, or scoop net operated by hand, without first obtaining a
 6 license so to do from the [board] commissioner.

1 79. R. S. 50:3-18 is amended to read as follows:

2 50:3-18. The [Division of Fish, Game and Shellfisheries] com-
 3 missioner may grant licenses, under such rules and regulations as
 4 it may establish, to catch and take edible crabs from the waters of
 5 the Delaware bay and its tributaries in this State, by means of
 6 layout lines, crabpots or trawl lines; but such licenses shall be
 7 granted only to persons who are residents of this State, or of any
 8 other state bordering on Delaware bay or its tributaries, if any
 9 such other state grants to New Jersey residents the privilege of
 10 obtaining licenses to take such crabs in the waters of Delaware bay
 11 and its tributaries within the area of its jurisdiction.

1 80. R. S. 50:3-20 is amended to read as follows:

2 The **[board]** *commissioner* may establish and enforce rules and
3 regulations for the propagation and protection of edible crabs in
4 the waters of the Delaware bay and its tributories in this State.*

1 ***[76.]*** *80.* The following statutes, acts and parts of acts are
1A repealed:

- 2 a. R. S. 23:3-42
3 R. S. 23:3-44 and 23:3-45
4 R. S. 23:3-49
5 R. S. 23:3-53
6 R. S. 23:5-8
7 R. S. 23:5-18 through 23:5-20
8 R. S. 23:5-22 and 23:5-23
9 R. S. 23:5-26
10 R. S. 23:5-36 through 23:5-42
11 R. S. 23:9-22 through 23:9-35
12 R. S. 23:9-37 through 23:9-42
13 R. S. 23:9-44
14 R. S. 23:9-46
15 R. S. 23:9-50 and 23:9-51
16 R. S. 23:9-53 through 23:9-58
17 R. S. 23:9-94 through 23:9-98
18 R. S. 23:9-108 through 23:9-112
19 R. S. 23:9-116 through 23:9-119
20 P. L. 1938, c. 318, ss. 8, 9 (C. 23:5-5.8 and 23:5-5.9)
21 P. L. 1952, c. 71 (C. 23:5-8.1 and 23:5-8.2)
22 P. L. 1941, c. 211, ss. 5-13 (C. 23:5-24.4 through 23:5-24.12)
23 P. L. 1948, c. 154, s. 2 (C. 23:5-35.1)
24 P. L. 1944, c. 111 (C. 23:9-76.1)
25 P. L. 1947, c. 297 (C. 23:9-112.1 and 23:9-112.2)
26 P. L. 1941, c. 244 (C. 23:9-122 through 23:9-125)
27 b. R. S. 50:1-6 through 50:1-17
28 R. S. 50:1-19 through 50:1-21
29 R. S. 50:1-26
30 R. S. 50:1-32
31 R. S. 50:1-37 and 50:1-38
32 R. S. 50:2-6
33 R. S. 50:2-13 through 50:2-17
34 R. S. 50:3-4
35 R. S. 50:4-1
36 R. S. 50:5-1 through 50:5-4
37 R. S. 50:5-6 and 50:5-7

- 38 R. S. 50:5-9 through 50:5-13
39 R. S. 50:5-15 through 50:5-17
40 P. L. 1945, c. 22, ss. 18-22 (C. 13:1A-18 through 13:1A-22)
41 P. L. 1948, c. 448, ss. 93-97 (C. 13:1B-42 through 13:1B-46)
42 P. L. 1956, c. 191, s. 1 (C. 50:1-13.1)
43 P. L. 1950, c. 310, s. 4 (C. 50:2-6.4)
44 P. L. 1975, c. 398, s. 6 (C. 50:2-6.5)
45 P. L. 1945, c. 39, ss. 14-16 (C. 50:3-20.23 through 50:3-20.25)
- 1 ***[77.]*** *81.* (New section) There is hereby appropriated to the
2 Department of Environmental Protection the sum of \$500,000.00
3 for the administration of the fisheries management program
4 authorized by this act.
- 1 ***[78.]*** *82.* (New section) This act shall take effect immedi-
2 ately, provided, however, that subsection a. of section ***[76]*** *81*
3 shall take effect 1 year after the effective date of this act.
-

SENATE REVENUE, FINANCE AND APPROPRIATIONS
COMMITTEE

STATEMENT TO

SENATE, No. 1399

STATE OF NEW JERSEY

DATED: FEBRUARY 13, 1979

The Senate Revenue, Finance and Appropriations Committee concurs in the Senate Energy and Environment Committee statement to this bill. The Senate Revenue, Finance and Appropriations Committee reviewed this bill for the need for the appropriation and finds the appropriation level after discussion with the departmental representatives to be reasonable and necessary.

SENATE COMMITTEE AMENDMENT TO

SENATE, No. 1399

[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

ADOPTED FEBRUARY 13, 1979

Amend page 35, section 82, line 2, omit "81", and insert "80".

[SECOND OFFICIAL COPY REPRINT]

SENATE, No. 1399

STATE OF NEW JERSEY

INTRODUCED OCTOBER 19, 1978

By Senators DODD, LASKIN, FELDMAN, HIRKALA and PARKER

Referred to Committee on Energy and Environment

AN Act concerning marine fisheries management, the development of the commercial fisheries industry, and the support of recreational fishing, establishing a Marine Fisheries Council, providing certain powers, duties and responsibilities to the Commissioner of Environmental Protection, the Marine Fisheries Council and the New Jersey Economic Development Authority, providing penalties for its violation, making an appropriation and amending, supplementing and repealing parts of the statutory law.

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

1 1. (New section) This act shall be known and may be cited as the
2 "Marine Fisheries Management and Commercial Fisheries Act."

1 2. (New section) a. The Legislature hereby finds that:

2 (1) The fisheries resources of the State make a material contri-
3 bution to our economy and food supply, as well as to the health,
4 recreation, and well-being of our citizens; and,

5 (2) The fisheries resources of the State are a living, renewable
6 form of wealth capable of being maintained and greatly increased
7 with proper management, but equally capable of destruction if
8 neglected or unwisely exploited.

9 b. It is hereby declared to be the policy of this State to:

10 (1) Provide an organizational framework that will permit the
11 State to manage more effectively its fisheries resources with the
12 following objectives:

13 (a) The conservation of fisheries resources and their habitat
14 to ***[ensure]*** **promote** their continued ***[existence]*** **pro-*
14A *ductivity**;

15 (b) The maintenance and enhancement of fisheries resources
16 to support a recreational use where a species is the object of
17 recreational fishing;

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

18 (c) The maintenance and enhancement of fisheries resources
19 to support a commercial use where a species is the object of
20 commercial fishing;

21 (d) The management, on a basis of scientific information,
22 of the fisheries resources under the State's jurisdiction, and
23 the participation in the management of other fisheries in which
24 New Jersey fishermen are engaged, with the objective of
25 optimum yield;

26 (2) Develop an active and modern commercial fisheries fleet,
27 docks, freezing, processing and marketing facilities;

28 (3) Encourage citizen participation through advisory councils
29 and otherwise, since decisions concerning the distribution and allo-
30 cation of fisheries resources have important consequences for all
31 citizens of this State; and,

32 (4) Provide for conservation and management measures involv-
33 ing a reciprocal and cooperative relationship among States and
34 between States and the Federal Government, and between States
35 and the fisheries management councils established pursuant to the
36 "Federal Fisheries Conservation and Management Act of 1976"
37 (16 USC §§ 1801 to 1882), since many species of fisheries resources
38 travel across state and state-federal boundaries;

39 (5) Develop a viable aquaculture industry in the State, utilizing
40 existing Federal and other programs where appropriate, and
41 necessary supportive infrastructure.

1 3. (New section) As used in this act:

2 a. "Aquaculture" means the propagation and rearing of aquatic
3 species in controlled or selected environments;

4 b. "Commissioner" means the Commissioner of Environmental
5 Protection;

6 c. "Council" means the Marine Fisheries Council created pur-
7 suant to this act, except in those sections of this act amending
8 sections of Title 50 of the Revised Statutes;

9 d. "Department" means the Department of Environmental
10 Protection;

11 e. "Fish" means any marine or anadromous animal **or plant**,
12 or part thereof, excepting mammals and birds;

13 f. "Fisheries management plans" means plans to prevent over-
14 fishing, achieve optimal yield from each fishery on a continuing
15 basis, which are based on the best scientific information available,
16 are in accordance with management plans promulgated pursuant
17 to the Fisheries Conservation and Management Act of 1976 and
18 any appropriate interstate programs, provide for the management
19 of stock as a unit throughout their range, and allow for flexibility

20 management; **provided, however, that such plans, where practi-*
20A *cable and feasible, give preference to the interests and concerns of*
20B *fishermen in this State;**

21 g. "Marine waters" means all the salt waters of this State, and
22 none of the fresh waters of this State as defined in R. S. 23:1-2.
23 Specifically it includes the waters of the Atlantic ocean, and all
24 bays, inlets and estuarine waters located below the mouth of any
25 fresh water river, stream or creek;

26 h. "Optimum yield" means the amount of fish from a fishery
27 which will provide the greatest overall benefit to the State, with
28 particular reference to food production and recreational oppor-
29 tunities, and the amount of fish which is prescribed as such on the
30 basis of the maximum sustainable yield from such fishery as modi-
31 fied by any relevant economic, social or ecological factor;

32 i. "Processing" means handling, storing, freezing, preparing,
33 preserving, packing, transporting, holding, or selling fish or fish
34 products;

35 j. "Taking" means to catch, net, capture, possess, or collect any
36 fish or to attempt to engage in any such conduct;

37 **k. "Fishery" means one or more stocks of fish which can be*
38 *treated as a unit for purposes of conservation and management and*
39 *which are identified on the basis of geographical, scientific, techni-*
40 *cal, recreational and economic characteristics and any fishing for*
41 *such stocks.**

1 4. (New section) There is hereby created in the department a
2 Marine Fisheries Council, which shall consist of 11 members, nine
3 of whom shall be appointed by the Governor, with the advice and
4 consent of the Senate, of whom four shall represent and be knowl-
5 edgeable of the interests of sports fishermen, two shall be members
6 of the commercial fin fishery industry and three shall represent
7 the general public; the other two members shall be the chairmen
8 of the two sections of the Shell Fisheries Council.

9 Of the nine members first to be appointed by the Governor,
10 three shall be appointed for a term of 1 year, three for a term of 2
11 years, and three for a term of 3 years. Thereafter, all appoint-
12 ments shall be made for terms of 3 years. All appointed members
13 shall serve after the expiration of their terms until their respective
14 successors are appointed and shall qualify, and any vacancy oc-
15 ccurring in the appointed membership of the council, by expiration
16 of term or otherwise, shall be filled in the same manner as the
17 original appointment for the unexpired term only, notwithstanding
18 that the previous incumbent may have held over and continued

19 in office as aforesaid. The Governor may remove any member of
 20 the council for cause ***[after a public hearing]*** *upon notice and*
 20A *opportunity to be heard*.*

21 Members of the council shall serve without compensation, but
 22 shall be reimbursed for expenses actually incurred in attending
 23 meetings of the council and in the performance of their duties as
 24 members thereof.

25 The Governor shall appoint a chairman, from the citizen mem-
 26 bers of the council, who shall serve at his pleasure. Six members
 27 of the council shall constitute a quorum to transact its business.

1 5. (New section) The Marine Fisheries Council shall:

2 a. Contribute to the preparation and revision of fisheries man-
 3 agement plans;

4 b. ***[Approve or disapprove]*** *Be empowered to disapprove,*
 5 *within 60 days of the proposal thereof and the submittal thereto,**
 5A any rule or regulation or any amendment thereto proposed by the
 5B commissioner pursuant to this act *except for any rule or regula-*
 5C *tion adopted pursuant to subsection (c) of section 4 of the "Admin-*
 5D *istrative Procedure Act," (C. 52:14B-4)*;*

6 c. Advise the commissioner on policies of the department and
 7 in the planning, development, and implementation of all depart-
 8 mental programs related to this act;

9 d. Examine, consider and make recommendations in any matters
 10 pertaining to the conservation and management of fisheries re-
 11 sources throughout the State;

12 e. From time to time submit to the commissioner any recom-
 13 mendation for new rules and regulations or revision to existing
 14 rules and regulations which it deems necessary for the proper
 15 operation of an effective marine fisheries program;

16 f. Hold periodic public hearings in regard to current issues
 17 affecting the operation of the marine fisheries program;

18 g. Recommend the convening of species related citizen panels
 19 where appropriate;

20 h. Study and analyze economic, social and ecological data relat-
 21 ing to the operation of the marine fisheries program.

1 6. (New section) The commissioner shall prepare fisheries man-
 2 agement plans for each major fishery in the State, with the advice
 3 and assistance of the council, and if deemed necessary, advisory
 4 species related citizen panels. The citizen panels shall be com-
 5 posed of persons appointed by the commissioner. They shall review
 6 suggested management plans and any rules and regulations im-
 7 plementing said plans. Such management plans shall be coordi-

8 nated with and take into consideration the appropriate Federal,
9 Federal-State, regional management council and interstate pro-
10 grams.

11 The commissioner, ***[with the approval of the council]*** *subject*
12 *to the disapproval of the council as hereinbefore provided**, shall
13 prepare and promulgate and may amend and repeal rules and
14 regulations to carry out the intent of this act and to implement the
15 provisions of the fisheries management plans. Any such rules and
16 regulations shall be promulgated in accordance with the "Admin-
17 istrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.).

17A Such rules and regulations may:

18 a. Prohibit, limit, condition, require or establish the use of
19 specified types of fishing gear; the size, number and quantity of
20 specific species that may be taken; the areas to be opened or closed
21 to their taking, the time and manner of their taking; ***[the number**
22 **of persons or vessels or amount of fishing gear that may participate**
23 **in harvest of a specified fisheries resource,]*** and may prescribe
24 such other limitations, conditions, requirements, or restrictions as
25 is necessary and appropriate to the policy and purposes of this act;

26 b. Establish and develop fisheries management areas and pre-
27 scribe rules governing the use of such areas;

28 The commissioner may not regulate, pursuant to this section,
29 any species in any body of water which is regulated pursuant to
30 Title 50 of the Revised Statutes.

1 7. (New section) The commissioner shall have the following
2 powers and duties:

3 a. Administer and enforce the laws, rules and regulations re-
4 lating to fisheries resources;

5 b. Appoint the chief administrative officer of the marine fisheries
6 program and all other necessary employees, including enforcement
7 personnel*,* within the limits of available revenues;

8 c. Develop and implement a program for the management of
9 fisheries resources, including such species related management
10 plans as may be appropriate;

11 d. Acquire by gift or purchase and hold real property in the
12 name of the State, or any right or interest therein, including, but
13 not limited to, easements or rights of access;

14 e. Accept for the State any Federal funds apportioned under
15 Federal law related to authorized programs of the department and
16 to do such acts as are necessary for the purpose of carrying out
17 such Federal laws; and to accept from any other agency or govern-
18 ment, individual, group, or corporation, such funds, gifts, or de-
19 vises as may be available to carry out the purposes of this act;

20 f. Make periodic reports to the Governor and the Legislature,
21 including therein such recommendations for changes and amend-
22 ments in existing law and licensing procedures as are warranted
23 by investigations and research;

24 g. Conduct or sponsor a program or programs for research and
25 development of fisheries resources of the State, in cooperation,
26 where appropriate, with Rutgers, The State University, the Marine
27 Sciences Consortium, and other responsible research or academic
28 agencies, which programs shall include, but not be limited to bio-
29 logical, chemical, technological, hydrological, processing, market-
30 ing, financial, economic, and promotional research and development.
31 The department may carry out such a program or programs in
32 cooperation with other State agencies, Federal, regional, and local
33 governmental entities, or with private institutions or persons;

34 h. Establish programs for public education concerning the con-
35 servation, utilization, development, and enhancement of fisheries
36 resources;

37 i. Acquire, introduce, and propagate marine fish species in such
38 manner as will carry out the fisheries resources management pro-
39 grams;

40 j. To coordinate and integrate the marine fisheries program
41 established herein with the activities of all other State agencies
42 which affect fisheries resources, **and access thereto** including but
43 not limited to, freshwater fisheries, coastal zone management, water
44 pollution control and marine law enforcement; and,

45 k. To encourage every agency which operates a bridge **or road**
46 over any of the marine waters of this State to construct a fishing
47 platform on each such bridge.

1 8. (New section) In the management of fisheries resources which
2 are shared by the State of New Jersey with other states or with
3 other states and the Federal Government, the commissioner shall
4 cooperate with the appropriate agencies of said states, the Federal
5 Government and the regional fisheries management councils estab-
6 lished under the Federal Fisheries Conservation and Management
7 Act of 1976, and any appropriate interstate programs to develop
8 integrated management plans for such shared resources.

9 The commissioner is empowered to make the following reciprocal
10 agreements with other jurisdictions:

11 a. Rules and regulations with respect to fishing in boundary
12 waters after consultation with the appropriate body in the neigh-
13 boring states;

14 b. A procedure whereby valid fishing license issued by the par-
15 ties to the reciprocal agreements may be used by their licensees
16 within the jurisdiction of either in accordance with the terms of
17 such agreements;

18 c. Any individual from a state who has the responsibility of
19 enforcing that state's marine fisheries laws may pursue any person
20 found fishing in the coastal waters of such state in violation of the
21 marine fisheries laws thereof onto adjacent waters of this State
22 and there arrest him and return him to the state where the viola-
23 tion occurred for the purpose of prosecuting him for such violation;
24 provided, that such other state shall have enacted legislation giving
25 substantially similar authority to individuals of this State who
26 have responsibility for enforcing the marine fisheries laws of this
27 State relative to persons found fishing in the coastal waters of
28 this State in violation of the marine fishing laws thereof.

1 9. (New section) a. The commissioner may by regulation require
2 that every person, who takes fisheries resources, provide informa-
3 tion on the species, number, weight, and any other information
4 pertinent to management of the resources taken in a manner pre-
5 scribed and on forms supplied by the department.

6 b. Every person engaged in the **commercial** buying, packing,
7 storing, wholesaling, marketing, or processing of any fisheries
8 resources within the State shall keep accurate records, books or
9 accounts showing the species, quantity, and source of fisheries
9A resources.

10 c. Every record, book, or account referred to in subsection b.
11 shall be open for inspection by the department at reasonable hours.

12 d. The department may audit the records, books, or accounts of
13 any person referred to in subsection b., and of anyone who takes
14 fisheries resources and ships directly to market in order to
15 determine the quantity of resources taken and other information
16 pertinent to management.

17 e. The records obtained by the department, and the information
18 contained therein, shall except as otherwise provided in this section,
19 be confidential, and the records shall not be public records and
20 insofar as possible, the information contained in the records shall
21 be compiled or published in such a manner so as not to disclose
22 the business record of any person.

23 f. The information in the above records can be provided to other
24 states*, *Federal agencies** and regional fisheries agencies provided
25 that those entities have similar confidentiality provisions that do
26 not disclose the business record of any person.

1 10. (New section) For a period of ***[1 year]*** **2 years** from the
 2 effective date of this act the Commissioner of Labor and Industry,
 3 the Commissioner of Environmental Protection, the Secretary of
 4 Agriculture, the Executive Director of the Economic Development
 5 Authority and the Director of the Division of Fisheries and Wild-
 6 life shall serve on an Aquaculture **Task Force to be chaired by*
 7 *the Secretary of Agriculture** and **a** Commercial Fisheries De-
 8 velopment Task Force **to be chaired by the Commissioner of*
 9 *Environmental Protection**. The task ***[force]*** **forces** shall be
 10 ***[located in]*** **assigned to** the Governor's office and shall pro-
 10A mote the development of aquaculture, of the commercial fisheries
 10B industry, and of the commercial aspects of fish products. ***[Each**
 10C **such administrator]*** **The task forces** shall, to the extent prac-
 11 ticable, encourage the growth and expansion of piers and docks,
 12 processing and storage facilities, fishing equipment and vessels
 13 and marketing facilities and the development of aquaculture,
 14 personnel training programs, research, or any other procedures
 15 designed to stimulate, expand and promote the commercial fisheries
 16 industry and the commercial aspects of recreational fishing and
 17 the development of processing and marketing facilities for fish
 18 and fish products. **The task forces shall define the roles of the*
 19 *various concerned State agencies in carrying out a permanent pro-*
 20 *gram to promote the development of an aquaculture program and*
 21 *of a commercial fisheries industry. The task forces shall report*
 22 *to the Governor and Legislature on their findings and conclusions,*
 23 *and shall recommend whatever legislative changes are necessary*
 24 *for a permanent program prior to the termination of the 2-year*
 25 *period.**

1 11. Section 3 of P. L. 1974, c. 80 (C. 34:1B-3) is amended to
 2 read as follows:

3 3. As used in this act, unless a different meaning clearly appears
 4 from the context:

5 a. "Authority" means the New Jersey Economic Development
 6 Authority, created by section 4 of this act.

7 b. "Bonds" means bonds or other obligations issued by the
 8 Authority pursuant to this act.

9 c. "Cost" means

10 ***[The]** *the cost of the acquisition, construction, reconstruction,*
 11 *repair, alteration, improvement and extension of any building,*
 12 *structure, facility including water transmission facilities, or other*
 13 *improvement; the cost of machinery and equipment, the cost of*
 14 *acquisition, construction, reconstruction, repair, alteration, im-*

15 provement and extension of pollution control devices, equipment
16 or facilities; the cost of lands, rights-in-lands, easements, privileges,
17 agreements, franchises, utility extensions, disposal facilities, access
18 roads and site development deemed by the authority to be neces-
19 sary or useful and convenient for any project or in connection
20 therewith, discount on bonds, costs of issuance of bonds, engineer-
21 ing and inspection costs, cost of financial, legal, professional and
22 other estimates and advice, organization, administrative, insur-
23 ance, operating and other expenses of the authority or any person
24 prior to and during any acquisition or construction, and all such
25 expenses as may be necessary or incident to the financing, acquisi-
26 tion, construction or completion of any project or part thereof,
27 and also such provision for reserves for payment or security of
28 principal of or interest on bonds during or after such acquisition
29 or construction as the authority may determine.

30 d. "County" means any county of any class.

31 e. "Development property" means any real or personal property
32 interest therein, improvements thereon, appurtenances thereto and
33 air or other rights in connection therewith, including land, build-
34 ings, plants, structures, systems, works, machinery and equipment
35 acquired or to be acquired by purchase, gift or otherwise by the
36 authority within an urban growth zone.

37 f. "Person" means any person, including individuals, firms,
38 partnerships, associations, societies, trusts, public or private
39 corporations, or other legal entities, including public or govern-
40 mental bodies as well as natural persons. "Person" shall include
41 the plural as well as the singular.

42 g. "Pollution control project" means any device, equipment,
43 improvement, structure or facility or any land and any building,
44 structure, facility or other improvement thereon, or any combina-
45 tion thereof, whether or not in existence or under construction, or
46 the refinancing thereof in order to facilitate improvements or
47 additions thereto or upgrading thereof, and all real and personal
48 property deemed necessary thereto, having to do with or the end
49 purpose of which is the control, abatement or prevention of land,
50 sewer, water, air, noise or general environmental pollution, includ-
51 ing, but not limited to, any air pollution control facility, noise
52 abatement facility, water management facility, thermal pollution
53 control facility, radiation contamination control facility, waste
54 water collection system, waste water treatment works, sewage
55 treatment works system, sewage treatment system or solid waste
56 disposal facility or site; provided that the authority shall have

57 received from the Commissioner of the State Department of
58 Environmental Protection or his duly authorized representative,
59 a certificate stating the opinion that, based upon information, facts
60 and circumstances available to the State Department of Environ-
61 mental Protection and any other pertinent data, (1) said pollution
62 control facilities do not conflict with, overlap or duplicate any other
63 planned or existing pollution control facilities undertaken or
64 planned by another public agency or authority within any political
65 subdivision, and (2) that such facilities, as designed, will be a pol-
66 lution control project as defined in this act and are in furtherance
67 of the purpose of abating or controlling pollution.

68 h. "Project" means (1) (a) acquisition, construction, recon-
69 struction, repair, alteration, improvemnt and extension of any
70 building, structure, facility including water transmission facilities
71 or other improvement, whether or not in existence or under con-
72 struction, (b) purchase and installation of equipment and machin-
73 ery, (c) acquisition and improvement of real estate and the
74 extension or provision of utilities, access roads and other appurte-
75 nant facilities, and (2) (a) the acquisition, financing, or refinancing
76 of inventory, raw materials, supplies, work in process, or stock
77 in trade, or (b) the financing, refinancing or consolidation of
78 secured or unsecured debt, borrowings, or obligations, or (c) the
79 provision of financing for any other expense incurred in the
80 ordinary course of business; all of which are to be used or occupied
81 by any person in any enterprise promoting employment, either
82 for the manufacturing, processing or assembly of materials or
83 products, or for research or office purposes, including, but not
84 limited to, medical and other professional facilities, or for indus-
85 trial, recreational, hotel or motel facilities, public utility and ware-
86 housing, or for commercial and service purposes, including, but
87 not limited to, retail outlets, retail shopping centers, restaurant
88 and retail food outlets, and any and all other employment promot-
89 ing enterprises including, but not limited to motion picture and
90 television studios and facilities *and commercial fishing facilities,*
91 *commercial facilities for recreational fishermen, fishing vessels,*
92 *aquaculture facilities and marketing facilities for fish and fish*
93 *products* and (d) acquisition of an equity interest in, including
94 capital stock of, any corporation; or any combination of the above,
95 which the authority determines will (i) tend to maintain or provide
96 gainful employment opportunities within and for the people of
97 the State, or (ii) aid, assist and encourage the economic develop-
98 ment or redevelopment of any political subdivision of the State,
99 or (iii) maintain or increase the tax base of the State or of any

100 political subdivision of the State, or (iv) maintain or diversify
 101 and expand employment promoting enterprises within the State;
 102 and (3) the cost of acquisition, construction, reconstruction, repair,
 103 alteration, improvement and extension of a pollution control
 104 project which the authority determines will tend to reduce, abate
 105 or prevent environmental pollution within the State. Project may
 106 also include (i) reimbursement to any person for costs in connec-
 107 tion with any project, or the refinancing of any project or portion
 108 thereof, if determined by the authority as necessary and in the
 109 public interest to maintain employment and the tax base of any
 110 political subdivision and will facilitate improvements thereto or
 111 the completion thereof, and (ii) development property and any
 112 construction, reconstruction, improvement, alteration, equipment
 113 or maintenance or repair, or, planning and designing in connection
 114 therewith.

115 i. "Revenues" means receipts, fees, rentals or other payments
 116 to be received on account of lease, mortgage, conditional sale, or
 117 sale and payments and any other income derived from the lease,
 118 sale or other disposition of a project, moneys in such reserve and
 119 insurance funds or accounts or other funds and accounts and income
 120 from the investment thereof, established in connection with the
 121 issuance of bonds or notes for a project or projects, and fees,
 122 charges or other moneys to be received by the authority in respect
 123 of projects and contracts with persons.

124 j. "Resolution" means any resolution adopted or trust agree-
 125 ment executed by the authority pursuant to which bonds of the
 126 authority are authorized to be issued.

127 k. "Urban growth zone" means any area within a municipality
 128 receiving State aid pursuant to the provisions of P. L. 1971, c. 64,
 129 or a municipality certified by the Commissioner of Community
 130 Affairs to qualify under such law in every respect except popula-
 131 tion, which area has been so designated pursuant to an ordinance
 132 of the governing body of such municipality.

1 12. (New section) No person shall, willfully and without reason-
 2 able cause*,* interfere with, break, damage or destroy any net, trap,
 3 seine, fyke pot or any other device used to take fish, which is being
 4 utilized in a lawfully authorized manner.

1 13. (New section) The marine police shall devote a sufficient
 2 number of hours and sufficient resources to the enforcement of the
 3 marine management statutes and rules and regulations promulgated
 4 pursuant thereto to assure compliance therewith. The chief admini-
 5 strative officer of the marine fisheries program and of the marine

6 police shall jointly work out an effective marine fisheries enforce-
 7 ment program. The two chief administrative officers shall periodi-
 8 cally report to the Marine Fisheries Council on enforcement activi-
 9 ties, whether completed, underway or contemplated. Each marine
 10 policeman shall be trained for a minimum of one full work week on
 11 marine resources management procedures during his first year on
 12 the job and for a minimum of one working day every year there-
 13 after.

1 14. R. S. 50:1-5 is amended to read as follows:

2 50:1-5. The **[board]** *Commissioner of Environmental Protection*
 3 shall have full control and direction of the shellfish industry *and*
 4 *resource* and of the protection of shellfish throughout the entire
 5 State, *subject to the* **[remaining]** *provisions of this Title. [It]*
 6 *He* shall make such rules and regulations as may be necessary for
 7 the preservation and improvement of the shellfish industry *and re-*
 8 *source* of the State, *after consultation with the Shell Fisheries*
 9 *Council and subject to the* **[approval]** *disapproval, as herein-*
 10 *before provided,* of the Marine Fisheries Council. *For purposes*
 11 *of this title the term "shellfish" shall mean hard clams,*
 12 ***[(mercenaria mercenaria)]** (Mercenaria mercenaria) soft*
 13 *clams (**[mya]** Mya arenaria), sea clams (Mactra solidissima)**
 13A *and oysters (**[coassostrea]** Cassostrea virginica) and the*
 13B *term "commissioner" shall mean Commissioner of Environmental*
 13C *Protection.*

14 **[The board shall report annually to the legislature.]**

1 15. R. S. 50:1-18 is amended to read as follows:

2 50:1-18 a. *The Shell Fisheries Council shall be composed of nine*
 3 *members; one each residing in the counties of Monmouth, Ocean,*
 4 *Burlington, Atlantic, Cape May and Salem*,* and three residents of*
 5 *Cumberland county; each of whom shall be a licensed and practic-*
 6 *ing shellfisherman and shall be chosen with due regard to his*
 6A *knowledge of and interest in the shellfish industry and in the*
 7 *conservation and management of shellfish. Each member of the*
 8 *council shall be appointed by the Governor, with the advice and*
 9 *consent of the Senate, for a term of 4 years and shall serve until*
 10 *his successor has been appointed and has qualified.*

11 *Any vacancies in the membership of said council occurring other*
 12 *than by expiration of term shall be filled by the Governor, with the*
 13 *advice and consent of the Senate, for the unexpired term only. Any*
 14 *member of the council may be removed from office by the Governor,*
 15 *for cause, upon notice and opportunity to be heard.*

16 *The members of the council shall serve without compensation*
17 *but shall be reimbursed for necessary expenses incurred in the*
18 *performance of their duties. Each section of the council shall*
19 *annually elect a chairman of the council from its own members.*

20 *b. The council shall, subject to the approval of the commissioner,*
21 *formulate comprehensive policies for the preservation and improve-*
22 *ment of the shellfish industry and resource of the State. The*
23 *council shall also: (1) consult with and advise the commissioner*
24 *and the Marine Fisheries Council with respect to the implementa-*
25 *tion of the shellfisheries program; (2) study the activities of the*
26 *shellfisheries program and hold hearings with respect thereto as it*
27 *may deem necessary or desirable; and (3) ***[recommend]*** *in-*
28 *itiate*, by resolution of the council, proposed rules and regulations*
29 *concerning shellfish to the commissioner.**

30 *c. No lease of any of the lands of the State under the tidal waters*
31 *thereof, to be exclusively used and enjoyed by the lessee for the*
32 *planting and cultivating of shellfish, shall hereafter be allowed*
33 *except when approved by a majority of the appropriate section of*
34 *the council; and no such lease shall hereafter in any case be allowed*
35 *except when approved and signed by the commissioner.*

36 *d. The **[Shell Fisheries]** council **[in the State Department of***
37 *Conservation and Economic Development]* shall be divided into
38 two sections one to be known as the “**[Maurice River Cove]**
39 *Delaware Bay Section,”* consisting of the members from the
40 counties of Cumberland and **[Cape May]** *Salem,* and the other to
41 be known as the “Atlantic Coast Section” consisting of the
42 members from the counties of Atlantic, Burlington, Ocean and
43 Monmouth. The member of the said council from **[a county other**
44 *than the above enumerated counties]* *Cape May* shall be entitled
45 to participate in the exercise of the powers and the performance
46 of the duties of each of the said two sections.

47 The **[Maurice River Cove]** *Delaware Bay Section* shall, subject
48 to the approval of the Commissioner **[of Conservation and**
49 *Economic Development]*, exercise all the powers and perform all
50 the duties of the council in matters relating to the shellfish in-
51 dustry in the tidal waters of Delaware river, Delaware bay and
52 their tributaries.

53 The Atlantic Coast Section shall, subject to the approval of the
54 Commissioner **[of Conservation and Economic Development]**,
55 exercise all the powers and perform all the duties of the council
56 in matters relating to the shellfish industry in all of the tidal
57 waters of the State except in the tidal waters of the Delaware river,
58 Delaware bay and their tributaries.

1 16. R. S. 50:1-22 is amended to read as follows:

2 50:1-22. The [board] commissioner shall establish and main-
 3 tain * [an office] * *several offices* * [within the boundaries of each
 4 department and division,] located at * [some place] * *places* *
 5 convenient to persons engaged in the [oyster] *shellfish* industry
 6 [in such department or division. Such office shall also be the office
 7 of the chief of the department or division, and the]. *The records*
 8 *of all leases and licenses issued by him shall be kept therein. One*
 9 *office shall be located in the area served by the Atlantic Coast*
 10 *Section and one office shall be located in the area served by the*
 11 *Delaware Bay Section of the Council.*

1 17. R. S. 50:1-24 is amended to read as follows:

2 50:1-24. The power granted by this title to the [board] council,
 3 *subject to the provisions of R. S. 50:1-18,* to lease lands under the
 4 tidal waters of this State for the planting and culture of shellfish
 5 is exclusive, and no other State agency may, in the name of the
 6 State or otherwise, give, grant or convey to any person the exclu-
 7 sive right to plant or take shellfish from any of such waters; and
 8 no grant or lease of lands under tidewater, whereon there are
 9 natural oyster beds, shall be made by any other state agency except
 10 for the purpose of building wharves, bulkheads or piers.

1 18. R. S. 50:1-25 is amended to read as follows:

2 50:1-25. No lease shall be granted to any person who is not at
 3 the time of granting such lease[, and shall not have been for
 4 12 months preceding,] a [citizen and actual] resident of this
 5 State[, but this restriction shall not apply to the renewal of any
 6 lease granted prior to March 24, 1917].

1 19. R. S. 50:1-27 is amended to read as follows:

2 50:1-27. The [board] council, *with the approval of the commis-*
 3 *sioner,* shall fix the term for which leases may be granted, not
 4 exceeding 30 years, the rental to be paid, the maximum size of any
 5 single ground to be leased, and the total acreage which may be
 6 leased to any person or persons.

1 20. R. S. 50:1-28 is amended to read as follows:

2 50:1-28. The [board] commissioner shall, from time to time,
 3 cause the leased lands to be measured, and the metes and bounds
 4 thereof ascertained and located by ranges, monuments or other
 5 means, so that the limits thereof may be accurately fixed and easily
 6 located.

7 The [board] commissioner shall cause the leased lands to be
 8 mapped, and the maps to be filed in the office of the [board; and
 9 copies thereof to be filed in the office of the department of the
 10 Maurice river cove, and the offices of the department or divisions of
 11 the Atlantic coast, respectively] *department.*

12 The expense of surveying, measuring, locating and mapping any
 13 ground or grounds shall be paid by the applicant therefor before he
 14 shall be entitled to a lease or leases for the same.

1 21. R. S. 50:1-29 is amended to read as follows:

2 50:1-29. The [board] commissioner shall cause leases, and
 3 assignments and transfers thereof, to be recorded in books kept in
 4 the offices of the [departments or divisions, respectively] depart-
 5 ment; and no assignment or transfer of any ground or lease
 6 therefor shall be valid unless approved by the [board] commis-
 7 sioner and the council and forthwith recorded in the office of the
 8 department [or division in which the leased land is located].

1 22. R. S. 50:1-30 is amended to read as follows:

2 50:1-30. The [board] council with the approval of the commis-
 3 sioner may lease to applicants therefor any of the lands of this
 4 State that have been or may hereafter be condemned [by the State
 5 Department of Health] pursuant to the provisions of chapter 14 of
 6 Title 24 of the Revised Statutes.

1 23. R. S. 50:1-31 is amended to read as follows:

2 50:1-31. The [board] commissioner may make such rules and
 3 regulations for the removal and distribution of shellfish from lands
 4 leased under section 50:1-30 of this Title, as in [its] his judgment
 5 will be in accord with the object of the condemnation. Such rules
 6 and regulations shall not be inconsistent with those [of the State
 7 Department of Health. The board may require the lessee to give
 8 bond in a sum not to exceed \$10,000.00 for the faithful observance
 9 of such rules and regulations] adopted pursuant to the provisions
 10 of chapter 14 of Title 24 of the Revised Statutes.

1 24. R. S. 50:1-34 is amended to read as follows:

2 50:1-34. No [oysters, seed oysters, or other mollusks, commonly
 3 known as] *[shellfish]* *oysters*, native to, or brought directly
 4 or indirectly, from any foreign country or any other state shall be
 5 planted or lodged in the waters of this State without written per-
 6 mission issued by the [board] commissioner, after notice to the
 7 council, for each separate shipment. Application for such per-
 8 mission shall be made in writing, and shall state:

9 a. The species of such [oysters, seed oysters or mollusks]
 10 *[shellfish]* *oysters*;

11 b. The location from which they were, or are to be, immediately
 12 taken;

13 c. The source from which they were originally obtained; and

14 d. The country to which their kind is native.

15 The same information shall be shown upon a tag attached to, or
 16 upon the billing accompanying each shipment upon its arrival in
 17 this State.

1 25. R. S. 50:1-35 is amended to read as follows:

2 50:1-35. The [board] *commissioner* may issue such permission
3 after due inspection and examination of the nature, species, quan-
4 tity, source, location of proposed planting or lodging, and the
5 condition of the [oysters, seed oysters or mollusks] **[shellfish]**
6 **oysters** and after [certification by the biologist of the board] *his*
7 *determination* that the same will not [in his opinion,] be detrimental
8 to the native [oysters] **[shellfish]** **oysters** or to the [oyster]
9 **[shellfish]** **oysters** industry of this State.

10 Such permission shall specify the nature, species, quantity and
11 proposed location of planting or lodgment of the [oysters, seed
12 oysters or mollusks] **[shellfish]** **oysters** and shall apply only to
13 the particular shipment for which it is issued.

1 26. R. S. 50:1-36 is amended to read as follows:

2 50:1-36. The [board] *commissioner* shall make such charge, and
3 collect in advance, for the issuance of such permission, such sum
4 of money as may be necessary to defray the cost of the inspection,
5 examination and certification.

1 27. R. S. 50:2-1 is amended to read as follows:

2 50:2-1. No person shall catch or take **[oysters or]** clams from
3 any of the natural **[oyster or]** clam grounds in the waters of this
4 State, without first obtaining a license from the [board] *commis-*
5 *sioner*. Such licenses shall grant the privilege of taking **[oysters*
6 *or]** clams upon any natural **[oyster bed or]** clam ground of this
7 State, except such as may be [reserved for leasing purposes]
8 *leased* by the [board] *council*.

1 28. R. S. 50:2-2 is amended to read as follows:

2 50:2-2. No *recreational* license shall be granted to any applicant
3 who does not present satisfactory evidence that he is [at the time
4 of such application, and has been for 12 months next preceding,]
5 a [citizen and actual] resident of this State; except that a *non-*
6 *resident's recreational* license effective only in the months of June,
7 July, August and September in any calendar year may be granted
8 to a nonresident of this State upon payment of a license fee [to
9 be fixed by the Shell Fisheries Council, within the limits of, and
10 subject to, the rules and regulations provided by this chapter, and
11 limited to the Atlantic seaboard, and except that any resident of
12 the state of New York may be granted such a license to take clams
13 from the clamming grounds in the waters of Raritan bay in this
14 State, if the same privileges are granted to the citizens of New
15 Jersey to obtain licenses to take clams from the clamming grounds
16 in said bay in New York State].

17 No [nonresident] holder of [any] *either* such recreational license
 18 *may take more than 150 clams per day or* shall sell or offer for sale
 19 **[oysters or]** clams taken under said license and any such sale or
 20 offer for sale shall constitute ground for the revocation of said
 21 license. *No person shall take or catch more than 150 clams per day*
 22 *unless such person is a holder of a commercial clam license.*

1 29. R. S. 50:2-3 is amended to read as follows:

2 50:2-3. The license fee shall be fixed by the [Division of Fish,
 3 Game and Shell Fisheries from time to time, subject to approval
 4 of the] commissioner [of the Department of Environmental Pro-
 5 tection], *with the approval of the council*, at not less than [\$1.00]
 6 \$5.00 nor more than \$10.00 for [residents] *either recreational li-*
 7 *cence*, and shall be *not less than \$25.00 nor more than \$50.00* for
 8 [nonresidents] *a commercial clam license*. No fee shall be charged
 9 **for a recreational license** to a person who is 62 or more years of
 10 age; provided such person is a **[citizen and actual]** resident of
 11 this State.

1 30. R. S. 50:2-4 is amended to read as follows:

2 50:2-4. Each license shall be for the term of 1 year from Janu-
 3 ary 1 of the year of issue, and shall be [under the hand and seal
 4 of the chief of a department or division of the board] *granted by*
 5 *the commissioner*. Each license shall be numbered and shall state
 6 the name and residence of the licensee, and a record thereof shall
 7 be kept by the [chiefs of departments and divisions respectively]
 8 *commissioner*.

1 31. R. S. 50:2-5 is amended to read as follows:

2 50:2-5. [Each licensee shall, at all times while engaged in op-
 3 erating under his license wear in a conspicuous place on his outer
 4 clothing a button to be furnished by the person issuing the license.
 5 The button shall bear a number corresponding to the number of
 6 the license delivered to the applicant and any other matter the
 7 board determines.] Each licensee shall [also] have the license on
 8 his person and shall exhibit it for inspection to any [member of
 9 the board, any] officer or employee [thereof] *of the department*
 10 *or other person requesting to see the same.*

1 32. Section 1 of P. L. 1950, c. 310 (C. 50:2-6.1) is amended to
 2 read as follows:

3 1. No person or vessel shall take, harvest or dredge for sea clams
 4 (**[maetra]* *Maetra* solidissima*) also known as **[spisula]**
 5 **Spisula* solidissima* from any waters of this State without first
 6 obtaining a license from the [Division of Fish, Game and Shell
 7 Fisheries in the Department of Environmental Protection] *com-*

8 *missioner*. The [Division of Fish, Game and Shell Fisheries]
 9 *commissioner* may license every vessel engaged in the harvesting
 10 of sea clams within the waters of this State. Such license shall be
 10A issued on an annual basis.

11 Such licenses shall grant the privilege of gathering sea clams
 12 by dredging, but only in the Atlantic ocean, but not in the Delaware
 13 bay northerly of a line from Cape May Point lighthouse tower to
 14 Brandywine lighthouse or in the Sandy Hook bay west of a line
 15 from the west point of Sandy Hook to Roamer Shoal lighthouse.
 16 No boat or vessel shall be licensed under this act unless its bona
 17 fide owner is a [citizen and actual] resident of this State [and shall
 18 have been such for 12 months next preceding the issuance of such
 19 license].

20 The [division] *commissioner* may adopt regulations regarding
 21 the issuance procedures of such licenses.

22 The [Division of Fish, Game and Shell Fisheries] *commissioner*
 23 may issue permits for sea clam research, inventory and educational
 24 projects. Nothing in this section shall be construed to limit the
 25 activities of such projects.

1 33. R. S. 50:2-7 is amended to read as follows:

2 50:2-7. All oysters, oyster shells and other material dredged,
 3 tonged or in any manner raised or taken from any of the beds and
 4 grounds above what is known as the southwest line in Delaware
 5 bay, or from any natural oyster bed or ground, shell bed or reef,
 6 where oysters naturally spawn and grow under the tidal waters of
 7 the State, shall be culled as soon as the same are emptied out of
 8 the tongs or dredges on the culling board, *conveyor, culling device,*
 9 or deck of the boat or vessel employed for the purpose, and before
 10 the same are shoveled back from the culling board or portion of the
 11 deck used for emptying the tongs or dredges.

1 34. R. S. 50:2-8 is amended to read as follows:

2 50:2-8. Such culling shall be so close that three bushels of oys-
 3 ters[,] *~~and~~*,* oyster shells [and other material] *and other
 4 material* taken from any part of a boat or vessel, after having been
 5 shoveled back from the culling board, *conveyor, culling device* or
 6 that part of the boat or vessel used for emptying the tongs and
 7 dredges, shall not contain more than 15% of shells and other
 7A material.

8 All shells and other material except oysters and clams, shall be
 9 immediately thrown back upon the beds or grounds from which
 10 they shall have been taken.

1 35. R. S. 50:2-9 is amended to read as follows:

2 50:2-9. When the person in charge of any boat or vessel licensed
 3 under the provisions of this Title, or any person holding a tonger's
 4 license, is hailed or signaled by any officer of the [board] *depart-*
 5 *ment* and refuses to stop and permit such officer or officers to board
 6 his boat, vessel or other craft and examine the oysters, oyster shells
 7 and other material thereon, the [board] *commissioner* may revoke
 8 the license of such boat or vessel and the license of the tonger.

1 36. R. S. 50:2-10.1 is amended to read as follows:

2 50:2-10.1. No person shall use or employ any boat or other
 3 vessel propelled wholly or in part by steam, naphtha, gasoline,
 4 electricity or any other mechanical motive power, or any motor
 5 driven apparatus, for the purpose of catching or taking of clams
 6 from any of the waters of this State, whereby the soil or bottom
 7 on or in which the clams are found is agitated or disturbed by the
 8 propellor wheel or wheels of such boat or vessel or by any other
 9 motor or mechanically driven apparatus thereon for the purpose
 10 of catching or taking clams as aforesaid, *except by permit issued*
 11 *by the Department of Environmental Protection with the approval*
 12 *of the council for taking * [soft] * clams from the waters of the*
 13 *Raritan bay * [and] * *, Sandy Hook bay*, Shrewsbury river or*
 14 *Navesink river*.*

1 37. R. S. 50:2-11 is amended to read as follows:

2 50:2-11. No person shall dredge upon, or throw, cast or drag an
 3 oyster dredge or any other instrument or appliance used for catch-
 4 ing clams or oysters, or assist in so doing, or tread for clams, upon
 5 any of the lands lying under the tidal waters of this State before
 6 sunrise or after sunset, or at any time on Sunday, *except that*
 7 ** [soft] * clams may be taken from the waters of Raritan bay,*
 8 ** Sandy Hook bay, Shrewsbury river or Navesink river* on Sunday.*

1 38. R. S. 50:2-12 is amended to read as follows:

2 50:2-12. Seed oysters of any size and hard shell clams measuring
 3 less than 1½ inches in length caught and taken from any of the
 4 natural oyster or clam beds or grounds under the tidal waters of
 5 this State shall not be sold and taken out of this State for the
 6 purpose of planting on grounds in any other state, *excepting for*
 7 *methods of aquaculture approved by the commissioner.* No person
 8 may sell natural seed oysters or clams in violation of this section
 9 nor shall any person purchase or transport such oysters or clams
 10 in violation of this section.

11 Possession of such oysters or clams outside of the boundaries
 12 of this State shall be prima facie evidence of violation of this
 13 section.

1 39. R. S. 50:3-1 is amended to read as follows:

2 50:3-1. No boat or vessel shall be used or employed in the catch-
3 ing or taking of oysters in the Delaware river, Delaware bay or
4 Maurice river cove, in this State, without a license for that purpose
5 [under this article. Such license shall be issued by the chief of
6 the department of Maurice river cove, duly certified by himself, to
7 the captains of the boats or vessels entitled thereto] *issued by the*
8 *commissioner.*

1 40. R. S. 50:3-2 is amended to read as follows:

2 50:3-2. The [board] *council* may fix the license fee at any sum
3 [not exceeding \$4.00 per ton] on the gross tonnage measurement
4 of such boat or vessel.

5 No license shall be issued for a period longer than 1 year.

6 All licenses shall be numbered and recorded [in a book kept for
7 that purpose in the office of the board, at Bivalve] *by the com-*
8 *missioner.*

1 41. R. S. 50:3-3 is amended to read as follows:

2 50:3-3. The [chief of the department of Maurice river cove]
3 *commissioner*, before issuing a license to any boat or vessel as
4 provided in this article, shall cause the master or captain thereof
5 to [make and] file with him [an oath] *a statement* that such boat
6 or vessel is wholly owned bona fide by [citizens and actual]
7 residents of this State[, and who have been such for 12 months
8 next preceding]; and no boat or vessel owned wholly or in part
9 by a nonresident and licensed in any other state to catch oysters
10 on natural beds or grounds in such other state shall be licensed
11 in this State within the same year in which such license to catch
12 oysters in such other state shall have been or shall be issued.
13 [Such oath may be administered by any member of the board or
14 the chief of the department, and the board] *The commissioner*
15 may revoke a license issued by reason of a false [oath made or
16 taken] *statement filed* by any applicant.

1 42. R. S. 50:3-5 is amended to read as follows:

2 50:3-5. The [board shall] *commissioner may* revoke the license
3 of any boat or vessel, the owner, captain, master or person in charge
4 of which shall violate or cause or permit to be violated any of the
5 provisions of this Title or any rule or regulation of the [board]
6 *commissioner*, and the [board] *commissioner* may refuse there-
7 after to allow any license to be issued to the boat or vessel for such
8 period of time as [the board] *he* shall fix.

1 43. R. S. 50:3-7 is amended to read as follows:

2 50:3-7. No person shall use any dredge for the purpose of catch-
 3 ing or taking oysters or clams from any of the natural beds or
 4 grounds in Delaware bay or Delaware river above the line running
 5 direct from the mouth of Straight creek to Cross Ledge lighthouse,
 6 commonly known and hereafter referred to as the "southwest
 7 line", the tooth bar of which dredge measures more than fifty-four
 8 inches across from center of bolt hole to center of bolt hole where
 9 the frame thereof is fastened to the tooth bar, or any dredge which
 10 measures more than 5 feet 2 inches in width from the extreme
 11 outside to outside of frame, or any dredge which measures more
 12 than 21 inches from center of tooth bar to center of cross bar, or
 13 any dredge the bag of which contains more than 17 rows of 2 inch
 14 rings, or any dredge the rings of which are less than 2 inches in
 15 diameter, inside measurement, or any dredge the bag of which
 16 measures more than 5 feet around the bag from center of tooth
 17 bar to center of cross bar, or any dredge which weighs more than
 18 **[190]** 250 pounds.

1 44. R. S. 50:3-11 is amended to read as follows:

2 50:3-11. No oysters shall be dredged for, caught or taken from
 3 any of the lands lying under the tidal waters of the Delaware bay
 4 and Maurice river cove below a line running direct from the mouth
 5 of Straight creek to Cross Ledge lighthouse, commonly known and
 6 hereinafter referred to as the "southwest line," at any time except
 7 from September 1 to June 30 then next, both inclusive, of each
 8 year; but the **[chief of the department of Maurice river cove or**
 9 **any member of the board]** *commissioner* may, upon application,
 10 give permission, in writing, to any lessee of oyster grounds to
 11 dredge, catch or take oysters or to employ such methods for the
 12 protection of his oysters on said grounds and for the promotion
 13 of the growth thereof during the closed season as the **[chief or**
 14 **board]** *commissioner* may deem advisable.

1 45. R. S. 50:3-12 is amended to read as follows:

2 50:3-12. The **[chief of the department of Maurice river cove, or**
 3 **any member of the board,]** *council* may upon application give per-
 4 mission, in writing, to any prospective lessee to examine and in-
 5 spect, with proper appliances, any of the unleased lands of the
 6 State below the southwest line for the purpose of determining
 7 their suitability or adaptability for oyster culture or propagation;
 8 but no oysters shall be permanently removed from any such lands
 9 by virtue of any such permit.

1 46. R. S. 50:3-13 is amended to read as follows:

2 50:3-13. No person shall dredge upon or throw, cast or drag an
 3 oyster or clam dredge, or any other instrument or appliance used
 4 for catching oysters or clams, upon any of the land of the State

5 lying under the tidal waters of the Delaware bay or Maurice river
6 cove, in this State, below the southwest line, other than land or
7 ground for which such person then holds a lease from the Shell
8 Fisheries Council under this Title.

9 **【Any person violating the provisions of this section shall be**
10 **liable to a penalty of not less than \$100.00 nor more than \$300.00**
11 **for the first offense, and of not less than \$300.00 nor more than**
12 **\$500.00 for any subsequent offense.】**

1 47. Section 2 of P. L. 1966, c. 52 (C. 50:3-16.2) is amended to
2 read as follows:

3 2. The **【Division of Shell Fisheries in the Department of Con-**
4 **servation and Economic Development】** *commissioner* shall cause
5 the limits of each of said areas to be plainly marked by stakes or
6 buoys as soon as practical after the effective date of this act.

1 48. Section 5 of P. L. 1966, c. 52 (C. 50:3-16.5) is amended to read
2 as follows:

3 5. No person shall catch or take any shellfish from the natural
4 shellfish beds contained within said Area No. 1 unless there shall
5 have been first issued by the **【Shell Fisheries】** Council**【,** Maurice
6 River Cove Section, of the Division of Shell Fisheries in the De-
7 **partment of Conservation and Economic Development,】** for each
8 boat or vessel, so to be used or employed therein, a special license
9 authorizing the catching or taking of shellfish within said area,
10 which shall be issued for a term not longer than 1 year and shall
11 contain an agreement on the part of the holder thereof that any
12 person or officer authorized by regulation of said council to make
13 inspections of such area may board said boat or vessel to inspect
14 shellfish therein contained, and all licenses issued under this act
15 shall be numbered.

1 49. Section 14 of P. L. 1966, c. 52 (C. 50:3-16.14) is amended to
2 read as follows:

3 14. No person shall catch or take any shellfish from the natural
4 shellfish beds, contained within said Area 3, unless there shall have
5 been first issued by the **【Shell Fisheries】** Council**【,** Maurice River
6 Cove Section, of the Division of Shell Fisheries in the Department
7 of Conservation and Economic Development**】, for each boat or**
8 vessel, so to be used or employed therein, a special license authoriz-
9 ing the catching or taking of shellfish within said area, which shall
10 be issued for a term not longer than 1 year and shall contain an
11 agreement on the part of the holder thereof.

12 (a) That any person or officer authorized by regulation of said
13 council to make inspections of such area may board said boat or
14 vessel to inspect shellfish therein contained, and

15 (b) That such holder will deliver or cause to be delivered to said
 16 council the shells taken in said area in the process of opening or
 17 shucking, from 40% of all of the oysters taken from under the tidal
 18 waters of said area and delivered by such holder or for his account
 19 to any shucking houses, pursuant to chapter 39 of the laws of 1945,
 20 at the times and in the manner prescribed therein.

21 (c) That such holder will, in the case of oysters packed and
 22 shipped or otherwise sold in the shells by him to persons not re-
 23 quired to be licensed under this act, pay to the State of New
 24 Jersey the true, fair, cash market value of the oyster shells so
 25 packed and shipped and otherwise sold, as fixed by the Council of
 26 Shell Fisheries, under the provisions of this act, on the basis of one
 27 bushel of shells for each bushel of oysters so sold or shipped which
 28 payments shall be made as statements are submitted.

29 All licenses issued under this act shall be numbered.

1 50. Section 21 of P. L. 1966, c. 52 (C. 50:3-16.21) is amended to
 2 read as follows:

3 21. The council may, subject to the approval of the commissioner
 4 **[of Conservation and Economic Development]**, by rule and regula-
 5 tion, prohibit the taking or catching of shellfish in such area at such
 6 times as, in the judgment of the council, may be necessary to close
 7 said beds or any part thereof for conservation purposes.

1 51. Section 22 of P. L. 1966, c. 52 (C. 50:3-16.22) is amended to
 2 read as follows:

3 22. All applications for licenses made under this act shall be filed,
 4 and all licenses issued under this act shall be recorded, in books to
 5 be kept for said purposes **[in the office of the Division of Shell**
 6 **Fisheries in the Department of Conservation and Economic Devel-**
 7 **opment in Bivalve, New Jersey,]** *by the department.*

1 52. Section 2 of P. L. 1945, c. 39 (C. 50:3-20.11) is amended to
 2 read as follows:

3 2. It shall be unlawful for any person to operate within this State
 4 an oyster shucking house or to engage in or carry on the business
 5 of an oyster planter or an oyster dealer, as defined in this act,
 6 without first obtaining a license so to do from the **[Board of Shell**
 7 **Fisheries]** *commissioner* as provided in this act.

1 53. Section 4 of P. L. 1945, c. 39 (C. 50:3-20.13) is amended to
 2 read as follows:

3 4. The license to conduct an oyster shucking house *or to engage*
 4 *in and conduct the business of an oyster planter or an oyster dealer*
 5 shall be issued upon the payment of a license fee of **[\$10.00]**
 6 *\$100.00.*

1 54. Section 6 of P. L. 1945, c. 39 (C. 50:3-20.15) is amended to
2 read as follows:

3 6. The license to engage in the business of an oyster dealer shall
4 be issued in consideration of the agreement of the licensee to pay to
5 the **[Board of Shell Fisheries]** *commissioner* the sums prescribed
6 to be paid by this act in lieu of the delivery of oyster shells.

1 55. Section 7 of P. L. 1945, c. 39 (C. 50:3-20.16) is amended to
2 read as follows:

3 7. Said oyster shells so to be returned to the State shall be
4 returned by the respective oyster planters by whom or for whose
5 account they are delivered to the respective oyster shucking houses
6 and shall be stored and loaded on boats, to be furnished by such
7 oyster planters by the operators of such oyster shucking houses and
8 shall be planted or spread upon said natural oyster beds, at the cost
9 and expense of said oyster planters, at times and places to be
10 designated by the **[Board of Shell Fisheries after consultation with**
11 **representatives of the Delaware Bay Oyster Planters Association]**
12 *council*.

1 56. Section 8 of P. L. 1945, c. 39 (C. 50:3-20.17) is amended to
2 read as follows:

3 8. The cost of storage and loading of such shells upon boats shall
4 be paid to the operators of the respective oyster shucking houses
5 by the State through the **[Board of Shell Fisheries]** *commissioner*
6 at a price to be fixed by said **[board]** *commissioner*, but not to
7 exceed **[\$0.04 per bushel]** *the market price of shells*.

1 57. Section 9 of P. L. 1945, c. 39 (C. 50:3-20.18) is amended to
2 read as follows:

3 9. In the case of oysters packed and shipped or otherwise sold in
4 the shells by oyster dealers to persons not required to be licensed
5 under this act, the respective oyster dealers shall pay to the
6 State of New Jersey the true, fair, cash, market value of the oyster
7 shells so packed and shipped and otherwise sold, as fixed by the
8 **[Board of Shell Fisheries]** *commissioner*, under the provisions of
9 this act, on the basis of one bushel of shells for each bushel of
10 oysters so sold or shipped which payments shall be made as state-
11 ments are submitted.

1 58. Section 11 of P. L. 1945, c. 39 (C. 50:3-20.20) is amended to
2 read as follows:

3 11. The **[Board of Shell Fisheries]** *council* shall, between June 1
4 and July 1 of each year, make a survey and determine the locations
5 in which, in the judgment of the **[board]** *council*, oyster shells
6 should be returned to the natural oyster beds lying within said
7 tidal waters within the year beginning on said July 1 in order to

8 prevent depletion of said natural oyster beds and seed
8A grounds and in order to improve the same and effectuate an
9 increase in the nation's food supply, and shall, at the same time,
10 ascertain the number of bushels of oyster shells to be returned to
11 the State by each licensed oyster planter, and to be stored and
12 loaded on boats by the operators of the respective oyster shucking
13 houses, as required by this act, and, at the same time, shall fix the
14 price to be paid to the operators of the respective oyster shucking
15 houses by the State for storing and loading such shells and shall
16 ascertain the true, fair, cash, market value of oyster shells per
17 bushel to be paid in lieu of the return of oyster shells under this
18 act during said year.

1 59. Section 12 of P. L. 1945, c. 39 (C. 50:3-20.21) is amended to
2 read as follows:

3 12. All moneys received as license fees and in lieu of the return of
4 oyster shells under the provisions of this act shall be used by the
5 **[Board of Shell Fisheries]** *commissioner* for the purchase of
6 oyster shells and oysters which shall be spread over and planted in
7 said natural oyster beds and seed grounds of the State and to
8 establish and maintain oyster sanctuaries.

1 60. Section 13 of P. L. 1945, c. 39 (C. 50:3-20.22) is amended to
2 read as follows:

3 13. The **[Board of Shell Fisheries]** *commissioner* shall have
4 power to make rules and regulations for the carrying out of the
5 purposes of, and enforcement of, the provisions of this act.

1 61. R. S. 50:4-2 is amended to read as follows:

2 50:4-2. No person shall use or cause to be used any dredge with
3 bag or pocket, drag or scrape upon any of the natural oyster or
4 clam beds under the tidal waters of the Atlantic seaboard of this
5 State and tributaries thereof, except Delaware bay, and no license
6 shall be issued by the **[board]** *commissioner* contrary to this sec-
7 tion; but this section shall not prohibit the use of any fork, hoe or
8 drag used by hand in the taking of soft clams; nor shall it prohibit
9 the catching of oysters with hand power dredges from the natural
10 oyster grounds of this State north of Shrewsbury river; nor shall
11 it prohibit the taking of clams with power dredges from specified
12 leased lands under said waters, except Delaware bay, with the
13 approval of the Commissioner of Environmental Protection and
14 under such conditions and supervision as he may prescribe, and
15 under rules and regulation of the Shell Fisheries Council.

1 62. R. S. 50:4-3 is amended to read as follows:

2 50:4-3. No person shall go upon, take or remove oysters, clams
3 or other material, dredge upon, throw, cast or drag an oyster dredge,
4 use oyster tongs, rakes, forks or other instruments or appliances
5 used for catching oysters or clams, or tread for clams, upon any
6 of the leased lands of this State lying under the tidal waters of
7 the Atlantic seaboard or tributaries thereof, above Cape May Point,
8 other than land or ground for which such person or his employer
9 then holds a lease from the **Shell Fisheries** council.

10 **Any person violating the provisions of this section shall be**
11 **liable to a penalty of not less than \$100.00 nor more than \$300.00**
12 **for the first offense, and of not less than \$300.00 nor more than**
13 **\$500.00 for any subsequent offense.]**

1 63. (New section) Within 1 year of the effective date of this
2 act, the commissioner shall review all rules and regulations pre-
3 viously adopted pursuant to the provisions of Title 50 of the Re-
4 vised Statutes for conformance to the revisions to that Title con-
5 tained herein and shall, after consultation with the Shell Fisheries
6 Council, amend or repeal any rules and regulations which are not
7 in conformance herewith.

1 64. R. S. 23:3-41 is amended to read as follows:

2 23:3-41. No person shall erect, set, operate or maintain a fish-
3 pound net in the waters of the Atlantic ocean, within 3 nautical
4 miles from the coast line of this State, or in Sandy Hook or Raritan
5 bay, without first obtaining a license for that purpose, as herein-
6 after provided.

7 An application for a license for such purpose shall be made to
8 the **division** commissioner. The **division** commissioner upon
9 the payment to **it** him of the sum of \$100.00 for each pound net
10 to be erected or set in the Atlantic ocean, and \$50.00 for each pound
11 net to be erected or set in Sandy Hook or Raritan bay, as a license
12 fee, may in **its** his discretion issue to the applicant, if he is a
13 citizen of the United States, a license, to erect, set, operate and
14 maintain a fishpound net in one of the waters above specified. The
15 method of numbering and identification of pounds shall be that
16 which the **division** commissioner determines. A license issued
17 hereunder shall expire annually on December 31 next succeeding
18 its issuance, and may be renewed by the **division** commissioner
19 upon the payment of the same fee and upon the same terms as those
20 upon which the original license was granted.

1 65. R. S. 23:3-47 is amended to read as follows:

2 23:3-47. A person who intends to take fish with shirred or purse
3 seines, otter or beam trawls in the waters of the Atlantic ocean

4 within the jurisdiction of this State shall make application to the
5 **[board]** *commissioner* for a license for that purpose for each vessel
6 proposed to be engaged in the fishing.

7 The **[Division of Fish, Game and Shellfisheries]** *commissioner*
8 upon the receipt of the application and the payment to **[it]** *him*
9 of the sum of \$100.00 for each vessel proposed to be engaged in
10 the fishing, shall issue to the applicant a license for the vessel to
11 take with shirred or purse seine, otter or beam trawl, fish of any
12 kind, excepting striped bass, in the waters of the Atlantic ocean
13 within the jurisdiction of this State at a distance of not less than 2
14 miles from the coast line. The license shall expire on December 31
15 in the year in which it is issued.

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

2 23:3-51. A person intending to take menhaden with purse or
3 shirred nets in any waters in the jurisdiction of this State, includ-
4 ing the waters of the Atlantic ocean, within 3 nautical miles of
5 the coast line of this State, shall apply to the **[division]** *commis-*
6 *sioner* for a license therefor. The **[division]** *commissioner*, upon
7 the receipt of the application and payment to **[it]** *him* of the fee
8 provided in section 23:3-52 of this Title, may, in **[its]** *his* discre-
9 tion, issue to the applicant a license, to take menhaden with purse
10 or shirred nets. The license shall be void after December 31 next
11 succeeding its issuance.

1 67. R. S. 23:5-9 is amended to read as follows:

2 23:5-9. No person shall take from the salt waters of this State
3 by any means, import, export, have in his possession, buy, sell or
4 offer to buy or sell, any lobster, which in length shall be less than
5 $3\frac{1}{8}$ inches measured from the rear end of the eye socket along
6 a line parallel to the center line of the body shell to the rear
7 end of the body shell, or any spawning lobster**],** under a penalty
8 of \$20.00 for each lobster so taken, imported, exported, offered for
9 sale or had in possession**].** This section shall not apply to the taking
10 or possession of lobsters bearing a tag that has been issued or
11 affixed by the Department of Environmental Protection or by any
12 other state or Federal agency with which the department cooperates
13 in a research project.

1 68. R. S. 23:5-16 is amended to read as follows:

2 23:5-16. No person shall catch or take, or attempt to catch or
3 take, eels from the tidal waters of this State by means or use of a
4 dredge, rake, spear or other device attached to or drawn by a boat
5 or vessel**],** under a penalty of \$50.00 for each offense**].**

1 69. Section 2 of P. L. 1941, c. 211 (C. 23:5-24.2) is amended to
2 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 [Division
5 of Fish, Game and Shellfisheries] *commissioner* for a license there-
6 for, and the [division] *commissioner* upon receipt of the application
7 and the fee hereinafter prescribed may in [its] *his* discretion issue
8 licenses for the taking of fish with nets as follows:

9 (a) Haul seines, the mesh of which shall not be larger than 3
10 inches stretched mesh while being fished, and not to exceed 70
11 fathoms in length, whether singly or attached, for all species, ex-
12 cepting striped bass. November 1 to April 30. Fee, \$25.00.

13 (b) Fykes, with leaders, shall not exceed 30 fathoms in length
14 and no part of net or leaders to be larger than 3 inches stretched
15 mesh while being fished, for all species excepting striped bass.
16 November 1 to April 30. Fee, \$30.00.

17 (c) Special fyke for flounder only, the length of the net not
18 to exceed 30 fathoms and the mesh of which shall not be less than
19 4 inches stretched mesh. October 1 to April 30. Fee, \$4.00.

20 (d) Miniature fykes or pots for the taking of catfish, suckers
21 and eels, the same not to exceed 16 inches in diameter. March 15
22 to December 15. Fee, \$1.00.

23 (e) Run around net the smallest mesh of which shall be $2\frac{3}{4}$
24 inches wide stretched mesh and the length of which net shall not
25 exceed 200 fathoms, for all species excepting striped bass. March
26 15 to December 15. Fee, \$20.00. This net shall be used in the At-
27 lantic ocean only. The limit shall be one run around net per boat.

28 (f) Shad nets, either staked or anchored, the smallest mesh of
29 which shall be 5 inches while being fished, and shall not exceed
30 50 fathoms in length, for all species excepting striped bass.
31 March 1 to June 15. Fee, \$3.00.

32 These nets shall be used in the Atlantic ocean only.

33 (g) Bait seines, over 50 feet long and not exceeding 150 feet.
34 Fee, \$3.00.

35 (h) Bait seines, not more than 50 feet long, may be used without
36 application for or granting of license.

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

40 (j) Drifting gill net, the smallest mesh of which shall be $2\frac{3}{4}$
41 inches stretched mesh and the length of which net shall not exceed
42 150 fathoms, for all species excepting striped bass. The limit shall
43 be two drifting gill nets per boat. March 15 to December 15. Fee,
44 \$20.00. These nets shall be used in the Atlantic ocean only.

1 70. R. S. 23:5-35 is amended to read as follows:

2 23:5-35. No person shall take from any of the tidal waters of
 3 this State, or have in possession, any female crustacean, commonly
 4 known as crab, with eggs or spawn attached thereto, or from which
 5 the egg pouch or bunion has been removed[, under a penalty of
 6 \$20.00 for each crab taken or had in possession].

1 71. R. S. 23:9-115 is amended to read as follows:

2 23:9-115. Upon application to the [Division of Fish, Game and
 3 Shellfisheries] commissioner and the payment of a fee of \$60.00
 4 for each net, the [division] commissioner may issue, in [its] his
 5 discretion, a license permitting the licensee to fish for shad, in the
 6 Hudson river, from March 15 to June 15; provided further, how-
 7 ever, no net shall be set or put in position and no shad shall be
 8 taken during the period from Friday noon until Saturday midnight
 9 of each week; provided, however, that any net which has been set
 10 prior to Friday noon shall be permitted to remain in position and
 11 be lifted at the next high water; provided further, however, that
 12 the aforementioned 36-hour lift period shall be the minimum period
 13 and the maximum lift period shall be at the discretion of the [Di-
 14 vision of Fish, Game and Shellfisheries] commissioner.

1 72. Section 26 of P. L. 1948, c. 448 (C. 13:1B-24) is amended
 2 to read as follows:

3 26. There shall be within the Division of [Fish] *~~[Fisheries]~~*
 4 *Fish, Game* and [Game] Wildlife, a Fish and Game Council
 5 which shall consist of 11 members, each of whom shall be chosen
 6 with due regard to his knowledge of and interest in the conservation
 7 of fish and game. Each member of the council shall be appointed
 8 by the Governor, with the advice and consent of the Senate. Three
 9 of such members shall be farmers, recommended to the Governor
 10 for appointment to the council by the agricultural convention held
 11 pursuant to the provisions of article 2 of chapter 1 of Title 4 of
 12 the Revised Statutes; six of such members shall be sportsmen,
 13 recommended to the Governor for appointment to the council by
 14 the New Jersey State Federation of Sportsmen's Clubs; *~~[and~~
 15 two]* *one* of such members shall be [commercial fishermen]
 16 *~~[members of the general public]~~* *the chairman of the com-
 17 mittee established pursuant to section 7 of the "Endangered and
 18 Nongame Species Conservation Act" (P. L. 1973, c. 309;
 19 C. 23:2A-7), and one of such members shall be a person knowlege-
 20 able in land use management and soil conservation practices*. One
 20A of such farmer representatives and two of such sportsmen repre-
 20B sentatives in the council shall be chosen from among residents of
 20C any of the following counties—Bergen, Essex, Hudson, Morris,

20b Passaic, Sussex and Warren; one of such farmer representatives
 20e and two of such sportsmen representatives in the council shall be
 21 chosen from among residents of any of the following counties—
 22 Hunterdon, Mercer, Middlesex, Monmouth, Ocean, Somerset and
 23 Union; and one of such farmer representatives and two of such
 24 sportsmen representatives shall be chosen from among residents
 25 of any of the following counties—Atlantic, Burlington, Camden,
 26 Cape May, Cumberland, Gloucester and Salem.

27 Each member of the council shall be appointed for a term of 4
 28 years and shall serve until his successor has been appointed and
 29 has qualified; except that of the first appointments hereunder,
 30 two shall be for a term of 1 year, three for 2 years, three for 3
 31 years, and three for 4 years, each commencing on April 1 following
 32 the date of appointment. The term of each of the respective first
 33 appointees to the council shall be designated by the Governor].

34 [The persons in office as members of the Fish and Game Council
 35 in the Division of Fish and Game of the existing State Department
 36 of Conservation on the effective date of this act shall constitute
 37 the Fish and Game Council established hereunder until April 1,
 38 1949, at which time their respective terms of office shall expire.]

73. (New section) For purposes of this section, the "act" means
 2 and includes all the new sections and amended sections contained
 3 herein, all the remaining sections of Title 50 of the Revised
 4 Statutes, sections 23:3-41, 23:3-46, 23:3-47, 23:3-48, 23:3-51,
 5 23:3-52, 23:5-9, 23:5-16, 23:5-35, 23:9-114, 23:9-115 and 23:9-120
 6 of Title 23 of the Revised Statutes, sections 1, 2, 3 and 7 of P. L.
 7 1938, c. 318 (C. 23:5-5.1 through 23:5-5.3 and 23:5-5.7), P. L. 1952,
 8 c. 216 (C. 23:5-5.1a); and sections 1, 2, and 3 of P. L. 1941, c. 211
 9 (C. 23:5-24.1 to 23:5-24.3).

10 The commissioner may utilize any or all of the following remedies
 11 for any violation of this act:

12 a. (1) Any person who violates the provisions of this act or of
 13 any rule, regulation, license or permit promulgated or issued pur-
 14 suant to this act shall be liable to a penalty of not less than \$100.00
 15 or more than \$3,000.00 for the first offense and not less than \$200.00
 16 or more than \$5,000.00 for any subsequent offense, unless the com-
 17 missioner has established an alternate penalty **for a specific*
 18 *offense** pursuant to subsection a. (2) of this section.

19 (2) The Commissioner of Environmental Protection, with the
 20 approval of the Marine Fisheries Council, may, by regulation,
 21 establish a penalty schedule for any **specific** violation of this act
 22 or of any rule or regulation promulgated pursuant to this act. No

23 such penalty may be less than \$10.00 nor more than \$100.00 on the
24 first offense or less than \$20.00 nor more than \$200.00 on any sub-
25 sequent offense. Any penalty provided for by this act or by the fee
26 schedule promulgated by the commissioner shall be collected in a
27 civil action by a summary proceeding under the penalty enforcement
28 law (N. J. S. 2A:58-1 et seq.). The Superior Court or any County
29 Court, county district court or municipal court shall have jurisdic-
30 tion to enforce said penalty enforcement law. If the violation is of
31 a continuing nature, each day during which it continues shall con-
32 stitute an additional separate and distinct offense.

33 b. Any vessel, vehicle or equipment used in violation of this act
34 or any rule or regulation or any license or permit promulgated pur-
35 suant to this act may be forfeited. The department may seize and
36 secure any such vessel, vehicle or equipment and shall immediately
37 thereafter give notice thereof to a court located in the county
38 where the seizure is made which shall, at an appointed time and
39 place, summarily hear and determine whether such vessel, vehicle
40 or equipment was unlawfully used and if it does so determine, it
41 may direct the confiscation and forfeiture of such vessel, vehicle
42 or equipment for the use of the department. The commissioner
43 may dispose of any such confiscated ***[or]*** **and** forfeited vessel,
44 vehicle or equipment at his discretion.

45 c. Any person who violates the provisions of this act or any rule
46 or regulation or any license or permit promulgated or issued pur-
47 suant to this act shall be liable to the revocation of any license
48 which he holds pursuant to this act for such period of time as the
49 court may choose.

50 d. If any person violates any of the provisions of this act, or any
51 rule or regulation or any license or permit promulgated or issued
52 pursuant to the provisions of this act, the department may institute
53 a civil action in a court of competent jurisdiction for injunctive
54 relief to prohibit and prevent such violation or violations and the
55 said court may proceed in the action in a summary manner.

56 The department is hereby authorized and empowered to com-
57 promise and settle any claim for a penalty under this section in
58 such amount in the discretion of the department as may appear
59 appropriate and equitable under all of the circumstances.

1 74. (New section) a. The Division of Fish, Game and Shellfish-
2 eries is continued and constituted as the Division of ***[Fisheries]***
3 **Fish, Game** and Wildlife in the Department of Environmental
4 Protection. Except as otherwise provided by this act, all the func-
5 tions, powers and duties of the existing Division of Fish, Game and

6 Shellfisheries, and the director, thereof, are continued in the Divi-
 7 sion of ***[Fisheries]*** **Fish, Game** and Wildlife and the director
 8 thereof, and whenever the term "Division of Fish, Game and Shell-
 9 fisheries" occurs or any reference is made thereto in any law,
 10 contract or document, the same shall be deemed or mean to refer
 11 to the Division of ***[Fisheries]*** **Fish, Game** and Wildlife.

12 b. The Fish and Game Council, together with all its functions,
 13 powers and duties, is continued as the Fish and Game Council in
 14 the Division of ***[Fisheries]*** **Fish, Game** and Wildlife in the
 15 Department of Environmental Protection.

1 75. (New section) If any provision of this act or the applica-
 2 tion thereof to any person or circumstance is held invalid, the
 3 remainder of the act and the application of such provision to
 4 persons or circumstances other than those to which it is held in-
 5 valid, shall not be affected thereby. This act shall be liberally con-
 6 strued to effectuate the purpose and intent thereof.

1 76. (New section) This act shall not affect, impair or invalidate
 2 any action or proceeding, civil or criminal, brought by or against
 3 the department, pending on the effective date of this act, and all
 4 such actions or proceedings may and shall be continued to final
 5 judgment, decree or decision, as if the foregoing provisions had not
 6 taken effect; nor shall this act affect orders, rules and regulations
 7 heretofore made, promulgated or issued by the department or
 8 other matters or proceedings pending before the department on
 9 the effective date of this act. Such orders, rules, regulations,
 10 matters or proceedings shall continue in full force and effect
 11 until amended or repealed pursuant to law.

1 *77. R. S. 50:3-15 is amended to read as follows:

2 50:3-15. No person shall gather, scrape, rake or tong any oysters
 3 in or upon the beds, rivers or creeks of this State named in section
 4 50:3-14 of this Title, for and during the period from June 30 until
 5 September 1 in each and every year; but this closed season shall
 6 not apply to the beds (a) at the mouth of Maurice river, described
 7 as follows: Beginning at a point with co-ordinates $x=1,897,678$
 8 $y=132,207$ said point being now or formerly East Point Lighthouse
 9 and running thence N $48^{\circ}-23'-07''$ W 9,400. feet to a point
 10 $x=1,890,650$ $y=138,450$ on the east bank of the mouth of New
 11 England creek; thence following in an easterly direction the shore
 12 line and crossing the mouth of the Maurice river and following the
 13 shore line to the point of beginning, and in Maurice river, from
 14 which oysters may be taken between sunrise and sunset at any time,
 15 except on Sundays; or (b) to the Nantuxent beds *in that area* at

16 the mouth of Nantuxent creek, *Back creek and Cedar creek* and the
 17 Cohansey beds at the mouth of Cohansey river, from which oysters
 18 may be taken **[only during the months of May and June]** *at any*
 19 *time* between sunrise and sunset, except on Sunday, *provided, how-*
 20 *ever, that any oysters so taken shall be 3 inches from hinge to*
 21 *mouth or longer*; or (c) to the Back creek beds at the mouth of
 22 Back creek, Back creek from the mouth to the south bank of the
 23 mouth of Tweed creek, which areas are described as follows:
 24 Beginning at the intersection of the southerly bank of the mouth
 25 of Tweed creek with the westerly bank of Back creek, said intersec-
 26 tion being at high-water mark, thence from said point in a south-
 27 easterly, southwesterly, and southerly direction, being along the
 28 westerly bank of Back creek and the westerly shore of Nantuxent
 29 Cove to a point on the said shore, said point being N 71° E 700 feet
 30 more or less from the Sextant tower on Ben Davis Point; thence
 31 N 71° E 4,300 feet more or less to a stake set in Nantuxent Cove;
 32 thence N 19° E 3,300 feet more or less to a stake set at the high-
 33 water mark along the north shore of Nantuxent Cove; thence bound-
 34 ing on the said high-water mark in a general westerly direction to
 35 the mouth of Back creek, thence along the easterly bank of Back
 36 creek in a general, easterly, northerly and northwesterly direction
 37 to a point due east from the southerly bank of the mouth of Tweed
 38 creek; thence crossing Back creek in a due west direction to the
 39 place of beginning, from which oysters may be taken only during
 40 the months of April, May, June, September, October and November
 41 between sunrise and sunset, except on Sunday.

1 78. R. S. 50:3-17 is amended to read as follows:

2 No person shall take or attempt to take edible crabs from any
 3 of the waters of the Delaware bay or any of its tributaries within
 4 the jurisdiction of this State, in any manner except by rod, hand
 5 line, or scoop net operated by hand, without first obtaining a
 6 license so to do from the **[board]** *commissioner*.

1 79. R. S. 50:3-18 is amended to read as follows:

2 50:3-18. The **[Division of Fish, Game and Shellfisheries]** *com-*
 3 *missioner* may grant licenses, under such rules and regulations as
 4 it may establish, to catch and take edible crabs from the waters of
 5 the Delaware bay and its tributaries in this State, by means of
 6 layout lines, crabpots or trawl lines; but such licenses shall be
 7 granted only to persons who are residents of this State, or of any
 8 other state bordering on Delaware bay or its tributaries, if any
 9 such other state grants to New Jersey residents the privilege of
 10 obtaining licenses to take such crabs in the waters of Delaware bay
 11 and its tributaries within the area of its jurisdiction.

1 80. R. S. 50:3-20 is amended to read as follows:

2 The [board] *commissioner* may establish and enforce rules and
3 regulations for the propagation and protection of edible crabs in
4 the waters of the Delaware bay and its tributaries in this State.*

1 *~~[76.]~~* *80.** The following statutes, acts and parts of acts are
1A repealed:

2 a. R. S. 23:3-42

3 R. S. 23:3-44 and 23:3-45

4 R. S. 23:3-49

5 R. S. 23:3-53

6 R. S. 23:5-8

7 R. S. 23:5-18 through 23:5-20

8 R. S. 23:5-22 and 23:5-23

9 R. S. 23:5-26

10 R. S. 23:5-36 through 23:5-42

11 R. S. 23:9-22 through 23:9-35

12 R. S. 23:9-37 through 23:9-42

13 R. S. 23:9-44

14 R. S. 23:9-46

15 R. S. 23:9-50 and 23:9-51

16 R. S. 23:9-53 through 23:9-58

17 R. S. 23:9-94 through 23:9-98

18 R. S. 23:9-108 through 23:9-112

19 R. S. 23:9-116 through 23:9-119

20 P. L. 1938, c. 318, ss. 8, 9 (C. 23:5-5.8 and 23:5-5.9)

21 P. L. 1952, c. 71 (C. 23:5-8.1 and 23:5-8.2)

22 P. L. 1941, c. 211, ss. 5-13 (C. 23:5-24.4 through 23:5-24.12)

23 P. L. 1948, c. 154, s. 2 (C. 23:5-35.1)

24 P. L. 1944, c. 111 (C. 23:9-76.1)

25 P. L. 1947, c. 297 (C. 23:9-112.1 and 23:9-112.2)

26 P. L. 1941, c. 244 (C. 23:9-122 through 23:9-125)

27 b. R. S. 50:1-6 through 50:1-17

28 R. S. 50:1-19 through 50:1-21

29 R. S. 50:1-26

30 R. S. 50:1-32

31 R. S. 50:1-37 and 50:1-38

32 R. S. 50:2-6

33 R. S. 50:2-13 through 50:2-17

34 R. S. 50:3-4

35 R. S. 50:4-1

36 R. S. 50:5-1 through 50:5-4

37 R. S. 50:5-6 and 50:5-7

38 R. S. 50:5-9 through 50:5-13

39 R. S. 50:5-15 through 50:5-17

40 P. L. 1945, c. 22, ss. 18-22 (C. 13:1A-18 through 13:1A-22)

41 P. L. 1948, c. 448, ss. 93-97 (C. 13:1B-42 through 13:1B-46)

42 P. L. 1956, c. 191, s. 1 (C. 50:1-13.1)

43 P. L. 1950, c. 310, s. 4 (C. 50:2-6.4)

44 P. L. 1975, c. 398, s. 6 (C. 50:2-6.5)

45 P. L. 1945, c. 39, ss. 14-16 (C. 50:3-20.23 through 50:3-20.25)

1 ***[77.]*** *81.* (New section) There is hereby appropriated to the
2 Department of Environmental Protection the sum of \$500,000.00
3 for the administration of the fisheries management program
4 authorized by this act.

1 ***[78.]*** *82.* (New section) This act shall take effect immedi-
2 ately, provided, however, that subsection a. of section ***[76]***
3 ****[81]**** *80** shall take effect 1 year after the effective date
4 of this act.

SENATE AMENDMENTS TO
SENATE, No. 1399
[SECOND OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

ADOPTED FEBRUARY 26, 1979

Amend page 35, section 80, after line 45, insert new section:

“81. Nothing in this act shall authorize the imposition of a saltwater recreational anglers license on any person.”.

Renumber sections 81 and 82 as 82 and 83.

STATEMENT

This amendment will prohibit the imposition of a saltwater recreational anglers license on any person.

[THIRD OFFICIAL COPY REPRINT]

SENATE, No. 1399

STATE OF NEW JERSEY

INTRODUCED OCTOBER 19, 1978

By Senators DODD, LASKIN, FELDMAN, HIRKALA and PARKER

Referred to Committee on Energy and Environment

AN ACT concerning marine fisheries management, the development of the commercial fisheries industry, and the support of recreational fishing, establishing a Marine Fisheries Council, providing certain powers, duties and responsibilities to the Commissioner of Environmental Protection, the Marine Fisheries Council and the New Jersey Economic Development Authority, providing penalties for its violation, making an appropriation and amending, supplementing and repealing parts of the statutory law.

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

1 1. (New section) This act shall be known and may be cited as the
2 "Marine Fisheries Management and Commercial Fisheries Act."

1 2. (New section) a. The Legislature hereby finds that:

2 (1) The fisheries resources of the State make a material contri-
3 bution to our economy and food supply, as well as to the health,
4 recreation, and well-being of our citizens; and,

5 (2) The fisheries resources of the State are a living, renewable
6 form of wealth capable of being maintained and greatly increased
7 with proper management, but equally capable of destruction if
8 neglected or unwisely exploited.

9 b. It is hereby declared to be the policy of this State to:

10 (1) Provide an organizational framework that will permit the
11 State to manage more effectively its fisheries resources with the
12 following objectives:

13 (a) The conservation of fisheries resources and their habitat
14 to ***[ensure]*** **promote** their continued ***[existence]*** **pro-*
14A *ductivity**;

15 (b) The maintenance and enhancement of fisheries resources
16 to support a recreational use where a species is the object of
17 recreational fishing;

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.

18 (c) The maintenance and enhancement of fisheries resources
 19 to support a commercial use where a species is the object of
 20 commercial fishing;

21 (d) The management, on a basis of scientific information,
 22 of the fisheries resources under the State's jurisdiction, and
 23 the participation in the management of other fisheries in which
 24 New Jersey fishermen are engaged, with the objective of
 25 optimum yield;

26 (2) Develop an active and modern commercial fisheries fleet,
 27 docks, freezing, processing and marketing facilities;

28 (3) Encourage citizen participation through advisory councils
 29 and otherwise, since decisions concerning the distribution and allo-
 30 cation of fisheries resources have important consequences for all
 31 citizens of this State; and,

32 (4) Provide for conservation and management measures involv-
 33 ing a reciprocal and cooperative relationship among States and
 34 between States and the Federal Government, and between States
 35 and the fisheries management councils established pursuant to the
 36 "Federal Fisheries Conservation and Management Act of 1976"
 37 (16 USC §§ 1801 to 1882), since many species of fisheries resources
 38 travel across state and state-federal boundaries;

39 (5) Develop a viable aquaculture industry in the State, utilizing
 40 existing Federal and other programs where appropriate, and
 41 necessary supportive infrastructure.

1 3. (New section) As used in this act:

2 a. "Aquaculture" means the propagation and rearing of aquatic
 3 species in controlled or selected environments;

4 b. "Commissioner" means the Commissioner of Environmental
 5 Protection;

6 c. "Council" means the Marine Fisheries Council created pur-
 7 suant to this act, except in those sections of this act amending
 8 sections of Title 50 of the Revised Statutes;

9 d. "Department" means the Department of Environmental
 10 Protection;

11 e. "Fish" means any marine or anadromous animal **or plant**,
 12 or part thereof, excepting mammals and birds;

13 f. "Fisheries management plans" means plans to prevent over-
 14 fishing, achieve optimal yield from each fishery on a continuing
 15 basis, which are based on the best scientific information available,
 16 are in accordance with management plans promulgated pursuant
 17 to the Fisheries Conservation and Management Act of 1976 and
 18 any appropriate interstate programs, provide for the management
 19 of stock as a unit throughout their range, and allow for flexibility

20 management; **provided, however, that such plans, where practi-*
 20A *cable and feasible, give preference to the interests and concerns of*
 20B *fishermen in this State;**

21 g. "Marine waters" means all the salt waters of this State, and
 22 none of the fresh waters of this State as defined in R. S. 23:1-2.
 23 Specifically it includes the waters of the Atlantic ocean, and all
 24 bays, inlets and estuarine waters located below the mouth of any
 25 fresh water river, stream or creek;

26 h. "Optimum yield" means the amount of fish from a fishery
 27 which will provide the greatest overall benefit to the State, with
 28 particular reference to food production and recreational oppor-
 29 tunities, and the amount of fish which is prescribed as such on the
 30 basis of the maximum sustainable yield from such fishery as modi-
 31 fied by any relevant economic, social or ecological factor;

32 i. "Processing" means handling, storing, freezing, preparing,
 33 preserving, packing, transporting, holding, or selling fish or fish
 34 products;

35 j. "Taking" means to catch, net, capture, possess, or collect any
 36 fish or to attempt to engage in any such conduct;

37 **k. "Fishery" means one or more stocks of fish which can be*
 38 *treated as a unit for purposes of conservation and management and*
 39 *which are identified on the basis of geographical, scientific, techni-*
 40 *cal, recreational and economic characteristics and any fishing for*
 41 *such stocks.**

1 4. (New section) There is hereby created in the department a
 2 Marine Fisheries Council, which shall consist of 11 members, nine
 3 of whom shall be appointed by the Governor, with the advice and
 4 consent of the Senate, of whom four shall represent and be knowl-
 5 edgeable of the interests of sports fishermen, two shall be members
 6 of the commercial fin fishery industry and three shall represent
 7 the general public; the other two members shall be the chairmen
 8 of the two sections of the Shell Fisheries Council.

9 Of the nine members first to be appointed by the Governor,
 10 three shall be appointed for a term of 1 year, three for a term of 2
 11 years, and three for a term of 3 years. Thereafter, all appoint-
 12 ments shall be made for terms of 3 years. All appointed members
 13 shall serve after the expiration of their terms until their respective
 14 successors are appointed and shall qualify, and any vacancy oc-
 15 ccurring in the appointed membership of the council, by expiration
 16 of term or otherwise, shall be filled in the same manner as the
 17 original appointment for the unexpired term only, notwithstanding
 18 that the previous incumbent may have held over and continued

19 in office as aforesaid. The Governor may remove any member of
 20 the council for cause ***[after a public hearing]*** **upon notice and*
 20A *opportunity to be heard**.

21 Members of the council shall serve without compensation, but
 22 shall be reimbursed for expenses actually incurred in attending
 23 meetings of the council and in the performance of their duties as
 24 members thereof.

25 The Governor shall appoint a chairman, from the citizen mem-
 26 bers of the council, who shall serve at his pleasure. Six members
 27 of the council shall constitute a quorum to transact its business.

1 5. (New section) The Marine Fisheries Council shall:

2 a. Contribute to the preparation and revision of fisheries man-
 3 agement plans;

4 b. ***[Approve or disapprove]*** **Be empowered to disapprove,*
 5 *within 60 days of the proposal thereof and the submittal thereto,**
 5A any rule or regulation or any amendment thereto proposed by the
 5B commissioner pursuant to this act **except for any rule or regula-*
 5C *tion adopted pursuant to subsection (c) of section 4 of the "Admin-*
 5D *istrative Procedure Act," (C. 52:14B-4)*;*

6 c. Advise the commissioner on policies of the department and
 7 in the planning, development, and implementation of all depart-
 8 mental programs related to this act;

9 d. Examine, consider and make recommendations in any matters
 10 pertaining to the conservation and management of fisheries re-
 11 sources throughout the State;

12 e. From time to time submit to the commissioner any recom-
 13 mendation for new rules and regulations or revision to existing
 14 rules and regulations which it deems necessary for the proper
 15 operation of an effective marine fisheries program;

16 f. Hold periodic public hearings in regard to current issues
 17 affecting the operation of the marine fisheries program;

18 g. Recommend the convening of species related citizen panels
 19 where appropriate;

20 h. Study and analyze economic, social and ecological data relat-
 21 ing to the operation of the marine fisheries program.

1 6. (New section) The commissioner shall prepare fisheries man-
 2 agement plans for each major fishery in the State, with the advice
 3 and assistance of the council, and if deemed necessary, advisory
 4 species related citizen panels. The citizen panels shall be com-
 5 posed of persons appointed by the commissioner. They shall review
 6 suggested management plans and any rules and regulations im-
 7 plementing said plans. Such management plans shall be coordi-

8 nated with and take into consideration the appropriate Federal,
9 Federal-State, regional management council and interstate pro-
10 grams.

11 The commissioner, ***[with the approval of the council]*** *subject*
12 *to the disapproval of the council as hereinbefore provided**, shall
13 prepare and promulgate and may amend and repeal rules and
14 regulations to carry out the intent of this act and to implement the
15 provisions of the fisheries management plans. Any such rules and
16 regulations shall be promulgated in accordance with the "Admin-
17 istrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.).

17A Such rules and regulations may :

18 a. Prohibit, limit, condition, require or establish the use of
19 specified types of fishing gear; the size, number and quantity of
20 specific species that may be taken; the areas to be opened or closed
21 to their taking, the time and manner of their taking; ***[the number**
22 **of persons or vessels or amount of fishing gear that may participate**
23 **in harvest of a specified fisheries resource,]*** and may prescribe
24 such other limitations, conditions, requirements, or restrictions as
25 is necessary and appropriate to the policy and purposes of this act;

26 b. Establish and develop fisheries management areas and pre-
27 scribe rules governing the use of such areas;

28 The commissioner may not regulate, pursuant to this section,
29 any species in any body of water which is regulated pursuant to
30 Title 50 of the Revised Statutes.

1 7. (New section) The commissioner shall have the following
2 powers and duties:

3 a. Administer and enforce the laws, rules and regulations re-
4 lating to fisheries resources;

5 b. Appoint the chief administrative officer of the marine fisheries
6 program and all other necessary employees, including enforcement
7 personnel*,* within the limits of available revenues;

8 c. Develop and implement a program for the management of
9 fisheries resources, including such species related management
10 plans as may be appropriate;

11 d. Acquire by gift or purchase and hold real property in the
12 name of the State, or any right or interest therein, including, but
13 not limited to, easements or rights of access;

14 e. Accept for the State any Federal funds apportioned under
15 Federal law related to authorized programs of the department and
16 to do such acts as are necessary for the purpose of carrying out
17 such Federal laws; and to accept from any other agency or govern-
18 ment, individual, group, or corporation, such funds, gifts, or de-
19 vises as may be available to carry out the purposes of this act;

20 f. Make periodic reports to the Governor and the Legislature,
 21 including therein such recommendations for changes and amend-
 22 ments in existing law and licensing procedures as are warranted
 23 by investigations and research;

24 g. Conduct or sponsor a program or programs for research and
 25 development of fisheries resources of the State, in cooperation,
 26 where appropriate, with Rutgers, The State University, the Marine
 27 Sciences Consortium, and other responsible research or academic
 28 agencies, which programs shall include, but not be limited to bio-
 29 logical, chemical, technological, hydrological, processing, market-
 30 ing, financial, economic, and promotional research and development.
 31 The department may carry out such a program or programs in
 32 cooperation with other State agencies, Federal, regional, and local
 33 governmental entities, or with private institutions or persons;

34 h. Establish programs for public education concerning the con-
 35 servation, utilization, development, and enhancement of fisheries
 36 resources;

37 i. Acquire, introduce, and propagate marine fish species in such
 38 manner as will carry out the fisheries resources management pro-
 39 grams;

40 j. To coordinate and integrate the marine fisheries program
 41 established herein with the activities of all other State agencies
 42 which affect fisheries resources, **and access thereto** including but
 43 not limited to, freshwater fisheries, coastal zone management, water
 44 pollution control and marine law enforcement; and,

45 k. To encourage every agency which operates a bridge **or road**
 46 over any of the marine waters of this State to construct a fishing
 47 platform on each such bridge.

1 8. (New section) In the management of fisheries resources which
 2 are shared by the State of New Jersey with other states or with
 3 other states and the Federal Government, the commissioner shall
 4 cooperate with the appropriate agencies of said states, the Federal
 5 Government and the regional fisheries management councils estab-
 6 lished under the Federal Fisheries Conservation and Management
 7 Act of 1976, and any appropriate interstate programs to develop
 8 integrated management plans for such shared resources.

9 The commissioner is empowered to make the following reciprocal
 10 agreements with other jurisdictions:

11 a. Rules and regulations with respect to fishing in boundary
 12 waters after consultation with the appropriate body in the neigh-
 13 boring states;

14 b. A procedure whereby valid fishing license issued by the par-
15 ties to the reciprocal agreements may be used by their licensees
16 within the jurisdiction of either in accordance with the terms of
17 such agreements;

18 c. Any individual from a state who has the responsibility of
19 enforcing that state's marine fisheries laws may pursue any person
20 found fishing in the coastal waters of such state in violation of the
21 marine fisheries laws thereof onto adjacent waters of this State
22 and there arrest him and return him to the state where the viola-
23 tion occurred for the purpose of prosecuting him for such violation;
24 provided, that such other state shall have enacted legislation giving
25 substantially similar authority to individuals of this State who
26 have responsibility for enforcing the marine fisheries laws of this
27 State relative to persons found fishing in the coastal waters of
28 this State in violation of the marine fishing laws thereof.

1 9. (New section) a. The commissioner may by regulation require
2 that every person, who takes fisheries resources, provide informa-
3 tion on the species, number, weight, and any other information
4 pertinent to management of the resources taken in a manner pre-
5 scribed and on forms supplied by the department.

6 b. Every person engaged in the *commercial* buying, packing,
7 storing, wholesaling, marketing, or processing of any fisheries
8 resources within the State shall keep accurate records, books or
9 accounts showing the species, quantity, and source of fisheries
9A resources.

10 c. Every record, book, or account referred to in subsection b.
11 shall be open for inspection by the department at reasonable hours.

12 d. The department may audit the records, books, or accounts of
13 any person referred to in subsection b., and of anyone who takes
14 fisheries resources and ships directly to market in order to
15 determine the quantity of resources taken and other information
16 pertinent to management.

17 e. The records obtained by the department, and the information
18 contained therein, shall except as otherwise provided in this section,
19 be confidential, and the records shall not be public records and
20 insofar as possible, the information contained in the records shall
21 be compiled or published in such a manner so as not to disclose
22 the business record of any person.

23 f. The information in the above records can be provided to other
24 states*, *Federal agencies** and regional fisheries agencies provided
25 that those entities have similar confidentiality provisions that do
26 not disclose the business record of any person.

1 10. (New section) For a period of ~~*[1 year]*~~ **2 years** from the
 2 effective date of this act the Commissioner of Labor and Industry,
 3 the Commissioner of Environmental Protection, the Secretary of
 4 Agriculture, the Executive Director of the Economic Development
 5 Authority and the Director of the Division of Fisheries and Wild-
 6 life shall serve on an Aquaculture **Task Force to be chaired by*
 7 *the Secretary of Agriculture** and **a** Commercial Fisheries De-
 8 velopment Task Force **to be chaired by the Commissioner of*
 9 *Environmental Protection**. The task ~~*[force]*~~ **forces** shall be
 10 ~~*[located in]*~~ **assigned to** the Governor's office and shall pro-
 10A mote the development of aquaculture, of the commercial fisheries
 10B industry, and of the commercial aspects of fish products. ~~*[Each~~
 10C ~~such administrator]*~~ **The task forces** shall, to the extent prac-
 11 ticable, encourage the growth and expansion of piers and docks,
 12 processing and storage facilities, fishing equipment and vessels
 13 and marketing facilities and the development of aquaculture,
 14 personnel training programs, research, or any other procedures
 15 designed to stimulate, expand and promote the commercial fisheries
 16 industry and the commercial aspects of recreational fishing and
 17 the development of processing and marketing facilities for fish
 18 and fish products. **The task forces shall define the roles of the*
 19 *various concerned State agencies in carrying out a permanent pro-*
 20 *gram to promote the development of an aquaculture program and*
 21 *of a commercial fisheries industry. The task forces shall report*
 22 *to the Governor and Legislature on their findings and conclusions,*
 23 *and shall recommend whatever legislative changes are necessary*
 24 *for a permanent program prior to the termination of the 2-year*
 25 *period.**

1 11. Section 3 of P. L. 1974, c. 80 (C. 34:1B-3) is amended to
 2 read as follows:

3 3. As used in this act, unless a different meaning clearly appears
 4 from the context:

5 a. "Authority" means the New Jersey Economic Development
 6 Authority, created by section 4 of this act.

7 b. "Bonds" means bonds or other obligations issued by the
 8 Authority pursuant to this act.

9 c. "Cost" means

10 ~~[The]~~ *the* cost of the acquisition, construction, reconstruction,
 11 repair, alteration, improvement and extension of any building,
 12 structure, facility including water transmission facilities, or other
 13 improvement; the cost of machinery and equipment, the cost of
 14 acquisition, construction, reconstruction, repair, alteration, im-

15 provement and extension of pollution control devices, equipment
16 or facilities; the cost of lands, rights-in-lands, easements, privileges,
17 agreements, franchises, utility extensions, disposal facilities, access
18 roads and site development deemed by the authority to be neces-
19 sary or useful and convenient for any project or in connection
20 therewith, discount on bonds, costs of issuance of bonds, engineer-
21 ing and inspection costs, cost of financial, legal, professional and
22 other estimates and advice, organization, administrative, insur-
23 ance, operating and other expenses of the authority or any person
24 prior to and during any acquisition or construction, and all such
25 expenses as may be necessary or incident to the financing, acquisi-
26 tion, construction or completion of any project or part thereof,
27 and also such provision for reserves for payment or security of
28 principal of or interest on bonds during or after such acquisition
29 or construction as the authority may determine.

30 d. "County" means any county of any class.

31 e. "Development property" means any real or personal property
32 interest therein, improvements thereon, appurtenances thereto and
33 air or other rights in connection therewith, including land, build-
34 ings, plants, structures, systems, works, machinery and equipment
35 acquired or to be acquired by purchase, gift or otherwise by the
36 authority within an urban growth zone.

37 f. "Person" means any person, including individuals, firms,
38 partnerships, associations, societies, trusts, public or private
39 corporations, or other legal entities, including public or govern-
40 mental bodies as well as natural persons. "Person" shall include
41 the plural as well as the singular.

42 g. "Pollution control project" means any device, equipment,
43 improvement, structure or facility or any land and any building,
44 structure, facility or other improvement thereon, or any combina-
45 tion thereof, whether or not in existence or under construction, or
46 the refinancing thereof in order to facilitate improvements or
47 additions thereto or upgrading thereof, and all real and personal
48 property deemed necessary thereto, having to do with or the end
49 purpose of which is the control, abatement or prevention of land,
50 sewer, water, air, noise or general environmental pollution, includ-
51 ing, but not limited to, any air pollution control facility, noise
52 abatement facility, water management facility, thermal pollution
53 control facility, radiation contamination control facility, waste
54 water collection system, waste water treatment works, sewage
55 treatment works system, sewage treatment system or solid waste
56 disposal facility or site; provided that the authority shall have

57 received from the Commissioner of the State Department of
58 Environmental Protection or his duly authorized representative,
59 a certificate stating the opinion that, based upon information, facts
60 and circumstances available to the State Department of Environ-
61 mental Protection and any other pertinent data, (1) said pollution
62 control facilities do not conflict with, overlap or duplicate any other
63 planned or existing pollution control facilities undertaken or
64 planned by another public agency or authority within any political
65 subdivision, and (2) that such facilities, as designed, will be a pol-
66 lution control project as defined in this act and are in furtherance
67 of the purpose of abating or controlling pollution.

68 h. "Project" means (1) (a) acquisition, construction, recon-
69 struction, repair, alteration, improvement and extension of any
70 building, structure, facility including water transmission facilities
71 or other improvement, whether or not in existence or under con-
72 struction, (b) purchase and installation of equipment and machin-
73 ery, (c) acquisition and improvement of real estate and the
74 extension or provision of utilities, access roads and other appurte-
75 nant facilities, and (2) (a) the acquisition, financing, or refinancing
76 of inventory, raw materials, supplies, work in process, or stock
77 in trade, or (b) the financing, refinancing or consolidation of
78 secured or unsecured debt, borrowings, or obligations, or (c) the
79 provision of financing for any other expense incurred in the
80 ordinary course of business; all of which are to be used or occupied
81 by any person in any enterprise promoting employment, either
82 for the manufacturing, processing or assembly of materials or
83 products, or for research or office purposes, including, but not
84 limited to, medical and other professional facilities, or for indus-
85 trial, recreational, hotel or motel facilities, public utility and ware-
86 housing, or for commercial and service purposes, including, but
87 not limited to, retail outlets, retail shopping centers, restaurant
88 and retail food outlets, and any and all other employment promot-
89 ing enterprises including, but not limited to motion picture and
90 television studios and facilities *and commercial fishing facilities,*
91 *commercial facilities for recreational fishermen, fishing vessels,*
92 *aquaculture facilities and marketing facilities for fish and fish*
93 *products* and (d) acquisition of an equity interest in, including
94 capital stock of, any corporation; or any combination of the above,
95 which the authority determines will (i) tend to maintain or provide
96 gainful employment opportunities within and for the people of
97 the State, or (ii) aid, assist and encourage the economic develop-
98 ment or redevelopment of any political subdivision of the State,
99 or (iii) maintain or increase the tax base of the State or of any

100 political subdivision of the State, or (iv) maintain or diversify
101 and expand employment promoting enterprises within the State;
102 and (3) the cost of acquisition, construction, reconstruction, repair,
103 alteration, improvement and extension of a pollution control
104 project which the authority determines will tend to reduce, abate
105 or prevent environmental pollution within the State. Project may
106 also include (i) reimbursement to any person for costs in connec-
107 tion with any project, or the refinancing of any project or portion
108 thereof, if determined by the authority as necessary and in the
109 public interest to maintain employment and the tax base of any
110 political subdivision and will facilitate improvements thereto or
111 the completion thereof, and (ii) development property and any
112 construction, reconstruction, improvement, alteration, equipment
113 or maintenance or repair, or, planning and designing in connection
114 therewith.

115 i. "Revenues" means receipts, fees, rentals or other payments
116 to be received on account of lease, mortgage, conditional sale, or
117 sale and payments and any other income derived from the lease,
118 sale or other disposition of a project, moneys in such reserve and
119 insurance funds or accounts or other funds and accounts and income
120 from the investment thereof, established in connection with the
121 issuance of bonds or notes for a project or projects, and fees,
122 charges or other moneys to be received by the authority in respect
123 of projects and contracts with persons.

124 j. "Resolution" means any resolution adopted or trust agree-
125 ment executed by the authority pursuant to which bonds of the
126 authority are authorized to be issued.

127 k. "Urban growth zone" means any area within a municipality
128 receiving State aid pursuant to the provisions of P. L. 1971, c. 64,
129 or a municipality certified by the Commissioner of Community
130 Affairs to qualify under such law in every respect except popula-
131 tion, which area has been so designated pursuant to an ordinance
132 of the governing body of such municipality.

1 12. (New section) No person shall, willfully and without reason-
2 able cause*,* interfere with, break, damage or destroy any net, trap,
3 seine, fyke pot or any other device used to take fish, which is being
4 utilized in a lawfully authorized manner.

1 13. (New section) The marine police shall devote a sufficient
2 number of hours and sufficient resources to the enforcement of the
3 marine management statutes and rules and regulations promulgated
4 pursuant thereto to assure compliance therewith. The chief admini-
5 strative officer of the marine fisheries program and of the marine

6 police shall jointly work out an effective marine fisheries enforce-
 7 ment program. The two chief administrative officers shall periodi-
 8 cally report to the Marine Fisheries Council on enforcement activi-
 9 ties, whether completed, underway or contemplated. Each marine
 10 policeman shall be trained for a minimum of one full work week on
 11 marine resources management procedures during his first year on
 12 the job and for a minimum of one working day every year there-
 13 after.

1 14. R. S. 50:1-5 is amended to read as follows:

2 50:1-5. The **[board]** *Commissioner of Environmental Protection*
 3 shall have full control and direction of the shellfish industry *and*
 4 *resource* and of the protection of shellfish throughout the entire
 5 State, *subject to the* ***[remaining]*** *provisions of this Title. [It]*
 6 *He* shall make such rules and regulations as may be necessary for
 7 the preservation and improvement of the shellfish industry *and re-*
 8 *source* of the State, *after consultation with the Shell Fisheries*
 9 *Council and subject to the* ***[approval]*** **disapproval, as herein-*
 10 *before provided,* of the Marine Fisheries Council. For purposes*
 11 *of this title the term "shellfish" shall mean hard clams,*
 12 **[(mercenaria mercenaria)]* *(Mercenaria mercenaria)* soft*
 13 *clams (*[mya]* *Mya* arenaria)*, sea clams (Mactra solidissima)**
 13A *and oysters (*[coassostrea]* *Cassostrea* virginica) and the*
 13B *term "commissioner" shall mean Commissioner of Environmental*
 13C *Protection.*

14 **[The board shall report annually to the legislature.]**

1 15. R. S. 50:1-18 is amended to read as follows:

2 50:1-18 a. *The Shell Fisheries Council shall be composed of nine*
 3 *members; one each residing in the counties of Monmouth, Ocean,*
 4 *Burlington, Atlantic, Cape May and Salem*,* and three residents of*
 5 *Cumberland county; each of whom shall be *a licensed and practic-*
 6 *ing shellfisherman and shall be* chosen with due regard to his*
 6A *knowledge of and interest in the shellfish industry and in the*
 7 *conservation and management of shellfish. Each member of the*
 8 *council shall be appointed by the Governor, with the advice and*
 9 *consent of the Senate, for a term of 4 years and shall serve until*
 10 *his successor has been appointed and has qualified.*

11 *Any vacancies in the membership of said council occurring other*
 12 *than by expiration of term shall be filled by the Governor, with the*
 13 *advice and consent of the Senate, for the unexpired term only. Any*
 14 *member of the council may be removed from office by the Governor,*
 15 *for cause, upon notice and opportunity to be heard.*

16 *The members of the council shall serve without compensation*
17 *but shall be reimbursed for necessary expenses incurred in the*
18 *performance of their duties. Each section of the council shall*
19 *annually elect a chairman of the council from its own members.*

20 *b. The council shall, subject to the approval of the commissioner,*
21 *formulate comprehensive policies for the preservation and improve-*
22 *ment of the shellfish industry and resource of the State. The*
23 *council shall also: (1) consult with and advise the commissioner*
24 *and the Marine Fisheries Council with respect to the implementa-*
25 *tion of the shellfisheries program; (2) study the activities of the*
26 *shellfisheries program and hold hearings with respect thereto as it*
27 *may deem necessary or desirable; and (3) ***[recommend]*** *in-*
28 *itiate*, by resolution of the council, proposed rules and regulations*
29 *concerning shellfish to the commissioner.**

30 *c. No lease of any of the lands of the State under the tidal waters*
31 *thereof, to be exclusively used and enjoyed by the lessee for the*
32 *planting and cultivating of shellfish, shall hereafter be allowed*
33 *except when approved by a majority of the appropriate section of*
34 *the council; and no such lease shall hereafter in any case be allowed*
35 *except when approved and signed by the commissioner.*

36 *d. The **[Shell Fisheries]** council **[in the State Department of***
37 *Conservation and Economic Development]* shall be divided into
38 two sections one to be known as the "**[Maurice River Cove]**
39 *Delaware Bay Section,*" consisting of the members from ~~the~~
40 counties of Cumberland and **[Cape May]** *Salem,* and the other to
41 be known as the "Atlantic Coast Section" consisting of the
42 members from the counties of Atlantic, Burlington, Ocean and
43 Monmouth. The member of the said council from **[a county other**
44 *than the above enumerated counties]* *Cape May* shall be entitled
45 to participate in the exercise of the powers and the performance
46 of the duties of each of the said two sections.

47 The **[Maurice River Cove]** *Delaware Bay* Section shall, subject
48 to the approval of the Commissioner **[of Conservation and**
49 *Economic Development]*, exercise all the powers and perform all
50 the duties of the council in matters relating to the shellfish in-
51 dustry in the tidal waters of Delaware river, Delaware bay and
52 their tributaries.

53 The Atlantic Coast Section shall, subject to the approval of the
54 Commissioner **[of Conservation and Economic Development]**,
55 exercise all the powers and perform all the duties of the council
56 in matters relating to the shellfish industry in all of the tidal
57 waters of the State except in the tidal waters of the Delaware river,
58 Delaware bay and their tributaries.

1 16. R. S. 50:1-22 is amended to read as follows:

2 50:1-22. The [board] *commissioner* shall establish and main-
 3 tain *["an office]" *several offices* ["within the boundaries of each
 4 department and division,] located at *["some place]" *places*
 5 convenient to persons engaged in the [oyster] *shellfish* industry
 6 [in such department or division. Such office shall also be the office
 7 of the chief of the department or division, and the]. *The records*
 8 *of all leases and licenses issued by him shall be kept therein. One*
 9 *office shall be located in the area served by the Atlantic Coast*
 10 *Section and one office shall be located in the area served by the*
 11 *Delaware Bay Section of the Council.*

1 17. R. S. 50:1-24 is amended to read as follows:

2 50:1-24. The power granted by this title to the [board] *council*,
 3 *subject to the provisions of R. S. 50:1-18, to lease lands under the*
 4 *tidal waters of this State for the planting and culture of shellfish*
 5 *is exclusive, and no other State agency may, in the name of the*
 6 *State or otherwise, give, grant or convey to any person the exclu-*
 7 *sive right to plant or take shellfish from any of such waters; and*
 8 *no grant or lease of lands under tidewater, whereon there are*
 9 *natural oyster beds, shall be made by any other state agency except*
 10 *for the purpose of building wharves, bulkheads or piers.*

1 18. R. S. 50:1-25 is amended to read as follows:

2 50:1-25. No lease shall be granted to any person who is not at
 3 the time of granting such lease[, and shall not have been for
 4 12 months preceding,] a [citizen and actual] resident of this
 5 State[, but this restriction shall not apply to the renewal of any
 6 lease granted prior to March 24, 1917].

1 19. R. S. 50:1-27 is amended to read as follows:

2 50:1-27. The [board] *council, with the approval of the commis-*
 3 *sioner, shall fix the term for which leases may be granted, not*
 4 *exceeding 30 years, the rental to be paid, the maximum size of any*
 5 *single ground to be leased, and the total acreage which may be*
 6 *leased to any person or persons.*

1 20. R. S. 50:1-28 is amended to read as follows:

2 50:1-28. The [board] *commissioner* shall, from time to time,
 3 cause the leased lands to be measured, and the metes and bounds
 4 thereof ascertained and located by ranges, monuments or other
 5 means, so that the limits thereof may be accurately fixed and easily
 6 located.

7 The [board] *commissioner* shall cause the leased lands to be
 8 mapped, and the maps to be filed in the office of the [board; and
 9 copies thereof to be filed in the office of the department of the
 10 Maurice river cove, and the offices of the department or divisions of
 11 the Atlantic coast, respectively] *department.*

12 The expense of surveying, measuring, locating and mapping any
 13 ground or grounds shall be paid by the applicant therefor before he
 14 shall be entitled to a lease or leases for the same.

1 21. R. S. 50:1-29 is amended to read as follows:

2 50:1-29. The [board] *commissioner* shall cause leases, and
 3 assignments and transfers thereof, to be recorded in books kept in
 4 the offices of the [departments or divisions, respectively] *depart-*
 5 *ment*; and no assignment or transfer of any ground or lease
 6 therefor shall be valid unless approved by the [board] *commis-*
 7 *sioner and the council* and forthwith recorded in the office of the
 8 department [or division in which the leased land is located].

1 22. R. S. 50:1-30 is amended to read as follows:

2 50:1-30. The [board] *council with the approval of the commis-*
 3 *sioner* may lease to applicants therefor any of the lands of this
 4 State that have been or may hereafter be condemned [by the State
 5 Department of Health] *pursuant to the provisions of chapter 14 of*
 6 *Title 24 of the Revised Statutes.*

1 23. R. S. 50:1-31 is amended to read as follows:

2 50:1-31. The [board] *commissioner* may make such rules and
 3 regulations for the removal and distribution of shellfish from lands
 4 leased under section 50:1-30 of this Title, as in [its] *his* judgment
 5 will be in accord with the object of the condemnation. Such rules
 6 and regulations shall not be inconsistent with those [of the State
 7 Department of Health. The board may require the lessee to give
 8 bond in a sum not to exceed \$10,000.00 for the faithful observance
 9 of such rules and regulations] *adopted pursuant to the provisions*
 10 *of chapter 14 of Title 24 of the Revised Statutes.*

1 24. R. S. 50:1-34 is amended to read as follows:

2 50:1-34. No [oysters, seed oysters, or other mollusks, commonly
 3 known as] **[shellfish]** **oysters**, native to, or brought directly
 4 or indirectly, from any foreign country *or any other state* shall be
 5 planted or lodged in the waters of this State without written per-
 6 mission issued by the [board] *commissioner, after notice to the*
 7 *council*, for each separate shipment. Application for such per-
 8 mission shall be made in writing, and shall state:

9 a. The species of such [oysters, seed oysters or mollusks]
 10 **[shellfish]** **oysters**;

11 b. The location from which they were, or are to be, immediately
 12 taken;

13 c. The source from which they were originally obtained; and

14 d. The country to which their kind is native.

15 The same information shall be shown upon a tag attached to, or
 16 upon the billing accompanying each shipment upon its arrival in
 17 this State.

1 25. R. S. 50:1-35 is amended to read as follows:

2 50:1-35. The [board] *commissioner* may issue such permission
3 after due inspection and examination of the nature, species, quan-
4 tity, source, location of proposed planting or lodging, and the
5 condition of the [oysters, seed oysters or mollusks] **[shellfish]**
6 **oysters** and after [certification by the biologist of the board] *his*
7 *determination* that the same will not [in his opinion,] be detrimental
8 to the native [oysters] **[shellfish]** **oysters** or to the [oyster]
9 **[shellfish]** **oysters** industry of this State.

10 Such permission shall specify the nature, species, quantity and
11 proposed location of planting or lodgment of the [oysters, seed
12 oysters or mollusks] **[shellfish]** **oysters** and shall apply only to
13 the particular shipment for which it is issued.

1 26. R. S. 50:1-36 is amended to read as follows:

2 50:1-36. The [board] *commissioner* shall make such charge, and
3 collect in advance, for the issuance of such permission, such sum
4 of money as may be necessary to defray the cost of the inspection,
5 examination and certification.

1 27. R. S. 50:2-1 is amended to read as follows:

2 50:2-1. No person shall catch or take **[oysters or]** clams from
3 any of the natural **[oyster or]** clam grounds in the waters of this
4 State, without first obtaining a license from the [board] *commis-*
5 *sioner*. Such licenses shall grant the privilege of taking **[oysters*
6 *or]** clams upon any natural **[oyster bed or]** clam ground of this
7 State, except such as may be [reserved for leasing purposes]
8 *leased* by the [board] *council*.

1 28. R. S. 50:2-2 is amended to read as follows:

2 50:2-2. No *recreational* license shall be granted to any applicant
3 who does not present satisfactory evidence that he is [at the time
4 of such application, and has been for 12 months next preceding,]
5 a [citizen and actual] resident of this State; except that a *non-*
6 *resident's recreational* license effective only in the months of June,
7 July, August and September in any calendar year may be granted
8 to a nonresident of this State upon payment of a license fee [to
9 be fixed by the Shell Fisheries Council, within the limits of, and
10 subject to, the rules and regulations provided by this chapter, and
11 limited to the Atlantic seaboard, and except that any resident of
12 the state of New York may be granted such a license to take clams
13 from the clamming grounds in the waters of Raritan bay in this
14 State, if the same privileges are granted to the citizens of New
15 Jersey to obtain licenses to take clams from the clamming grounds
16 in said bay in New York State].

17 No [nonresident] holder of [any] *either* such recreational license
 18 *may take more than 150 clams per day or* shall sell or offer for sale
 19 ***[oysters or]*** clams taken under said license and any such sale or
 20 offer for sale shall constitute ground for the revocation of said
 21 license. *No person shall take or catch more than 150 clams per day*
 22 *unless such person is a holder of a commercial clam license.*

1 29. R. S. 50:2-3 is amended to read as follows:

2 50:2-3. The license fee shall be fixed by the [Division of Fish,
 3 Game and Shell Fisheries from time to time, subject to approval
 4 of the] commissioner [of the Department of Environmental Pro-
 5 tection], *with the approval of the council*, at not less than [**\$1.00**
 6 **\$5.00** nor more than \$10.00 for [residents] *either recreational li-*
 7 *cence*, and shall be *not less than \$25.00 nor more than \$50.00* for
 8 [nonresidents] a commercial clam license. No fee shall be charged
 9 **for a recreational license** to a person who is 62 or more years of
 10 age; provided such person is a ***[citizen and actual]*** resident of
 11 this State.

1 30. R. S. 50:2-4 is amended to read as follows:

2 50:2-4. Each license shall be for the term of 1 year from Janu-
 3 ary 1 of the year of issue, and shall be [under the hand and seal
 4 of the chief of a department or division of the board] *granted by*
 5 *the commissioner*. Each license shall be numbered and shall state
 6 the name and residence of the licensee, and a record thereof shall
 7 be kept by the [chiefs of departments and divisions respectively]
 8 *commissioner*.

1 31. R. S. 50:2-5 is amended to read as follows:

2 50:2-5. [Each licensee shall, at all times while engaged in op-
 3 erating under his license wear in a conspicuous place on his outer
 4 clothing a button to be furnished by the person issuing the license.
 5 The button shall bear a number corresponding to the number of
 6 the license delivered to the applicant and any other matter the
 7 board determines.] Each licensee shall [also] have the license on
 8 his person and shall exhibit it for inspection to any [member of
 9 the board, any] officer or employee [thereof] *of the department*
 10 *or other person requesting to see the same.*

1 32. Section 1 of P. L. 1950, c. 310 (C. 50:2-6.1) is amended to
 2 read as follows:

3 1. No person or vessel shall take, harvest or dredge for sea clams
 4 (***[mactra]*** *Mactra* solidissima) also known as ***[spisula]***
 5 *Spisula* solidissima from any waters of this State without first
 6 obtaining a license from the [Division of Fish, Game and Shell
 7 Fisheries in the Department of Environmental Protection] *com-*

8 *missioner*. The [Division of Fish, Game and Shell Fisheries]
 9 *commissioner* may license every vessel engaged in the harvesting
 10 of sea clams within the waters of this State. Such license shall be
 10A issued on an annual basis.

11 Such licenses shall grant the privilege of gathering sea clams
 12 by dredging, but only in the Atlantic ocean, but not in the Delaware
 13 bay northerly of a line from Cape May Point lighthouse tower to
 14 Brandywine lighthouse or in the Sandy Hook bay west of a line
 15 from the west point of Sandy Hook to Roamer Shoal lighthouse.
 16 No boat or vessel shall be licensed under this act unless its bona
 17 fide owner is a [citizen and actual] resident of this State [and shall
 18 have been such for 12 months next preceding the issuance of such
 19 license].

20 The [division] *commissioner* may adopt regulations regarding
 21 the issuance procedures of such licenses.

22 The [Division of Fish, Game and Shell Fisheries] *commissioner*
 23 may issue permits for sea clam research, inventory and educational
 24 projects. Nothing in this section shall be construed to limit the
 25 activities of such projects.

1 33. R. S. 50:2-7 is amended to read as follows:

2 50:2-7. All oysters, oyster shells and other material dredged,
 3 tonged or in any manner raised or taken from any of the beds and
 4 grounds above what is known as the southwest line in Delaware
 5 bay, or from any natural oyster bed or ground, shell bed or reef,
 6 where oysters naturally spawn and grow under the tidal waters of
 7 the State, shall be culled as soon as the same are emptied out of
 8 the tongs or dredges on the culling board, *conveyor, culling device,*
 9 or deck of the boat or vessel employed for the purpose, and before
 10 the same are shoveled back from the culling board or portion of the
 11 deck used for emptying the tongs or dredges.

1 34. R. S. 50:2-8 is amended to read as follows:

2 50:2-8. Such culling shall be so close that three bushels of oys-
 3 ters[,] **[and]**,* oyster shells [and other material] **and other*
 4 *material** taken from any part of a boat or vessel, after having been
 5 shoveled back from the culling board, *conveyor, culling device* or
 6 that part of the boat or vessel used for emptying the tongs and
 7 dredges, shall not contain more than 15% of shells and other
 7A material.

8 All shells and other material except oysters and clams, shall be
 9 immediately thrown back upon the beds or grounds from which
 10 they shall have been taken.

1 35. R. S. 50:2-9 is amended to read as follows:

2 50:2-9. When the person in charge of any boat or vessel licensed
 3 under the provisions of this Title, or any person holding a tonger's
 4 license, is hailed or signaled by any officer of the [board] depart-
 5 ment and refuses to stop and permit such officer or officers to board
 6 his boat, vessel or other craft and examine the oysters, oyster shells
 7 and other material thereon, the [board] commissioner may revoke
 8 the license of such boat or vessel and the license of the tonger.

1 36. R. S. 50:2-10.1 is amended to read as follows:

2 50:2-10.1. No person shall use or employ any boat or other
 3 vessel propelled wholly or in part by steam, naphtha, gasoline,
 4 electricity or any other mechanical motive power, or any motor
 5 driven apparatus, for the purpose of catching or taking of clams
 6 from any of the waters of this State, whereby the soil or bottom
 7 on or in which the clams are found is agitated or disturbed by the
 8 propellor wheel or wheels of such boat or vessel or by any other
 9 motor or mechanically driven apparatus thereon for the purpose
 10 of catching or taking clams as aforesaid, *except by permit issued*
 11 *by the Department of Environmental Protection with the approval*
 12 *of the council for taking * [soft] * clams from the waters of the*
 13 *Raritan bay * [and] * *, * Sandy Hook bay*, Shrewsbury river or*
 14 *Navesink river*.*

1 37. R. S. 50:2-11 is amended to read as follows:

2 50:2-11. No person shall dredge upon, or throw, cast or drag an
 3 oyster dredge or any other instrument or appliance used for catch-
 4 ing clams or oysters, or assist in so doing, or tread for clams, upon
 5 any of the lands lying under the tidal waters of this State before
 6 sunrise or after sunset, or at any time on Sunday, *except that*
 7 ** [soft] * clams may be taken from the waters of Raritan bay,*
 8 ** Sandy Hook bay, Shrewsbury river or Navesink river* on Sunday.*

1 38. R. S. 50:2-12 is amended to read as follows:

2 50:2-12. Seed oysters of any size and hard shell clams measuring
 3 less than 1½ inches in length caught and taken from any of the
 4 natural oyster or clam beds or grounds under the tidal waters of
 5 this State shall not be sold and taken out of this State for the
 6 purpose of planting on grounds in any other state, *excepting for*
 7 *methods of aquaculture approved by the commissioner.* No person
 8 may sell natural seed oysters or clams in violation of this section
 9 nor shall any person purchase or transport such oysters or clams
 10 in violation of this section.

11 Possession of such oysters or clams outside of the boundaries
 12 of this State shall be prima facie evidence of violation of this
 13 section.

1 39. R. S. 50:3-1 is amended to read as follows:

2 50:3-1. No boat or vessel shall be used or employed in the catch-
3 ing or taking of oysters in the Delaware river, Delaware bay or
4 Maurice river cove, in this State, without a license for that purpose
5 [under this article. Such license shall be issued by the chief of
6 the department of Maurice river cove, duly certified by himself, to
7 the captains of the boats or vessels entitled thereto] *issued by the*
8 *commissioner.*

1 40. R. S. 50:3-2 is amended to read as follows:

2 50:3-2. The [board] *council* may fix the license fee at any sum
3 [not exceeding \$4.00 per ton] on the gross tonnage measurement
4 of such boat or vessel.

5 No license shall be issued for a period longer than 1 year.

6 All licenses shall be numbered and recorded [in a book kept for
7 that purpose in the office of the board, at Bivalve] *by the com-*
8 *missioner.*

1 41. R. S. 50:3-3 is amended to read as follows:

2 50:3-3. The [chief of the department of Maurice river cove]
3 *commissioner*, before issuing a license to any boat or vessel as
4 provided in this article, shall cause the master or captain thereof
5 to [make and] file with him [an oath] *a statement* that such boat
6 or vessel is wholly owned bona fide by [citizens and actual]
7 residents of this State[, and who have been such for 12 months
8 next preceding]; and no boat or vessel owned wholly or in part
9 by a nonresident and licensed in any other state to catch oysters
10 on natural beds or grounds in such other state shall be licensed
11 in this State within the same year in which such license to catch
12 oysters in such other state shall have been or shall be issued.
13 [Such oath may be administered by any member of the board or
14 the chief of the department, and the board] *The commissioner*
15 may revoke a license issued by reason of a false [oath made or
16 taken] *statement filed* by any applicant.

1 42. R. S. 50:3-5 is amended to read as follows:

2 50:3-5. The [board shall] *commissioner may* revoke the license
3 of any boat or vessel, the owner, captain, master or person in charge
4 of which shall violate or cause or permit to be violated any of the
5 provisions of this Title or any rule or regulation of the [board]
6 *commissioner*, and the [board] *commissioner* may refuse there-
7 after to allow any license to be issued to the boat or vessel for such
8 period of time as [the board] *he* shall fix.

1 43. R. S. 50:3-7 is amended to read as follows:

2 50:3-7. No person shall use any dredge for the purpose of catch-
 3 ing or taking oysters or clams from any of the natural beds or
 4 grounds in Delaware bay or Delaware river above the line running
 5 direct from the mouth of Straight creek to Cross Ledge lighthouse,
 6 commonly known and hereafter referred to as the "southwest
 7 line", the tooth bar of which dredge measures more than fifty-four
 8 inches across from center of bolt hole to center of bolt hole where
 9 the frame thereof is fastened to the tooth bar, or any dredge which
 10 measures more than 5 feet 2 inches in width from the extreme
 11 outside to outside of frame, or any dredge which measures more
 12 than 21 inches from center of tooth bar to center of cross bar, or
 13 any dredge the bag of which contains more than 17 rows of 2 inch
 14 rings, or any dredge the rings of which are less than 2 inches in
 15 diameter, inside measurement, or any dredge the bag of which
 16 measures more than 5 feet around the bag from center of tooth
 17 bar to center of cross bar, or any dredge which weighs more than
 18 **[190]** 250 pounds.

1 44. R. S. 50:3-11 is amended to read as follows:

2 50:3-11. No oysters shall be dredged for, caught or taken from
 3 any of the lands lying under the tidal waters of the Delaware bay
 4 and Maurice river cove below a line running direct from the mouth
 5 of Straight creek to Cross Ledge lighthouse, commonly known and
 6 hereinafter referred to as the "southwest line," at any time except
 7 from September 1 to June 30 then next, both inclusive, of each
 8 year; but the **[chief of the department of Maurice river cove or**
 9 **any member of the board]** *commissioner* may, upon application,
 10 give permission, in writing, to any lessee of oyster grounds to
 11 dredge, catch or take oysters or to employ such methods for the
 12 protection of his oysters on said grounds and for the promotion
 13 of the growth thereof during the closed season as the **[chief or**
 14 **board]** *commissioner* may deem advisable.

1 45. R. S. 50:3-12 is amended to read as follows:

2 50:3-12. The **[chief of the department of Maurice river cove, or**
 3 **any member of the board,]** *council* may upon application give per-
 4 mission, in writing, to any prospective lessee to examine and in-
 5 spect, with proper appliances, any of the unleased lands of the
 6 State below the southwest line for the purpose of determining
 7 their suitability or adaptability for oyster culture or propagation;
 8 but no oysters shall be permanently removed from any such lands
 9 by virtue of any such permit.

1 46. R. S. 50:3-13 is amended to read as follows:

2 50:3-13. No person shall dredge upon or throw, cast or drag an
 3 oyster or clam dredge, or any other instrument or appliance used
 4 for catching oysters or clams, upon any of the land of the State

5 lying under the tidal waters of the Delaware bay or Maurice river
6 cove, in this State, below the southwest line, other than land or
7 ground for which such person then holds a lease from the Shell
8 Fisheries Council under this Title.

9 **【Any person violating the provisions of this section shall be**
10 **liable to a penalty of not less than \$100.00 nor more than \$300.00**
11 **for the first offense, and of not less than \$300.00 nor more than**
12 **\$500.00 for any subsequent offense.】**

1 47. Section 2 of P. L. 1966, c. 52 (C. 50:3-16.2) is amended to
2 read as follows:

3 2. The **【Division of Shell Fisheries in the Department of Con-**
4 **servation and Economic Development】** *commissioner* shall cause
5 the limits of each of said areas to be plainly marked by stakes or
6 buoys as soon as practical after the effective date of this act.

1 48. Section 5 of P. L. 1966, c. 52 (C. 50:3-16.5) is amended to read
2 as follows:

3 5. No person shall catch or take any shellfish from the natural
4 shellfish beds contained within said Area No. 1 unless there shall
5 have been first issued by the **【Shell Fisheries】** Council**【, Maurice**
6 **River Cove Section, of the Division of Shell Fisheries in the De-**
7 **partment of Conservation and Economic Development,】** for each
8 boat or vessel, so to be used or employed therein, a special license
9 authorizing the catching or taking of shellfish within said area,
10 which shall be issued for a term not longer than 1 year and shall
11 contain an agreement on the part of the holder thereof that any
12 person or officer authorized by regulation of said council to make
13 inspections of such area may board said boat or vessel to inspect
14 shellfish therein contained, and all licenses issued under this act
15 shall be numbered.

1 49. Section 14 of P. L. 1966, c. 52 (C. 50:3-16.14) is amended to
2 read as follows:

3 14. No person shall catch or take any shellfish from the natural
4 shellfish beds, contained within said Area 3, unless there shall have
5 been first issued by the **【Shell Fisheries】** Council**【, Maurice River**
6 **Cove Section, of the Division of Shell Fisheries in the Department**
7 **of Conservation and Economic Development,】** for each boat or
8 vessel, so to be used or employed therein, a special license authoriz-
9 ing the catching or taking of shellfish within said area, which shall
10 be issued for a term not longer than 1 year and shall contain an
11 agreement on the part of the holder thereof.

12 (a) That any person or officer authorized by regulation of said
13 council to make inspections of such area may board said boat or
14 vessel to inspect shellfish therein contained, and

15 (b) That such holder will deliver or cause to be delivered to said
 16 council the shells taken in said area in the process of opening or
 17 shucking, from 40% of all of the oysters taken from under the tidal
 18 waters of said area and delivered by such holder or for his account
 19 to any shucking houses, pursuant to chapter 39 of the laws of 1945,
 20 at the times and in the manner prescribed therein.

21 (c) That such holder will, in the case of oysters packed and
 22 shipped or otherwise sold in the shells by him to persons not re-
 23 quired to be licensed under this act, pay to the State of New
 24 Jersey the true, fair, cash market value of the oyster shells so
 25 packed and shipped and otherwise sold, as fixed by the Council of
 26 Shell Fisheries, under the provisions of this act, on the basis of one
 27 bushel of shells for each bushel of oysters so sold or shipped which
 28 payments shall be made as statements are submitted.

29 All licenses issued under this act shall be numbered.

1 50. Section 21 of P. L. 1966, c. 52 (C. 50:3-16.21) is amended to
 2 read as follows:

3 21. The council may, subject to the approval of the commissioner
 4 **[of Conservation and Economic Development]**, by rule and regula-
 5 tion, prohibit the taking or catching of shellfish in such area at such
 6 times as, in the judgment of the council, may be necessary to close
 7 said beds or any part thereof for conservation purposes.

1 51. Section 22 of P. L. 1966, c. 52 (C. 50:3-16.22) is amended to
 2 read as follows:

3 22. All applications for licenses made under this act shall be filed,
 4 and all licenses issued under this act shall be recorded, in books to
 5 be kept for said purposes **[in the office of the Division of Shell**
 6 **Fisheries in the Department of Conservation and Economic Devel-**
 7 **opment in Bivalve, New Jersey,]** *by the department.*

1 52. Section 2 of P. L. 1945, c. 39 (C. 50:3-20.11) is amended to
 2 read as follows:

3 2. It shall be unlawful for any person to operate within this State
 4 an oyster shucking house or to engage in or carry on the business
 5 of an oyster planter or an oyster dealer, as defined in this act,
 6 without first obtaining a license so to do from the **[Board of Shell**
 7 **Fisheries]** *commissioner* as provided in this act.

1 53. Section 4 of P. L. 1945, c. 39 (C. 50:3-20.13) is amended to
 2 read as follows:

3 4. The license to conduct an oyster shucking house *or to engage*
 4 *in and conduct the business of an oyster planter or an oyster dealer*
 5 shall be issued upon the payment of a license fee of **[\$10.00]**
 6 **\$100.00.**

1 54. Section 6 of P. L. 1945, c. 39 (C. 50:3-20.15) is amended to
2 read as follows:

3 6. The license to engage in the business of an oyster dealer shall
4 be issued in consideration of the agreement of the licensee to pay to
5 the **[Board of Shell Fisheries]** *commissioner* the sums prescribed
6 to be paid by this act in lieu of the delivery of oyster shells.

1 55. Section 7 of P. L. 1945, c. 39 (C. 50:3-20.16) is amended to
2 read as follows:

3 7. Said oyster shells so to be returned to the State shall be
4 returned by the respective oyster planters by whom or for whose
5 account they are delivered to the respective oyster shucking houses
6 and shall be stored and loaded on boats, to be furnished by such
7 oyster planters by the operators of such oyster shucking houses and
8 shall be planted or spread upon said natural oyster beds, at the cost
9 and expense of said oyster planters, at times and places to be
10 designated by the **[Board of Shell Fisheries after consultation with**
11 **representatives of the Delaware Bay Oyster Planters Association]**
12 *council*.

1 56. Section 8 of P. L. 1945, c. 39 (C. 50:3-20.17) is amended to
2 read as follows:

3 8. The cost of storage and loading of such shells upon boats shall
4 be paid to the operators of the respective oyster shucking houses
5 by the State through the **[Board of Shell Fisheries]** *commissioner*
6 at a price to be fixed by said **[board]** *commissioner*, but not to
7 exceed **[\$0.04 per bushel]** *the market price of shells*.

1 57. Section 9 of P. L. 1945, c. 39 (C. 50:3-20.18) is amended to
2 read as follows:

3 9. In the case of oysters packed and shipped or otherwise sold in
4 the shells by oyster dealers to persons not required to be licensed
5 under this act, the respective oyster dealers shall pay to the
6 State of New Jersey the true, fair, cash, market value of the oyster
7 shells so packed and shipped and otherwise sold, as fixed by the
8 **[Board of Shell Fisheries]** *commissioner*, under the provisions of
9 this act, on the basis of one bushel of shells for each bushel of
10 oysters so sold or shipped which payments shall be made as state-
11 ments are submitted.

1 58. Section 11 of P. L. 1945, c. 39 (C. 50:3-20.20) is amended to
2 read as follows:

3 11. The **[Board of Shell Fisheries]** *council* shall, between June 1
4 and July 1 of each year, make a survey and determine the locations
5 in which, in the judgment of the **[board]** *council*, oyster shells
6 should be returned to the natural oyster beds lying within said
7 tidal waters within the year beginning on said July 1 in order to

8 prevent depletion of said natural oyster beds and seed
8a grounds and in order to improve the same and effectuate an
9 increase in the nation's food supply, and shall, at the same time,
10 ascertain the number of bushels of oyster shells to be returned to
11 the State by each licensed oyster planter, and to be stored and
12 loaded on boats by the operators of the respective oyster shucking
13 houses, as required by this act, and, at the same time, shall fix the
14 price to be paid to the operators of the respective oyster shucking
15 houses by the State for storing and loading such shells and shall
16 ascertain the true, fair, cash, market value of oyster shells per
17 bushel to be paid in lieu of the return of oyster shells under this
18 act during said year.

1 59. Section 12 of P. L. 1945, c. 39 (C. 50:3-20.21) is amended to
2 read as follows:

3 12. All moneys received as license fees and in lieu of the return of
4 oyster shells under the provisions of this act shall be used by the
5 **[Board of Shell Fisheries]** *commissioner* for the purchase of
6 oyster shells and oysters which shall be spread over and planted in
7 said natural oyster beds and seed grounds of the State and to
8 establish and maintain oyster sanctuaries.

1 60. Section 13 of P. L. 1945, c. 39 (C. 50:3-20.22) is amended to
2 read as follows:

3 13. The **[Board of Shell Fisheries]** *commissioner* shall have
4 power to make rules and regulations for the carrying out of the
5 purposes of, and enforcement of, the provisions of this act.

1 61. R. S. 50:4-2 is amended to read as follows:

2 50:4-2. No person shall use or cause to be used any dredge with
3 bag or pocket, drag or scrape upon any of the natural oyster or
4 clam beds under the tidal waters of the Atlantic seaboard of this
5 State and tributaries thereof, except Delaware bay, and no license
6 shall be issued by the **[board]** *commissioner* contrary to this sec-
7 tion; but this section shall not prohibit the use of any fork, hoe or
8 drag used by hand in the taking of soft clams; nor shall it prohibit
9 the catching of oysters with hand power dredges from the natural
10 oyster grounds of this State north of Shrewsbury river; nor shall
11 it prohibit the taking of clams with power dredges from specified
12 leased lands under said waters, except Delaware bay, with the
13 approval of the Commissioner of Environmental Protection and
14 under such conditions and supervision as he may prescribe, and
15 under rules and regulation of the Shell Fisheries Council.

1 62. R. S. 50:4-3 is amended to read as follows:

2 50:4-3. No person shall go upon, take or remove oysters, clams
 3 or other material, dredge upon, throw, cast or drag an oyster dredge,
 4 use oyster tongs, rakes, forks or other instruments or appliances
 5 used for catching oysters or clams, or tread for clams, upon any
 6 of the leased lands of this State lying under the tidal waters of
 7 the Atlantic seaboard or tributaries thereof, above Cape May Point,
 8 other than land or ground for which such person or his employer
 9 then holds a lease from the [Shell Fisheries] council.

10 [Any person violating the provisions of this section shall be
 11 liable to a penalty of not less than \$100.00 nor more than \$300.00
 12 for the first offense, and of not less than \$300.00 nor more than
 13 \$500.00 for any subsequent offense.]

1 63. (New section) Within 1 year of the effective date of this
 2 act, the commissioner shall review all rules and regulations pre-
 3 viously adopted pursuant to the provisions of Title 50 of the Re-
 4 vised Statutes for conformance to the revisions to that Title con-
 5 tained herein and shall, after consultation with the Shell Fisheries
 6 Council, amend or repeal any rules and regulations which are not
 7 in conformance herewith.

1 64. R. S. 23:3-41 is amended to read as follows:

2 23:3-41. No person shall erect, set, operate or maintain a fish-
 3 pound net in the waters of the Atlantic ocean, within 3 nautical
 4 miles from the coast line of this State, or in Sandy Hook or Raritan
 5 bay, without first obtaining a license for that purpose, as herein-
 6 after provided.

7 An application for a license for such purpose shall be made to
 8 the [division] commissioner. The [division] commissioner upon
 9 the payment to [it] him of the sum of \$100.00 for each pound net
 10 to be erected or set in the Atlantic ocean, and \$50.00 for each pound
 11 net to be erected or set in Sandy Hook or Raritan bay, as a license
 12 fee, may in [its] his discretion issue to the applicant, if he is a
 13 citizen of the United States, a license, to erect, set, operate and
 14 maintain a fishpound net in one of the waters above specified. The
 15 method of numbering and identification of pounds shall be that
 16 which the [division] commissioner determines. A license issued
 17 hereunder shall expire annually on December 31 next succeeding
 18 its issuance, and may be renewed by the [division] commissioner
 19 upon the payment of the same fee and upon the same terms as those
 20 upon which the original license was granted.

1 65. R. S. 23:3-47 is amended to read as follows:

2 23:3-47. A person who intends to take fish with shirred or purse
 3 seines, otter or beam trawls in the waters of the Atlantic ocean

4 within the jurisdiction of this State shall make application to the
5 **[board]** *commissioner* for a license for that purpose for each vessel
6 proposed to be engaged in the fishing.

7 The **[Division of Fish, Game and Shellfisheries]** *commissioner*
8 upon the receipt of the application and the payment to **[it]** *him*
9 of the sum of \$100.00 for each vessel proposed to be engaged in
10 the fishing, shall issue to the applicant a license for the vessel to
11 take with shirred or purse seine, otter or beam trawl, fish of any
12 kind, excepting striped bass, in the waters of the Atlantic ocean
13 within the jurisdiction of this State at a distance of not less than 2
14 miles from the coast line. The license shall expire on December 31
15 in the year in which it is issued.

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

2 23:3-51. A person intending to take menhaden with purse or
3 shirred nets in any waters in the jurisdiction of this State, includ-
4 ing the waters of the Atlantic ocean, within 3 nautical miles of
5 the coast line of this State, shall apply to the **[division]** *commis-*
6 *sioner* for a license therefor. The **[division]** *commissioner*, upon
7 the receipt of the application and payment to **[it]** *him* of the fee
8 provided in section 23:3-52 of this Title, may, in **[its]** *his* discre-
9 tion, issue to the applicant a license, to take menhaden with purse
10 or shirred nets. The license shall be void after December 31 next
11 succeeding its issuance.

1 67. R. S. 23:5-9 is amended to read as follows:

2 23:5-9. No person shall take from the salt waters of this State
3 by any means, import, export, have in his possession, buy, sell or
4 offer to buy or sell, any lobster, which in length shall be less than
5 $3\frac{1}{8}$ inches measured from the rear end of the eye socket along
6 a line parallel to the center line of the body shell to the rear
7 end of the body shell, or any spawning lobster**],** under a penalty
8 of \$20.00 for each lobster so taken, imported, exported, offered for
9 sale or had in possession**].** This section shall not apply to the taking
10 or possession of lobsters bearing a tag that has been issued or
11 affixed by the Department of Environmental Protection or by any
12 other state or Federal agency with which the department cooperates
13 in a research project.

1 68. R. S. 23:5-16 is amended to read as follows:

2 23:5-16. No person shall catch or take, or attempt to catch or
3 take, eels from the tidal waters of this State by means or use of a
4 dredge, rake, spear or other device attached to or drawn by a boat
5 or vessel**],** under a penalty of \$50.00 for each offense**].**

1 69. Section 2 of P. L. 1941, c. 211 (C. 23:5-24.2) is amended to
2 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 [Division
5 of Fish, Game and Shellfisheries] *commissioner* for a license there-
6 for, and the [division] *commissioner* upon receipt of the application
7 and the fee hereinafter prescribed may in [its] *his* discretion issue
8 licenses for the taking of fish with nets as follows:

9 (a) Haul seines, the mesh of which shall not be larger than 3
10 inches stretched mesh while being fished, and not to exceed 70
11 fathoms in length, whether singly or attached, for all species, ex-
12 cepting striped bass. November 1 to April 30. Fee, \$25.00.

13 (b) Fykes, with leaders, shall not exceed 30 fathoms in length
14 and no part of net or leaders to be larger than 3 inches stretched
15 mesh while being fished, for all species excepting striped bass.
16 November 1 to April 30. Fee, \$30.00.

17 (c) Special fyke for flounder only, the length of the net not
18 to exceed 30 fathoms and the mesh of which shall not be less than
19 4 inches stretched mesh. October 1 to April 30. Fee, \$4.00.

20 (d) Miniature fykes or pots for the taking of catfish, suckers
21 and eels, the same not to exceed 16 inches in diameter. March 15
22 to December 15. Fee, \$1.00.

23 (e) Run around net the smallest mesh of which shall be $2\frac{3}{4}$
24 inches wide stretched mesh and the length of which net shall not
25 exceed 200 fathoms, for all species excepting striped bass. March
26 15 to December 15. Fee, \$20.00. This net shall be used in the At-
27 lantic ocean only. The limit shall be one run around net per boat.

28 (f) Shad nets, either staked or anchored, the smallest mesh of
29 which shall be 5 inches while being fished, and shall not exceed
30 50 fathoms in length, for all species excepting striped bass.
31 March 1 to June 15. Fee, \$3.00.

32 These nets shall be used in the Atlantic ocean only.

33 (g) Bait seines, over 50 feet long and not exceeding 150 feet.
34 Fee, \$3.00.

35 (h) Bait seines, not more than 50 feet long, may be used without
36 application for or granting of license.

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

40 (j) Drifting gill net, the smallest mesh of which shall be $2\frac{3}{4}$
41 inches stretched mesh and the length of which net shall not exceed
42 150 fathoms, for all species excepting striped bass. The limit shall
43 be two drifting gill nets per boat. March 15 to December 15. Fee,
44 \$20.00. These nets shall be used in the Atlantic ocean only.

1 70. R. S. 23:5-35 is amended to read as follows:

2 23:5-35. No person shall take from any of the tidal waters of
 3 this State, or have in possession, any female crustacean, commonly
 4 known as crab, with eggs or spawn attached thereto, or from which
 5 the egg pouch or bunion has been removed[, under a penalty of
 6 \$20.00 for each crab taken or had in possession].

1 71. R. S. 23:9-115 is amended to read as follows:

2 23:9-115. Upon application to the [Division of Fish, Game and
 3 Shellfisheries] *commissioner* and the payment of a fee of \$60.00
 4 for each net, the [division] *commissioner* may issue, in [its] *his*
 5 discretion, a license permitting the licensee to fish for shad, in the
 6 Hudson river, from March 15 to June 15; provided further, how-
 7 ever, no net shall be set or put in position and no shad shall be
 8 taken during the period from Friday noon until Saturday midnight
 9 of each week; provided, however, that any net which has been set
 10 prior to Friday noon shall be permitted to remain in position and
 11 be lifted at the next high water; provided further, however, that
 12 the aforementioned 36-hour lift period shall be the minimum period
 13 and the maximum lift period shall be at the discretion of the [Di-
 14 vision of Fish, Game and Shellfisheries] *commissioner*.

1 72. Section 26 of P. L. 1948, c. 448 (C. 13:1B-24) is amended
 2 to read as follows:

3 26. There shall be within the Division of [Fish] ***[Fisheries]***
 4 **Fish, Game** and [Game] *Wildlife*, a Fish and Game Council
 5 which shall consist of 11 members, each of whom shall be chosen
 6 with due regard to his knowledge of and interest in the conservation
 7 of fish and game. Each member of the council shall be appointed
 8 by the Governor, with the advice and consent of the Senate. Three
 9 of such members shall be farmers, recommended to the Governor
 10 for appointment to the council by the agricultural convention held
 11 pursuant to the provisions of article 2 of chapter 1 of Title 4 of
 12 the Revised Statutes; six of such members shall be sportsmen,
 13 recommended to the Governor for appointment to the council by
 14 the New Jersey State Federation of Sportsmen's Clubs; ***[and**
 15 **two]*** **one** of such members shall be [commercial fishermen]
 16 ***[members of the general public]*** **the chairman of the com-*
 17 *mittee established pursuant to section 7 of the "Endangered and*
 18 *Nongame Species Conservation Act"* (P. L. 1973, c. 309;
 19 C. 23:2A-7), and one of such members shall be a person knowledge-
 20 able in land use management and soil conservation practices*. One
 20A of such farmer representatives and two of such sportsmen repre-
 20B sentatives in the council shall be chosen from among residents of
 20C any of the following counties—Bergen, Essex, Hudson, Morris,

20D Passaic, Sussex and Warren; one of such farmer representatives
 20E and two of such sportsmen representatives in the council shall be
 21 chosen from among residents of any of the following counties—
 22 Hunterdon, Mercer, Middlesex, Monmouth, Ocean, Somerset and
 23 Union; and one of such farmer representatives and two of such
 24 sportsmen representatives shall be chosen from among residents
 25 of any of the following counties—Atlantic, Burlington, Camden,
 26 Cape May, Cumberland, Gloucester and Salem.

27 Each member of the council shall be appointed for a term of 4
 28 years and shall serve until his successor has been appointed and
 29 has qualified; except that of the first appointments hereunder,
 30 two shall be for a term of 1 year, three for 2 years, three for 3
 31 years, and three for 4 years, each commencing on April 1 following
 32 the date of appointment. The term of each of the respective first
 33 appointees to the council shall be designated by the Governor].

34 [The persons in office as members of the Fish and Game Council
 35 in the Division of Fish and Game of the existing State Department
 36 of Conservation on the effective date of this act shall constitute
 37 the Fish and Game Council established hereunder until April 1,
 38 1949, at which time their respective terms of office shall expire.]

*1 73. (New section) For purposes of this section, the "act" means
 2 and includes all the new sections and amended sections contained
 3 herein, all the remaining sections of Title 50 of the Revised
 4 Statutes, sections 23:3-41, 23:3-46, 23:3-47, 23:3-48, 23:3-51,
 5 23:3-52, 23:5-9, 23:5-16, 23:5-35, 23:9-114, 23:9-115 and 23:9-120
 6 of Title 23 of the Revised Statutes, sections 1, 2, 3 and 7 of P. L.
 7 1938, c. 318 (C. 23:5-5.1 through 23:5-5.3 and 23:5-5.7), P. L. 1952,
 8 c. 216 (C. 23:5-5.1a); and sections 1, 2, and 3 of P. L. 1941, c. 211
 9 (C. 23:5-24.1 to 23:5-24.3).

10 The commissioner may utilize any or all of the following remedies
 11 for any violation of this act:

12 a. (1) Any person who violates the provisions of this act or of
 13 any rule, regulation, license or permit promulgated or issued pur-
 14 suant to this act shall be liable to a penalty of not less than \$100.00
 15 or more than \$3,000.00 for the first offense and not less than \$200.00
 16 or more than \$5,000.00 for any subsequent offense, unless the com-
 17 missioner has established an alternate penalty **for a specific*
 18 *offense** pursuant to subsection a. (2) of this section.

19 (2) The Commissioner of Environmental Protection, with the
 20 approval of the Marine Fisheries Council, may, by regulation,
 21 establish a penalty schedule for any **specific** violation of this act
 22 or of any rule or regulation promulgated pursuant to this act. No

23 such penalty may be less than \$10.00 nor more than \$100.00 on the
24 first offense or less than \$20.00 nor more than \$200.00 on any sub-
25 sequent offense. Any penalty provided for by this act or by the fee
26 schedule promulgated by the commissioner shall be collected in a
27 civil action by a summary proceeding under the penalty enforcement
28 law (N. J. S. 2A:58-1 et seq.). The Superior Court or any County
29 Court, county district court or municipal court shall have jurisdic-
30 tion to enforce said penalty enforcement law. If the violation is of
31 a continuing nature, each day during which it continues shall con-
32 stitute an additional separate and distinct offense.

33 b. Any vessel, vehicle or equipment used in violation of this act
34 or any rule or regulation or any license or permit promulgated pur-
35 suant to this act may be forfeited. The department may seize and
36 secure any such vessel, vehicle or equipment and shall immediately
37 thereafter give notice thereof to a court located in the county
38 where the seizure is made which shall, at an appointed time and
39 place, summarily hear and determine whether such vessel, vehicle
40 or equipment was unlawfully used and if it does so determine, it
41 may direct the confiscation and forfeiture of such vessel, vehicle
42 or equipment for the use of the department. The commissioner
43 may dispose of any such confiscated ***[or]*** **and** forfeited vessel,
44 vehicle or equipment at his discretion.

45 c. Any person who violates the provisions of this act or any rule
46 or regulation or any license or permit promulgated or issued pur-
47 suant to this act shall be liable to the revocation of any license
48 which he holds pursuant to this act for such period of time as the
49 court may choose.

50 d. If any person violates any of the provisions of this act, or any
51 rule or regulation or any license or permit promulgated or issued
52 pursuant to the provisions of this act, the department may institute
53 a civil action in a court of competent jurisdiction for injunctive
54 relief to prohibit and prevent such violation or violations and the
55 said court may proceed in the action in a summary manner.

56 The department is hereby authorized and empowered to com-
57 promise and settle any claim for a penalty under this section in
58 such amount in the discretion of the department as may appear
59 appropriate and equitable under all of the circumstances.

1 74. (New section) a. The Division of Fish, Game and Shellfish-
2 eries is continued and constituted as the Division of ***[Fisheries]***
3 **Fish, Game** and Wildlife in the Department of Environmental
4 Protection. Except as otherwise provided by this act, all the func-
5 tions, powers and duties of the existing Division of Fish, Game and

6 Shellfisheries, and the director, thereof, are continued in the Divi-
 7 sion of ***[Fisheries]*** *Fish, Game* and Wildlife and the director
 8 thereof, and whenever the term "Division of Fish, Game and Shell-
 9 fisheries" occurs or any reference is made thereto in any law,
 10 contract or document, the same shall be deemed or mean to refer
 11 to the Division of ***[Fisheries]*** *Fish, Game* and Wildlife.

12 b. The Fish and Game Council, together with all its functions,
 13 powers and duties, is continued as the Fish and Game Council in
 14 the Division of ***[Fisheries]*** *Fish, Game* and Wildlife in the
 15 Department of Environmental Protection.

1 75. (New section) If any provision of this act or the applica-
 2 tion thereof to any person or circumstance is held invalid, the
 3 remainder of the act and the application of such provision to
 4 persons or circumstances other than those to which it is held in-
 5 valid, shall not be affected thereby. This act shall be liberally con-
 6 strued to effectuate the purpose and intent thereof.

1 76. (New section) This act shall not affect, impair or invalidate
 2 any action or proceeding, civil or criminal, brought by or against
 3 the department, pending on the effective date of this act, and all
 4 such actions or proceedings may and shall be continued to final
 5 judgment, decree or decision, as if the foregoing provisions had not
 6 taken effect; nor shall this act affect orders, rules and regulations
 7 heretofore made, promulgated or issued by the department or
 8 other matters or proceedings pending before the department on
 9 the effective date of this act. Such orders, rules, regulations,
 10 matters or proceedings shall continue in full force and effect
 11 until amended or repealed pursuant to law.

1 *77. R. S. 50:3-15 is amended to read as follows:

2 50:3-15. No person shall gather, scrape, rake or tong any oysters
 3 in or upon the beds, rivers or creeks of this State named in section
 4 50:3-14 of this Title, for and during the period from June 30 until
 5 September 1 in each and every year; but this closed season shall
 6 not apply to the beds (a) at the mouth of Maurice river, described
 7 as follows: Beginning at a point with co-ordinates $x=1,897,678$
 8 $y=132,207$ said point being now or formerly East Point Lighthouse
 9 and running thence N $48^{\circ}-23'-07''$ W 9,400. feet to a point
 10 $x=1,890,650$ $y=138,450$ on the east bank of the mouth of New
 11 England creek; thence following in an easterly direction the shore
 12 line and crossing the mouth of the Maurice river and following the
 13 shore line to the point of beginning, and in Maurice river, from
 14 which oysters may be taken between sunrise and sunset at any time,
 15 except on Sundays; or (b) to the Nantuxent beds *in that area* at

16 the mouth of Nantuxent creek, *Back creek and Cedar creek* and the
 17 Cohansey beds at the mouth of Cohansey river, from which oysters
 18 may be taken [only during the months of May and June] *at any*
 19 *time* between sunrise and sunset, except on Sunday, *provided, how-*
 20 *ever, that any oysters so taken shall be 3 inches from hinge to*
 21 *mouth or longer*; or (c) to the Back creek beds at the mouth of
 22 Back creek, Back creek from the mouth to the south bank of the
 23 mouth of Tweed creek, which areas are described as follows:
 24 Beginning at the intersection of the southerly bank of the mouth
 25 of Tweed creek with the westerly bank of Back creek, said intersec-
 26 tion being at high-water mark, thence from said point in a south-
 27 easterly, southwesterly, and southerly direction, being along the
 28 westerly bank of Back creek and the westerly shore of Nantuxent
 29 Cove to a point on the said shore, said point being N 71° E 700 feet
 30 more or less from the Sextant tower on Ben Davis Point; thence
 31 N 71° E 4,300 feet more or less to a stake set in Nantuxent Cove;
 32 thence N 19° E 3,300 feet more or less to a stake set at the high-
 33 water mark along the north shore of Nantuxent Cove; thence bound-
 34 ing on the said high-water mark in a general westerly direction to
 35 the mouth of Back creek, thence along the easterly bank of Back
 36 creek in a general, easterly, northerly and northwesterly direction
 37 to a point due east from the southerly bank of the mouth of Tweed
 38 creek; thence crossing Back creek in a due west direction to the
 39 place of beginning, from which oysters may be taken only during
 40 the months of April, May, June, September, October and November
 41 between sunrise and sunset, except on Sunday.

1 78. R. S. 50:3-17 is amended to read as follows:

2 No person shall take or attempt to take edible crabs from any
 3 of the waters of the Delaware bay or any of its tributaries within
 4 the jurisdiction of this State, in any manner except by rod, hand
 5 line, or scoop net operated by hand, without first obtaining a
 6 license so to do from the [board] *commissioner*.

1 79. R. S. 50:3-18 is amended to read as follows:

2 50:3-18. The [Division of Fish, Game and Shellfisheries] *com-*
 3 *missioner* may grant licenses, under such rules and regulations as
 4 it may establish, to catch and take edible crabs from the waters of
 5 the Delaware bay and its tributaries in this State, by means of
 6 layout lines, crabpots or trawl lines; but such licenses shall be
 7 granted only to persons who are residents of this State, or of any
 8 other state bordering on Delaware bay or its tributaries, if any
 9 such other state grants to New Jersey residents the privilege of
 10 obtaining licenses to take such crabs in the waters of Delaware bay
 11 and its tributaries within the area of its jurisdiction.

1 80. R. S. 50:3-20 is amended to read as follows:

2 The **[board]** *commissioner* may establish and enforce rules and
3 regulations for the propagation and protection of edible crabs in
4 the waters of the Delaware bay and its tributaries in this State.*

1 ***[76.]*** *80.* The following statutes, acts and parts of acts are
1A repealed:

- 2 a. R. S. 23:3-42
3 R. S. 23:3-44 and 23:3-45
4 R. S. 23:3-49
5 R. S. 23:3-53
6 R. S. 23:5-8
7 R. S. 23:5-18 through 23:5-20
8 R. S. 23:5-22 and 23:5-23
9 R. S. 23:5-26
10 R. S. 23:5-36 through 23:5-42
11 R. S. 23:9-22 through 23:9-35
12 R. S. 23:9-37 through 23:9-42
13 R. S. 23:9-44
14 R. S. 23:9-46
15 R. S. 23:9-50 and 23:9-51
16 R. S. 23:9-53 through 23:9-58
17 R. S. 23:9-94 through 23:9-98
18 R. S. 23:9-108 through 23:9-112
19 R. S. 23:9-116 through 23:9-119
20 P. L. 1938, c. 318, ss. 8, 9 (C. 23:5-5.8 and 23:5-5.9)
21 P. L. 1952, c. 71 (C. 23:5-8.1 and 23:5-8.2)
22 P. L. 1941, c. 211, ss. 5-13 (C. 23:5-24.4 through 23:5-24.12)
23 P. L. 1948, c. 154, s. 2 (C. 23:5-35.1)
24 P. L. 1944, c. 111 (C. 23:9-76.1)
25 P. L. 1947, c. 297 (C. 23:9-112.1 and 23:9-112.2)
26 P. L. 1941, c. 244 (C. 23:9-122 through 23:9-125)
27 b. R. S. 50:1-6 through 50:1-17
28 R. S. 50:1-19 through 50:1-21
29 R. S. 50:1-26
30 R. S. 50:1-32
31 R. S. 50:1-37 and 50:1-38
32 R. S. 50:2-6
33 R. S. 50:2-13 through 50:2-17
34 R. S. 50:3-4
35 R. S. 50:4-1
36 R. S. 50:5-1 through 50:5-4
37 R. S. 50:5-6 and 50:5-7

- 38 R. S. 50:5-9 through 50:5-13
- 39 R. S. 50:5-15 through 50:5-17
- 40 P. L. 1945, c. 22, ss. 18-22 (C. 13:1A-18 through 13:1A-22)
- 41 P. L. 1948, c. 448, ss. 93-97 (C. 13:1B-42 through 13:1B-46)
- 42 P. L. 1956, c. 191, s. 1 (C. 50:1-13.1)
- 43 P. L. 1950, c. 310, s. 4 (C. 50:2-6.4)
- 44 P. L. 1975, c. 398, s. 6 (C. 50:2-6.5)
- 45 P. L. 1945, c. 39, ss. 14-16 (C. 50:3-20.23 through 50:3-20.25)
- 1 ***81. *Nothing in this act shall authorize the imposition of a*
- 2 *saltwater recreational anglers license on any person.****
- 1 ***[77.]*** *****[*81.*]***** ***82.*** (New section) There is hereby
- 2 appropriated to the Department of Environmental Protection the
- 3 sum of \$500,000.00 for the administration of the fisheries manage-
- 4 ment program authorized by this act.
- 1 ***[78.]*** *****[*82.*]***** ***83.*** (New section) This act shall
- 2 take effect immediately, provided, however, that subsection a. of
- 3 section ***[76]*** ****[*81*]**** ***80** shall take effect 1 year after the
- 4 effective date of this act.
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ASSEMBLY AGRICULTURE AND ENVIRONMENT
COMMITTEE

STATEMENT TO

SENATE, No. 1399

STATE OF NEW JERSEY

DATED: MAY 7, 1979

The Assembly Agriculture and Environment Committee concurs in the Senate Energy and Environment Committee statement on this bill but wishes to formally go on record as recommending that the membership of the council, as far as practicable and feasible, reflect a balance of the many interests affected by the bill.

ASSEMBLY AMENDMENTS TO
SENATE, No. 1399
[THIRD OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

ADOPTED MAY 10, 1979

Amend page 3, section 4, lines 5 and 6, omit "members of the commercial fin fishery industry and three", insert "active commercial fin fishermen, one shall be an active fish processor, and two".

Amend page 31, section 73, lines 33-44, omit entirely, reletter subsections "c." and "d." as "b." and "c.".

STATEMENT

These amendments replace a representative of the general public with an active fish processor on the Marine Fisheries Council. The two members of the commercial fin fish industry are replaced by active commercial fin fishermen. They also repeal the confiscation and forfeiture section from the penalty procedure.

[ASSEMBLY REPRINT]

SENATE, No. 1399

[THIRD OFFICIAL COPY REPRINT]

with Assembly amendments adopted May 10, 1979

STATE OF NEW JERSEY

INTRODUCED OCTOBER 19, 1978

By Senators DODD, LASKIN, FELDMAN, HIRKALA and PARKER

Referred to Committee on Energy and Environment

AN ACT concerning marine fisheries management, the development of the commercial fisheries industry, and the support of recreational fishing, establishing a Marine Fisheries Council, providing certain powers, duties and responsibilities to the Commissioner of Environmental Protection, the Marine Fisheries Council and the New Jersey Economic Development Authority, providing penalties for its violation, making an appropriation and amending, supplementing and repealing parts of the statutory law.

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

1 1. (New section) This act shall be known and may be cited as the
2 "Marine Fisheries Management and Commercial Fisheries Act."

1 2. (New section) a. The Legislature hereby finds that:

2 (1) The fisheries resources of the State make a material contri-
3 bution to our economy and food supply, as well as to the health,
4 recreation, and well-being of our citizens; and,

5 (2) The fisheries resources of the State are a living, renewable
6 form of wealth capable of being maintained and greatly increased
7 with proper management, but equally capable of destruction if
8 neglected or unwisely exploited.

9 b. It is hereby declared to be the policy of this State to:

10 (1) Provide an organizational framework that will permit the
11 State to manage more effectively its fisheries resources with the
12 following objectives:

13 (a) The conservation of fisheries resources and their habitat
14 to ***[ensure]*** **promote** their continued ***[existence]*** **pro-*
14A *ductivity**;

15 (b) The maintenance and enhancement of fisheries resources
16 to support a recreational use where a species is the object of
17 recreational fishing;

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

18 (c) The maintenance and enhancement of fisheries resources
 19 to support a commercial use where a species is the object of
 20 commercial fishing;

21 (d) The management, on a basis of scientific information,
 22 of the fisheries resources under the State's jurisdiction, and
 23 the participation in the management of other fisheries in which
 24 New Jersey fishermen are engaged, with the objective of
 25 optimum yield;

26 (2) Develop an active and modern commercial fisheries fleet,
 27 docks, freezing, processing and marketing facilities;

28 (3) Encourage citizen participation through advisory councils
 29 and otherwise, since decisions concerning the distribution and allo-
 30 cation of fisheries resources have important consequences for all
 31 citizens of this State; and,

32 (4) Provide for conservation and management measures involv-
 33 ing a reciprocal and cooperative relationship among States and
 34 between States and the Federal Government, and between States
 35 and the fisheries management councils established pursuant to the
 36 "Federal Fisheries Conservation and Management Act of 1976"
 37 (16 USC §§ 1801 to 1882), since many species of fisheries resources
 38 travel across state and state-federal boundaries;

39 (5) Develop a viable aquaculture industry in the State, utilizing
 40 existing Federal and other programs where appropriate, and
 41 necessary supportive infrastructure.

1 3. (New section) As used in this act:

2 a. "Aquaculture" means the propagation and rearing of aquatic
 3 species in controlled or selected environments;

4 b. "Commissioner" means the Commissioner of Environmental
 5 Protection;

6 c. "Council" means the Marine Fisheries Council created pur-
 7 suant to this act, except in those sections of this act amending
 8 sections of Title 50 of the Revised Statutes;

9 d. "Department" means the Department of Environmental
 10 Protection;

11 e. "Fish" means any marine or anadromous animal **or plant**,
 12 or part thereof, excepting mammals and birds;

13 f. "Fisheries management plans" means plans to prevent over-
 14 fishing, achieve optimal yield from each fishery on a continuing
 15 basis, which are based on the best scientific information available,
 16 are in accordance with management plans promulgated pursuant
 17 to the Fisheries Conservation and Management Act of 1976 and
 18 any appropriate interstate programs, provide for the management
 19 of stock as a unit throughout their range, and allow for flexibility

20 management; **provided, however, that such plans, where practi-*
 20A *cable and feasible, give preference to the interests and concerns of*
 20B *fishermen in this State;**

21 g. "Marine waters" means all the salt waters of this State, and
 22 none of the fresh waters of this State as defined in R. S. 23:1-2.
 23 Specifically it includes the waters of the Atlantic ocean, and all
 24 bays, inlets and estuarine waters located below the mouth of any
 25 fresh water river, stream or creek;

26 h. "Optimum yield" means the amount of fish from a fishery
 27 which will provide the greatest overall benefit to the State, with
 28 particular reference to food production and recreational oppor-
 29 tunities, and the amount of fish which is prescribed as such on the
 30 basis of the maximum sustainable yield from such fishery as modi-
 31 fied by any relevant economic, social or ecological factor;

32 i. "Processing" means handling, storing, freezing, preparing,
 33 preserving, packing, transporting, holding, or selling fish or fish
 34 products;

35 j. "Taking" means to catch, net, capture, possess, or collect any
 36 fish or to attempt to engage in any such conduct;

37 **k. "Fishery" means one or more stocks of fish which can be*
 38 *treated as a unit for purposes of conservation and management and*
 39 *which are identified on the basis of geographical, scientific, techni-*
 40 *cal, recreational and economic characteristics and any fishing for*
 41 *such stocks.**

1 4. (New section) There is hereby created in the department a
 2 Marine Fisheries Council, which shall consist of 11 members, nine
 3 of whom shall be appointed by the Governor, with the advice and
 4 consent of the Senate, of whom four shall represent and be knowl-
 5 edgeable of the interests of sports fishermen, two shall be
 6 ****[members of the commercial fin fishery industry and
 7 three]**** *****active commercial fin fishermen, one shall be an*
 8 *active fish processor, and two***** shall represent the general
 8A public; the other two members shall be the chairmen of the two
 8B sections of the Shell Fisheries Council.

9 Of the nine members first to be appointed by the Governor,
 10 three shall be appointed for a term of 1 year, three for a term of 2
 11 years, and three for a term of 3 years. Thereafter, all appoint-
 12 ments shall be made for terms of 3 years. All appointed members
 13 shall serve after the expiration of their terms until their respective
 14 successors are appointed and shall qualify, and any vacancy oc-
 15 ccurring in the appointed membership of the council, by expiration
 16 of term or otherwise, shall be filled in the same manner as the
 17 original appointment for the unexpired term only, notwithstanding
 18 that the previous incumbent may have held over and continued

19 in office as aforesaid. The Governor may remove any member of
 20 the council for cause ***[after a public hearing]*** **upon notice and*
 20A *opportunity to be heard**.

21 Members of the council shall serve without compensation, but
 22 shall be reimbursed for expenses actually incurred in attending
 23 meetings of the council and in the performance of their duties as
 24 members thereof.

25 The Governor shall appoint a chairman, from the citizen mem-
 26 bers of the council, who shall serve at his pleasure. Six members
 27 of the council shall constitute a quorum to transact its business.

1 5. (New section) The Marine Fisheries Council shall:

2 a. Contribute to the preparation and revision of fisheries man-
 3 agement plans;

4 b. ***[Approve or disapprove]*** **Be empowered to disapprove,*
 5 *within 60 days of the proposal thereof and the submittal thereto,**
 5A any rule or regulation or any amendment thereto proposed by the
 5B commissioner pursuant to this act **except for any rule or regula-*
 5C *tion adopted pursuant to subsection (c) of section 4 of the "Admin-*
 5D *istrative Procedure Act," (C. 52:14B-4)**;

6 c. Advise the commissioner on policies of the department and
 7 in the planning, development, and implementation of all depart-
 8 mental programs related to this act;

9 d. Examine, consider and make recommendations in any matters
 10 pertaining to the conservation and management of fisheries re-
 11 sources throughout the State;

12 e. From time to time submit to the commissioner any recom-
 13 mendation for new rules and regulations or revision to existing
 14 rules and regulations which it deems necessary for the proper
 15 operation of an effective marine fisheries program;

16 f. Hold periodic public hearings in regard to current issues
 17 affecting the operation of the marine fisheries program;

18 g. Recommend the convening of species related citizen panels
 19 where appropriate;

20 h. Study and analyze economic, social and ecological data relat-
 21 ing to the operation of the marine fisheries program.

1 6. (New section) The commissioner shall prepare fisheries man-
 2 agement plans for each major fishery in the State, with the advice
 3 and assistance of the council, and if deemed necessary, advisory
 4 species related citizen panels. The citizen panels shall be com-
 5 posed of persons appointed by the commissioner. They shall review
 6 suggested management plans and any rules and regulations im-
 7 plementing said plans. Such management plans shall be coordi-

8 nated with and take into consideration the appropriate Federal,
9 Federal-State, regional management council and interstate pro-
10 grams.

11 The commissioner, ***[with the approval of the council]*** *subject*
12 *to the disapproval of the council as hereinbefore provided**, shall
13 prepare and promulgate and may amend and repeal rules and
14 regulations to carry out the intent of this act and to implement the
15 provisions of the fisheries management plans. Any such rules and
16 regulations shall be promulgated in accordance with the "Admin-
17 istrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.).
17A Such rules and regulations may:

- 18 a. Prohibit, limit, condition, require or establish the use of
19 specified types of fishing gear; the size, number and quantity of
20 specific species that may be taken; the areas to be opened or closed
21 to their taking, the time and manner of their taking; ***[the number**
22 **of persons or vessels or amount of fishing gear that may participate**
23 **in harvest of a specified fisheries resource,]*** and may prescribe
24 such other limitations, conditions, requirements, or restrictions as
25 is necessary and appropriate to the policy and purposes of this act;
26 b. Establish and develop fisheries management areas and pre-
27 scribe rules governing the use of such areas;

28 The commissioner may not regulate, pursuant to this section,
29 any species in any body of water which is regulated pursuant to
30 Title 50 of the Revised Statutes.

1 7. (New section) The commissioner shall have the following
2 powers and duties:

- 3 a. Administer and enforce the laws, rules and regulations re-
4 lating to fisheries resources;
5 b. Appoint the chief administrative officer of the marine fisheries
6 program and all other necessary employees, including enforcement
7 personnel*,* within the limits of available revenues;
8 c. Develop and implement a program for the management of
9 fisheries resources, including such species related management
10 plans as may be appropriate;
11 d. Acquire by gift or purchase and hold real property in the
12 name of the State, or any right or interest therein, including, but
13 not limited to, easements or rights of access;
14 e. Accept for the State any Federal funds apportioned under
15 Federal law related to authorized programs of the department and
16 to do such acts as are necessary for the purpose of carrying out
17 such Federal laws; and to accept from any other agency or govern-
18 ment, individual, group, or corporation, such funds, gifts, or de-
19 vises as may be available to carry out the purposes of this act;

20 f. Make periodic reports to the Governor and the Legislature,
21 including therein such recommendations for changes and amend-
22 ments in existing law and licensing procedures as are warranted
23 by investigations and research;

24 g. Conduct or sponsor a program or programs for research and
25 development of fisheries resources of the State, in cooperation,
26 where appropriate, with Rutgers, The State University, the Marine
27 Sciences Consortium, and other responsible research or academic
28 agencies, which programs shall include, but not be limited to bio-
29 logical, chemical, technological, hydrological, processing, market-
30 ing, financial, economic, and promotional research and development.
31 The department may carry out such a program or programs in
32 cooperation with other State agencies, Federal, regional, and local
33 governmental entities, or with private institutions or persons;

34 h. Establish programs for public education concerning the con-
35 servation, utilization, development, and enhancement of fisheries
36 resources;

37 i. Acquire, introduce, and propagate marine fish species in such
38 manner as will carry out the fisheries resources management pro-
39 grams;

40 j. To coordinate and integrate the marine fisheries program
41 established herein with the activities of all other State agencies
42 which affect fisheries resources, **and access thereto** including but
43 not limited to, freshwater fisheries, coastal zone management, water
44 pollution control and marine law enforcement; and,

45 k. To encourage every agency which operates a bridge **or road**
46 over any of the marine waters of this State to construct a fishing
47 platform on each such bridge.

1 8. (New section) In the management of fisheries resources which
2 are shared by the State of New Jersey with other states or with
3 other states and the Federal Government, the commissioner shall
4 cooperate with the appropriate agencies of said states, the Federal
5 Government and the regional fisheries management councils estab-
6 lished under the Federal Fisheries Conservation and Management
7 Act of 1976, and any appropriate interstate programs to develop
8 integrated management plans for such shared resources.

9 The commissioner is empowered to make the following reciprocal
10 agreements with other jurisdictions:

11 a. Rules and regulations with respect to fishing in boundary
12 waters after consultation with the appropriate body in the neigh-
13 boring states;

14 b. A procedure whereby valid fishing license issued by the par-
15 ties to the reciprocal agreements may be used by their licensees
16 within the jurisdiction of either in accordance with the terms of
17 such agreements;

18 c. Any individual from a state who has the responsibility of
19 enforcing that state's marine fisheries laws may pursue any person
20 found fishing in the coastal waters of such state in violation of the
21 marine fisheries laws thereof onto adjacent waters of this State
22 and there arrest him and return him to the state where the viola-
23 tion occurred for the purpose of prosecuting him for such violation;
24 provided, that such other state shall have enacted legislation giving
25 substantially similar authority to individuals of this State who
26 have responsibility for enforcing the marine fisheries laws of this
27 State relative to persons found fishing in the coastal waters of
28 this State in violation of the marine fishing laws thereof.

1 9. (New section) a. The commissioner may by regulation require
2 that every person, who takes fisheries resources, provide informa-
3 tion on the species, number, weight, and any other information
4 pertinent to management of the resources taken in a manner pre-
5 scribed and on forms supplied by the department.

6 b. Every person engaged in the **commercial** buying, packing,
7 storing, wholesaling, marketing, or processing of any fisheries
8 resources within the State shall keep accurate records, books or
9 accounts showing the species, quantity, and source of fisheries
9A resources.

10 c. Every record, book, or account referred to in subsection b.
11 shall be open for inspection by the department at reasonable hours.

12 d. The department may audit the records, books, or accounts of
13 any person referred to in subsection b., and of anyone who takes
14 fisheries resources and ships directly to market in order to
15 determine the quantity of resources taken and other information
16 pertinent to management.

17 e. The records obtained by the department, and the information
18 contained therein, shall except as otherwise provided in this section,
19 be confidential, and the records shall not be public records and
20 insofar as possible, the information contained in the records shall
21 be compiled or published in such a manner so as not to disclose
22 the business record of any person.

23 f. The information in the above records can be provided to other
24 states*, *Federal agencies** and regional fisheries agencies provided
25 that those entities have similar confidentiality provisions that do
26 not disclose the business record of any person.

1 10. (New section) For a period of ~~*[1 year]*~~ **2 years** from the
 2 effective date of this act the Commissioner of Labor and Industry,
 3 the Commissioner of Environmental Protection, the Secretary of
 4 Agriculture, the Executive Director of the Economic Development
 5 Authority and the Director of the Division of Fisheries and Wild-
 6 life shall serve on an Aquaculture **Task Force to be chaired by*
 7 *the Secretary of Agriculture** and **a** Commercial Fisheries De-
 8 velopment Task Force **to be chaired by the Commissioner of*
 9 *Environmental Protection**. The task ~~*[force]*~~ **forces** shall be
 10 ~~*[located in]*~~ **assigned to** the Governor's office and shall pro-
 10A mote the development of aquaculture, of the commercial fisheries
 10B industry, and of the commercial aspects of fish products. ~~*[Each~~
 10C ~~such administrator]*~~ **The task forces** shall, to the extent prac-
 11 ticable, encourage the growth and expansion of piers and docks,
 12 processing and storage facilities, fishing equipment and vessels
 13 and marketing facilities and the development of aquaculture,
 14 personnel training programs, research, or any other procedures
 15 designed to stimulate, expand and promote the commercial fisheries
 16 industry and the commercial aspects of recreational fishing and
 17 the development of processing and marketing facilities for fish
 18 and fish products. **The task forces shall define the roles of the*
 19 *various concerned State agencies in carrying out a permanent pro-*
 20 *gram to promote the development of an aquaculture program and*
 21 *of a commercial fisheries industry. The task forces shall report*
 22 *to the Governor and Legislature on their findings and conclusions,*
 23 *and shall recommend whatever legislative changes are necessary*
 24 *for a permanent program prior to the termination of the 2-year*
 25 *period.**

1 11. Section 3 of P. L. 1974, c. 80 (C. 34:1B-3) is amended to
 2 read as follows:

3 3. As used in this act, unless a different meaning clearly appears
 4 from the context:

5 a. "Authority" means the New Jersey Economic Development
 6 Authority, created by section 4 of this act.

7 b. "Bonds" means bonds or other obligations issued by the
 8 Authority pursuant to this act.

9 c. "Cost" means

10 ~~[The]~~ *the* cost of the acquisition, construction, reconstruction,
 11 repair, alteration, improvement and extension of any building,
 12 structure, facility including water transmission facilities, or other
 13 improvement; the cost of machinery and equipment, the cost of
 14 acquisition, construction, reconstruction, repair, alteration, im-

15 improvement and extension of pollution control devices, equipment
16 or facilities; the cost of lands, rights-in-lands, easements, privileges,
17 agreements, franchises, utility extensions, disposal facilities, access
18 roads and site development deemed by the authority to be neces-
19 sary or useful and convenient for any project or in connection
20 therewith, discount on bonds, costs of issuance of bonds, engineer-
21 ing and inspection costs, cost of financial, legal, professional and
22 other estimates and advice, organization, administrative, insur-
23 ance, operating and other expenses of the authority or any person
24 prior to and during any acquisition or construction, and all such
25 expenses as may be necessary or incident to the financing, acquisi-
26 tion, construction or completion of any project or part thereof,
27 and also such provision for reserves for payment or security of
28 principal of or interest on bonds during or after such acquisition
29 or construction as the authority may determine.

30 d. "County" means any county of any class.

31 e. "Development property" means any real or personal property
32 interest therein, improvements thereon, appurtenances thereto and
33 air or other rights in connection therewith, including land, build-
34 ings, plants, structures, systems, works, machinery and equipment
35 acquired or to be acquired by purchase, gift or otherwise by the
36 authority within an urban growth zone.

37 f. "Person" means any person, including individuals, firms,
38 partnerships, associations, societies, trusts, public or private
39 corporations, or other legal entities, including public or govern-
40 mental bodies as well as natural persons. "Person" shall include
41 the plural as well as the singular.

42 g. "Pollution control project" means any device, equipment,
43 improvement, structure or facility or any land and any building,
44 structure, facility or other improvement thereon, or any combina-
45 tion thereof, whether or not in existence or under construction, or
46 the refinancing thereof in order to facilitate improvements or
47 additions thereto or upgrading thereof, and all real and personal
48 property deemed necessary thereto, having to do with or the end
49 purpose of which is the control, abatement or prevention of land,
50 sewer, water, air, noise or general environmental pollution, includ-
51 ing, but not limited to, any air pollution control facility, noise
52 abatement facility, water management facility, thermal pollution
53 control facility, radiation contamination control facility, waste
54 water collection system, waste water treatment works, sewage
55 treatment works system, sewage treatment system or solid waste
56 disposal facility or site; provided that the authority shall have

57 received from the Commissioner of the State Department of
58 Environmental Protection or his duly authorized representative,
59 a certificate stating the opinion that, based upon information, facts
60 and circumstances available to the State Department of Environ-
61 mental Protection and any other pertinent data, (1) said pollution
62 control facilities do not conflict with, overlap or duplicate any other
63 planned or existing pollution control facilities undertaken or
64 planned by another public agency or authority within any political
65 subdivision, and (2) that such facilities, as designed, will be a pol-
66 lution control project as defined in this act and are in furtherance
67 of the purpose of abating or controlling pollution.

68 h. "Project" means (1) (a) acquisition, construction, recon-
69 struction, repair, alteration, improvement and extension of any
70 building, structure, facility including water transmission facilities
71 or other improvement, whether or not in existence or under con-
72 struction, (b) purchase and installation of equipment and machin-
73 ery, (c) acquisition and improvement of real estate and the
74 extension or provision of utilities, access roads and other appurte-
75 nant facilities, and (2) (a) the acquisition, financing, or refinancing
76 of inventory, raw materials, supplies, work in process, or stock
77 in trade, or (b) the financing, refinancing or consolidation of
78 secured or unsecured debt, borrowings, or obligations, or (c) the
79 provision of financing for any other expense incurred in the
80 ordinary course of business; all of which are to be used or occupied
81 by any person in any enterprise promoting employment, either
82 for the manufacturing, processing or assembly of materials or
83 products, or for research or office purposes, including, but not
84 limited to, medical and other professional facilities, or for indus-
85 trial, recreational, hotel or motel facilities, public utility and ware-
86 housing, or for commercial and service purposes, including, but
87 not limited to, retail outlets, retail shopping centers, restaurant
88 and retail food outlets, and any and all other employment promot-
89 ing enterprises including, but not limited to motion picture and
90 television studios and facilities *and commercial fishing facilities,*
91 *commercial facilities for recreational fishermen, fishing vessels,*
92 *aquaculture facilities and marketing facilities for fish and fish*
93 *products* and (d) acquisition of an equity interest in, including
94 capital stock of, any corporation; or any combination of the above,
95 which the authority determines will (i) tend to maintain or provide
96 gainful employment opportunities within and for the people of
97 the State, or (ii) aid, assist and encourage the economic develop-
98 ment or redevelopment of any political subdivision of the State,
99 or (iii) maintain or increase the tax base of the State or of any

100 political subdivision of the State, or (iv) maintain or diversify
101 and expand employment promoting enterprises within the State;
102 and (3) the cost of acquisition, construction, reconstruction, repair,
103 alteration, improvement and extension of a pollution control
104 project which the authority determines will tend to reduce, abate
105 or prevent environmental pollution within the State. Project may
106 also include (i) reimbursement to any person for costs in connec-
107 tion with any project, or the refinancing of any project or portion
108 thereof, if determined by the authority as necessary and in the
109 public interest to maintain employment and the tax base of any
110 political subdivision and will facilitate improvements thereto or
111 the completion thereof, and (ii) development property and any
112 construction, reconstruction, improvement, alteration, equipment
113 or maintenance or repair, or, planning and designing in connection
114 therewith.

115 i. "Revenues" means receipts, fees, rentals or other payments
116 to be received on account of lease, mortgage, conditional sale, or
117 sale and payments and any other income derived from the lease,
118 sale or other disposition of a project, moneys in such reserve and
119 insurance funds or accounts or other funds and accounts and income
120 from the investment thereof, established in connection with the
121 issuance of bonds or notes for a project or projects, and fees,
122 charges or other moneys to be received by the authority in respect
123 of projects and contracts with persons.

124 j. "Resolution" means any resolution adopted or trust agree-
125 ment executed by the authority pursuant to which bonds of the
126 authority are authorized to be issued.

127 k. "Urban growth zone" means any area within a municipality
128 receiving State aid pursuant to the provisions of P. L. 1971, c. 64,
129 or a municipality certified by the Commissioner of Community
130 Affairs to qualify under such law in every respect except popula-
131 tion, which area has been so designated pursuant to an ordinance
132 of the governing body of such municipality.

1 12. (New section) No person shall, willfully and without reason-
2 able cause*, * interfere with, break, damage or destroy any net, trap,
3 seine, fyke pot or any other device used to take fish, which is being
4 utilized in a lawfully authorized manner.

1 13. (New section) The marine police shall devote a sufficient
2 number of hours and sufficient resources to the enforcement of the
3 marine management statutes and rules and regulations promulgated
4 pursuant thereto to assure compliance therewith. The chief admini-
5 strative officer of the marine fisheries program and of the marine

6 police shall jointly work out an effective marine fisheries enforce-
 7 ment program. The two chief administrative officers shall periodi-
 8 cally report to the Marine Fisheries Council on enforcement activi-
 9 ties, whether completed, underway or contemplated. Each marine
 10 policeman shall be trained for a minimum of one full work week on
 11 marine resources management procedures during his first year on
 12 the job and for a minimum of one working day every year there-
 13 after.

1 14. R. S. 50:1-5 is amended to read as follows:

2 50:1-5. The **board** *Commissioner of Environmental Protection*
 3 shall have full control and direction of the shellfish industry *and*
 4 *resource* and of the protection of shellfish throughout the entire
 5 State, *subject to the* ***[remaining]*** *provisions of this Title. [It]*
 6 *He* shall make such rules and regulations as may be necessary for
 7 the preservation and improvement of the shellfish industry *and re-*
 8 *source* of the State, *after consultation with the Shell Fisheries*
 9 *Council and subject to the* ***[approval]*** **disapproval, as herein-*
 10 *before provided,* of the Marine Fisheries Council. For purposes*
 11 *of this title the term "shellfish" shall mean hard clams,*
 12 ***[(mercenaria mercenaria)]*** **(Mercenaria mercenaria)* soft*
 13 *clams (*[mya]* *Mya* arenaria)*, sea clams (Mactra solidissima)**
 13A *and oysters (*[coassostrea]* *Cassostrea* virginica) and the*
 13B *term "commissioner" shall mean Commissioner of Environmental*
 13C *Protection.*

14 **[The board shall report annually to the legislature.]**

1 15. R. S. 50:1-18 is amended to read as follows:

2 50:1-18 a. *The Shell Fisheries Council shall be composed of nine*
 3 *members; one each residing in the counties of Monmouth, Ocean,*
 4 *Burlington, Atlantic, Cape May and Salem*,* and three residents of*
 5 *Cumberland county; each of whom shall be *a licensed and practic-*
 6 *ing shellfisherman and shall be* chosen with due regard to his*
 6A *knowledge of and interest in the shellfish industry and in the*
 7 *conservation and management of shellfish. Each member of the*
 8 *council shall be appointed by the Governor, with the advice and*
 9 *consent of the Senate, for a term of 4 years and shall serve until*
 10 *his successor has been appointed and has qualified.*

11 *Any vacancies in the membership of said council occurring other*
 12 *than by expiration of term shall be filled by the Governor, with the*
 13 *advice and consent of the Senate, for the unexpired term only. Any*
 14 *member of the council may be removed from office by the Governor,*
 15 *for cause, upon notice and opportunity to be heard.*

16 *The members of the council shall serve without compensation*
17 *but shall be reimbursed for necessary expenses incurred in the*
18 *performance of their duties. Each section of the council shall*
19 *annually elect a chairman of the council from its own members.*

20 *b. The council shall, subject to the approval of the commissioner,*
21 *formulate comprehensive policies for the preservation and improve-*
22 *ment of the shellfish industry and resource of the State. The*
23 *council shall also: (1) consult with and advise the commissioner*
24 *and the Marine Fisheries Council with respect to the implementa-*
25 *tion of the shellfisheries program; (2) study the activities of the*
26 *shellfisheries program and hold hearings with respect thereto as it*
27 *may deem necessary or desirable; and (3) ***[recommend]*** *in-*
28 *itiate*, by resolution of the council, proposed rules and regulations*
29 *concerning shellfish to the commissioner.*

30 *c. No lease of any of the lands of the State under the tidal waters*
31 *thereof, to be exclusively used and enjoyed by the lessee for the*
32 *planting and cultivating of shellfish, shall hereafter be allowed*
33 *except when approved by a majority of the appropriate section of*
34 *the council; and no such lease shall hereafter in any case be allowed*
35 *except when approved and signed by the commissioner.*

36 *d. The **[Shell Fisheries]** council **[in the State Department of***
37 *Conservation and Economic Development]* shall be divided into
38 two sections one to be known as the "**[Maurice River Cove]**
39 *Delaware Bay Section," consisting of the members from the*
40 *counties of Cumberland and **[Cape May]** Salem, and the other to*
41 *be known as the "Atlantic Coast Section" consisting of the*
42 *members from the counties of Atlantic, Burlington, Ocean and*
43 *Monmouth. The member of the said council from **[a county other***
44 *than the above enumerated counties]* *Cape May shall be entitled*
45 *to participate in the exercise of the powers and the performance*
46 *of the duties of each of the said two sections.*

47 *The **[Maurice River Cove]** Delaware Bay Section shall, subject*
48 *to the approval of the Commissioner **[of Conservation and***
49 *Economic Development]*, exercise all the powers and perform all
50 the duties of the council in matters relating to the shellfish in-
51 dustry in the tidal waters of Delaware river, Delaware bay and
52 their tributaries.

53 *The Atlantic Coast Section shall, subject to the approval of the*
54 *Commissioner **[of Conservation and Economic Development]**,*
55 *exercise all the powers and perform all the duties of the council*
56 *in matters relating to the shellfish industry in all of the tidal*
57 *waters of the State except in the tidal waters of the Delaware river,*
58 *Delaware bay and their tributaries.*

1 16. R. S. 50:1-22 is amended to read as follows:

2 50:1-22. The [board] *commissioner* shall establish and main-
 3 tain * [an office] * *several offices* * [within the boundaries of each
 4 department and division,] located at * [some place] * *places* *
 5 convenient to persons engaged in the [oyster] *shellfish* industry
 6 [in such department or division. Such office shall also be the office
 7 of the chief of the department or division, and the]. *The records*
 8 *of all leases and licenses issued by him shall be kept therein. One*
 9 *office shall be located in the area served by the Atlantic Coast*
 10 *Section and one office shall be located in the area served by the*
 11 *Delaware Bay Section of the Council.*

1 17. R. S. 50:1-24 is amended to read as follows:

2 50:1-24. The power granted by this title to the [board] *council*,
 3 *subject to the provisions of R. S. 50:1-18*, to lease lands under the
 4 tidal waters of this State for the planting and culture of shellfish
 5 is exclusive, and no other State agency may, in the name of the
 6 State or otherwise, give, grant or convey to any person the exclu-
 7 sive right to plant or take shellfish from any of such waters; and
 8 no grant or lease of lands under tidewater, whereon there are
 9 natural oyster beds, shall be made by any other state agency except
 10 for the purpose of building wharves, bulkheads or piers.

1 18. R. S. 50:1-25 is amended to read as follows:

2 50:1-25. No lease shall be granted to any person who is not at
 3 the time of granting such lease[, and shall not have been for
 4 12 months preceding,] a [citizen and actual] resident of this
 5 State[, but this restriction shall not apply to the renewal of any
 6 lease granted prior to March 24, 1917].

1 19. R. S. 50:1-27 is amended to read as follows:

2 50:1-27. The [board] *council*, *with the approval of the commis-*
 3 *sioner*, shall fix the term for which leases may be granted, not
 4 exceeding 30 years, the rental to be paid, the maximum size of any
 5 single ground to be leased, and the total acreage which may be
 6 leased to any person or persons.

1 20. R. S. 50:1-28 is amended to read as follows:

2 50:1-28. The [board] *commissioner* shall, from time to time,
 3 cause the leased lands to be measured, and the metes and bounds
 4 thereof ascertained and located by ranges, monuments or other
 5 means, so that the limits thereof may be accurately fixed and easily
 6 located.

7 The [board] *commissioner* shall cause the leased lands to be
 8 mapped, and the maps to be filed in the office of the [board; and
 9 copies thereof to be filed in the office of the department of the
 10 Maurice river cove, and the offices of the department or divisions of
 11 the Atlantic coast, respectively] *department*.

12 The expense of surveying, measuring, locating and mapping any
 13 ground or grounds shall be paid by the applicant therefor before he
 14 shall be entitled to a lease or leases for the same.

1 21. R. S. 50:1-29 is amended to read as follows:

2 50:1-29. The [board] *commissioner* shall cause leases, and
 3 assignments and transfers thereof, to be recorded in books kept in
 4 the offices of the [departments or divisions, respectively] *depart-*
 5 *ment*; and no assignment or transfer of any ground or lease
 6 therefor shall be valid unless approved by the [board] *commis-*
 7 *sioner and the council* and forthwith recorded in the office of the
 8 department [or division in which the leased land is located].

1 22. R. S. 50:1-30 is amended to read as follows:

2 50:1-30. The [board] *council with the approval of the commis-*
 3 *sioner* may lease to applicants therefor any of the lands of this
 4 State that have been or may hereafter be condemned [by the State
 5 Department of Health] *pursuant to the provisions of chapter 14 of*
 6 *Title 24 of the Revised Statutes.*

1 23. R. S. 50:1-31 is amended to read as follows:

2 50:1-31. The [board] *commissioner* may make such rules and
 3 regulations for the removal and distribution of shellfish from lands
 4 leased under section 50:1-30 of this Title, as in [its] *his* judgment
 5 will be in accord with the object of the condemnation. Such rules
 6 and regulations shall not be inconsistent with those [of the State
 7 Department of Health. The board may require the lessee to give
 8 bond in a sum not to exceed \$10,000.00 for the faithful observance
 9 of such rules and regulations] *adopted pursuant to the provisions*
 10 *of chapter 14 of Title 24 of the Revised Statutes.*

1 24. R. S. 50:1-34 is amended to read as follows:

2 50:1-34. No [oysters, seed oysters, or other mollusks, commonly
 3 known as] **[shellfish]* *oysters**, native to, or brought directly
 4 or indirectly, from any foreign country *or any other state* shall be
 5 planted or lodged in the waters of this State without written per-
 6 mission issued by the [board] *commissioner, after notice to the*
 7 *council*, for each separate shipment. Application for such per-
 8 mission shall be made in writing, and shall state:

9 a. The species of such [oysters, seed oysters or mollusks]
 10 **[shellfish]* *oysters**;

11 b. The location from which they were, or are to be, immediately
 12 taken;

13 c. The source from which they were originally obtained; and

14 d. The country to which their kind is native.

15 The same information shall be shown upon a tag attached to, or
 16 upon the billing accompanying each shipment upon its arrival in
 17 this State.

1 25. R. S. 50:1-35 is amended to read as follows:

2 50:1-35. The [board] *commissioner* may issue such permission
3 after due inspection and examination of the nature, species, quan-
4 tity, source, location of proposed planting or lodging, and the
5 condition of the [oysters, seed oysters or mollusks] **[shellfish]**
6 **oysters** and after [certification by the biologist of the board] *his*
7 *determination* that the same will not [in his opinion,] be detrimental
8 to the native [oysters] **[shellfish]** **oysters** or to the [oyster]
9 **[shellfish]** **oysters** industry of this State.

10 Such permission shall specify the nature, species, quantity and
11 proposed location of planting or lodgment of the [oysters, seed
12 oysters or mollusks] **[shellfish]** **oysters** and shall apply only to
13 the particular shipment for which it is issued.

1 26. R. S. 50:1-36 is amended to read as follows:

2 50:1-36. The [board] *commissioner* shall make such charge, and
3 collect in advance, for the issuance of such permission, such sum
4 of money as may be necessary to defray the cost of the inspection,
5 examination and certification.

1 27. R. S. 50:2-1 is amended to read as follows:

2 50:2-1. No person shall catch or take **[oysters or]** clams from
3 any of the natural **[oyster or]** clam grounds in the waters of this
4 State, without first obtaining a license from the [board] *commis-*
5 *sioner*. Such licenses shall grant the privilege of taking **[oysters*
6 *or]** clams upon any natural **[oyster bed or]** clam ground of this
7 State, except such as may be [reserved for leasing purposes]
8 *leased* by the [board] *council*.

1 28. R. S. 50:2-2 is amended to read as follows:

2 50:2-2. No *recreational* license shall be granted to any applicant
3 who does not present satisfactory evidence that he is [at the time
4 of such application, and has been for 12 months next preceding,]
5 a [citizen and actual] resident of this State; except that a *non-*
6 *resident's recreational* license effective only in the months of June,
7 July, August and September in any calendar year may be granted
8 to a nonresident of this State upon payment of a license fee [to
9 be fixed by the Shell Fisheries Council, within the limits of, and
10 subject to, the rules and regulations provided by this chapter, and
11 limited to the Atlantic seaboard, and except that any resident of
12 the state of New York may be granted such a license to take clams
13 from the clamming grounds in the waters of Raritan bay in this
14 State, if the same privileges are granted to the citizens of New
15 Jersey to obtain licenses to take clams from the clamming grounds
16 in said bay in New York State].

17 No [nonresident] holder of [any] *either* such recreational license
 18 *may take more than 150 clams per day or* shall sell or offer for sale
 19 **[oysters or]** clams taken under said license and any such sale or
 20 offer for sale shall constitute ground for the revocation of said
 21 license. *No person shall take or catch more than 150 clams per day*
 22 *unless such person is a holder of a commercial clam license.*

1 29. R. S. 50:2-3 is amended to read as follows:

2 50:2-3. The license fee shall be fixed by the [Division of Fish,
 3 Game and Shell Fisheries from time to time, subject to approval
 4 of the] commissioner [of the Department of Environmental Pro-
 5 tection], *with the approval of the council*, at not less than [\$1.00]
 6 \$5.00 nor more than \$10.00 for [residents] *either recreational li-*
 7 *cence, and shall be not less than \$25.00 nor more than \$50.00 for*
 8 [nonresidents] *a commercial clam license.* No fee shall be charged
 9 **for a recreational license** to a person who is 62 or more years of
 10 age; provided such person is a **[citizen and actual]** resident of
 11 this State.

1 30. R. S. 50:2-4 is amended to read as follows:

2 50:2-4. Each license shall be for the term of 1 year from Janu-
 3 ary 1 of the year of issue, and shall be [under the hand and seal
 4 of the chief of a department or division of the board] *granted by*
 5 *the commissioner.* Each license shall be numbered and shall state
 6 the name and residence of the licensee, and a record thereof shall
 7 be kept by the [chiefs of departments and divisions respectively]
 8 *commissioner.*

1 31. R. S. 50:2-5 is amended to read as follows:

2 50:2-5. [Each licensee shall, at all times while engaged in op-
 3 erating under his license wear in a conspicuous place on his outer
 4 clothing a button to be furnished by the person issuing the license.
 5 The button shall bear a number corresponding to the number of
 6 the license delivered to the applicant and any other matter the
 7 board determines.] Each licensee shall [also] have the license on
 8 his person and shall exhibit it for inspection to any [member of
 9 the board, any] officer or employee [thereof] *of the department*
 10 *or other person requesting to see the same.*

1 32. Section 1 of P. L. 1950, c. 310 (C. 50:2-6.1) is amended to
 2 read as follows:

3 1. No person or vessel shall take, harvest or dredge for sea clams
 4 (**[mactra]** *Mactra* solidissima) also known as **[spisula]**
 5 *Spisula* solidissima from any waters of this State without first
 6 obtaining a license from the [Division of Fish, Game and Shell
 7 Fisheries in the Department of Environmental Protection] *com-*

8 *missioner*. The [Division of Fish, Game and Shell Fisheries]
 9 *commissioner* may license every vessel engaged in the harvesting
 10 of sea clams within the waters of this State. Such license shall be
 10A issued on an annual basis.

11 Such licenses shall grant the privilege of gathering sea clams
 12 by dredging, but only in the Atlantic ocean, but not in the Delaware
 13 bay northerly of a line from Cape May Point lighthouse tower to
 14 Brandywine lighthouse or in the Sandy Hook bay west of a line
 15 from the west point of Sandy Hook to Roamer Shoal lighthouse.
 16 No boat or vessel shall be licensed under this act unless its bona
 17 fide owner is a [citizen and actual] resident of this State [and shall
 18 have been such for 12 months next preceding the issuance of such
 19 license].

20 The [division] *commissioner* may adopt regulations regarding
 21 the issuance procedures of such licenses.

22 The [Division of Fish, Game and Shell Fisheries] *commissioner*
 23 may issue permits for sea clam research, inventory and educational
 24 projects. Nothing in this section shall be construed to limit the
 25 activities of such projects.

1 33. R. S. 50:2-7 is amended to read as follows:

2 50:2-7. All oysters, oyster shells and other material dredged,
 3 tonged or in any manner raised or taken from any of the beds and
 4 grounds above what is known as the southwest line in Delaware
 5 bay, or from any natural oyster bed or ground, shell bed or reef,
 6 where oysters naturally spawn and grow under the tidal waters of
 7 the State, shall be culled as soon as the same are emptied out of
 8 the tongs or dredges on the culling board, *conveyor*, *culling device*,
 9 or deck of the boat or vessel employed for the purpose, and before
 10 the same are shoveled back from the culling board or portion of the
 11 deck used for emptying the tongs or dredges.

1 34. R. S. 50:2-8 is amended to read as follows:

2 50:2-8. Such culling shall be so close that three bushels of oys-
 3 ters[,] *[and]* *,* oyster shells [and other material] *and other
 4 material* taken from any part of a boat or vessel, after having been
 5 shoveled back from the culling board, *conveyor*, *culling device* or
 6 that part of the boat or vessel used for emptying the tongs and
 7 dredges, shall not contain more than 15% of shells and other
 7A material.

8 All shells and other material except oysters and clams, shall be
 9 immediately thrown back upon the beds or grounds from which
 10 they shall have been taken.

1 35. R. S. 50:2-9 is amended to read as follows:

2 50:2-9. When the person in charge of any boat or vessel licensed
3 under the provisions of this Title, or any person holding a tonger's
4 license, is hailed or signaled by any officer of the [board] depart-
5 ment and refuses to stop and permit such officer or officers to board
6 his boat, vessel or other craft and examine the oysters, oyster shells
7 and other material thereon, the [board] commissioner may revoke
8 the license of such boat or vessel and the license of the tonger.

1 36. R. S. 50:2-10.1 is amended to read as follows:

2 50:2-10.1. No person shall use or employ any boat or other
3 vessel propelled wholly or in part by steam, naphtha, gasoline,
4 electricity or any other mechanical motive power, or any motor
5 driven apparatus, for the purpose of catching or taking of clams
6 from any of the waters of this State, whereby the soil or bottom
7 on or in which the clams are found is agitated or disturbed by the
8 propellor wheel or wheels of such boat or vessel or by any other
9 motor or mechanically driven apparatus thereon for the purpose
10 of catching or taking clams as aforesaid, *except by permit issued*
11 *by the Department of Environmental Protection with the approval*
12 *of the council for taking * [soft] * clams from the waters of the*
13 *Raritan bay * [and] * *, * Sandy Hook bay*, Shrewsbury river or*
14 *Navesink river*.*

1 37. R. S. 50:2-11 is amended to read as follows:

2 50:2-11. No person shall dredge upon, or throw, cast or drag an
3 oyster dredge or any other instrument or appliance used for catch-
4 ing clams or oysters, or assist in so doing, or tread for clams, upon
5 any of the lands lying under the tidal waters of this State before
6 sunrise or after sunset, or at any time on Sunday, *except that*
7 ** [soft] * clams may be taken from the waters of Raritan bay,*
8 ** Sandy Hook bay, Shrewsbury river or Navesink river* on Sunday.*

1 38. R. S. 50:2-12 is amended to read as follows:

2 50:2-12. Seed oysters of any size and hard shell clams measuring
3 less than 1½ inches in length caught and taken from any of the
4 natural oyster or clam beds or grounds under the tidal waters of
5 this State shall not be sold and taken out of this State for the
6 purpose of planting on grounds in any other state, *excepting for*
7 *methods of aquaculture approved by the commissioner.* No person
8 may sell natural seed oysters or clams in violation of this section
9 nor shall any person purchase or transport such oysters or clams
10 in violation of this section.

11 Possession of such oysters or clams outside of the boundaries
12 of this State shall be prima facie evidence of violation of this
13 section.

1 39. R. S. 50:3-1 is amended to read as follows:

2 50:3-1. No boat or vessel shall be used or employed in the catch-
3 ing or taking of oysters in the Delaware river, Delaware bay or
4 Maurice river cove, in this State, without a license for that purpose
5 [under this article. Such license shall be issued by the chief of
6 the department of Maurice river cove, duly certified by himself, to
7 the captains of the boats or vessels entitled thereto] *issued by the*
8 *commissioner.*

1 40. R. S. 50:3-2 is amended to read as follows:

2 50:3-2. The [board] *council* may fix the license fee at any sum
3 [not exceeding \$4.00 per ton] on the gross tonnage measurement
4 of such boat or vessel.

5 No license shall be issued for a period longer than 1 year.

6 All licenses shall be numbered and recorded [in a book kept for
7 that purpose in the office of the board, at Bivalve] *by the com-*
8 *missioner.*

1 41. R. S. 50:3-3 is amended to read as follows:

2 50:3-3. The [chief of the department of Maurice river cove]
3 *commissioner*, before issuing a license to any boat or vessel as
4 provided in this article, shall cause the master or captain thereof
5 to [make and] file with him [an oath] *a statement* that such boat
6 or vessel is wholly owned bona fide by [citizens and actual]
7 residents of this State[, and who have been such for 12 months
8 next preceding]; and no boat or vessel owned wholly or in part
9 by a nonresident and licensed in any other state to catch oysters
10 on natural beds or grounds in such other state shall be licensed
11 in this State within the same year in which such license to catch
12 oysters in such other state shall have been or shall be issued.
13 [Such oath may be administered by any member of the board or
14 the chief of the department, and the board] *The commissioner*
15 may revoke a license issued by reason of a false [oath made or
16 taken] *statement filed* by any applicant.

1 42. R. S. 50:3-5 is amended to read as follows:

2 50:3-5. The [board shall] *commissioner may* revoke the license
3 of any boat or vessel, the owner, captain, master or person in charge
4 of which shall violate or cause or permit to be violated any of the
5 provisions of this Title or any rule or regulation of the [board]
6 *commissioner*, and the [board] *commissioner* may refuse there-
7 after to allow any license to be issued to the boat or vessel for such
8 period of time as [the board] *he* shall fix.

1 43. R. S. 50:3-7 is amended to read as follows:

2 50:3-7. No person shall use any dredge for the purpose of catch-
 3 ing or taking oysters or clams from any of the natural beds or
 4 grounds in Delaware bay or Delaware river above the line running
 5 direct from the mouth of Straight creek to Cross Ledge lighthouse,
 6 commonly known and hereafter referred to as the "southwest
 7 line", the tooth bar of which dredge measures more than fifty-four
 8 inches across from center of bolt hole to center of bolt hole where
 9 the frame thereof is fastened to the tooth bar, or any dredge which
 10 measures more than 5 feet 2 inches in width from the extreme
 11 outside to outside of frame, or any dredge which measures more
 12 than 21 inches from center of tooth bar to center of cross bar, or
 13 any dredge the bag of which contains more than 17 rows of 2 inch
 14 rings, or any dredge the rings of which are less than 2 inches in
 15 diameter, inside measurement, or any dredge the bag of which
 16 measures more than 5 feet around the bag from center of tooth
 17 bar to center of cross bar, or any dredge which weighs more than
 18 **[190]** 250 pounds.

1 44. R. S. 50:3-11 is amended to read as follows:

2 50:3-11. No oysters shall be dredged for, caught or taken from
 3 any of the lands lying under the tidal waters of the Delaware bay
 4 and Maurice river cove below a line running direct from the mouth
 5 of Straight creek to Cross Ledge lighthouse, commonly known and
 6 hereinafter referred to as the "southwest line," at any time except
 7 from September 1 to June 30 then next, both inclusive, of each
 8 year; but the **[chief of the department of Maurice river cove or**
 9 **any member of the board]** *commissioner* may, upon application,
 10 give permission, in writing, to any lessee of oyster grounds to
 11 dredge, catch or take oysters or to employ such methods for the
 12 protection of his oysters on said grounds and for the promotion
 13 of the growth thereof during the closed season as the **[chief or**
 14 **board]** *commissioner* may deem advisable.

1 45. R. S. 50:3-12 is amended to read as follows:

2 50:3-12. The **[chief of the department of Maurice river cove, or**
 3 **any member of the board,]** *council* may upon application give per-
 4 mission, in writing, to any prospective lessee to examine and in-
 5 spect, with proper appliances, any of the unleased lands of the
 6 State below the southwest line for the purpose of determining
 7 their suitability or adaptability for oyster culture or propagation;
 8 but no oysters shall be permanently removed from any such lands
 9 by virtue of any such permit.

1 46. R. S. 50:3-13 is amended to read as follows:

2 50:3-13. No person shall dredge upon or throw, cast or drag an
 3 oyster or clam dredge, or any other instrument or appliance used
 4 for catching oysters or clams, upon any of the land of the State

5 lying under the tidal waters of the Delaware bay or Maurice river
6 cove, in this State, below the southwest line, other than land or
7 ground for which such person then holds a lease from the Shell
8 Fisheries Council under this Title.

9 **Any person violating the provisions of this section shall be**
10 **liable to a penalty of not less than \$100.00 nor more than \$300.00**
11 **for the first offense, and of not less than \$300.00 nor more than**
12 **\$500.00 for any subsequent offense.]**

1 47. Section 2 of P. L. 1966, c. 52 (C. 50:3-16.2) is amended to
2 read as follows:

3 2. The **Division of Shell Fisheries in the Department of Con-**
4 **servation and Economic Development] commissioner** shall cause
5 the limits of each of said areas to be plainly marked by stakes or
6 buoys as soon as practical after the effective date of this act.

1 48. Section 5 of P. L. 1966, c. 52 (C. 50:3-16.5) is amended to read
2 as follows:

3 5. No person shall catch or take any shellfish from the natural
4 shellfish beds contained within said Area No. 1 unless there shall
5 have been first issued by the **Shell Fisheries] Council], Maurice**
6 **River Cove Section, of the Division of Shell Fisheries in the De-**
7 **partment of Conservation and Economic Development,]** for each
8 boat or vessel, so to be used or employed therein, a special license
9 authorizing the catching or taking of shellfish within said area,
10 which shall be issued for a term not longer than 1 year and shall
11 contain an agreement on the part of the holder thereof that any
12 person or officer authorized by regulation of said council to make
13 inspections of such area may board said boat or vessel to inspect
14 shellfish therein contained, and all licenses issued under this act
15 shall be numbered.

1 49. Section 14 of P. L. 1966, c. 52 (C. 50:3-16.14) is amended to
2 read as follows:

3 14. No person shall catch or take any shellfish from the natural
4 shellfish beds, contained within said Area 3, unless there shall have
5 been first issued by the **Shell Fisheries] Council], Maurice River**
6 **Cove Section, of the Division of Shell Fisheries in the Department**
7 **of Conservation and Economic Development,]** for each boat or
8 vessel, so to be used or employed therein, a special license authoriz-
9 ing the catching or taking of shellfish within said area, which shall
10 be issued for a term not longer than 1 year and shall contain an
11 agreement on the part of the holder thereof.

12 (a) That any person or officer authorized by regulation of said
13 council to make inspections of such area may board said boat or
14 vessel to inspect shellfish therein contained, and

15 (b) That such holder will deliver or cause to be delivered to said
 16 council the shells taken in said area in the process of opening or
 17 shucking, from 40% of all of the oysters taken from under the tidal
 18 waters of said area and delivered by such holder or for his account
 19 to any shucking houses, pursuant to chapter 39 of the laws of 1945,
 20 at the times and in the manner prescribed therein.

21 (c) That such holder will, in the case of oysters packed and
 22 shipped or otherwise sold in the shells by him to persons not re-
 23 quired to be licensed under this act, pay to the State of New
 24 Jersey the true, fair, cash market value of the oyster shells so
 25 packed and shipped and otherwise sold, as fixed by the Council of
 26 Shell Fisheries, under the provisions of this act, on the basis of one
 27 bushel of shells for each bushel of oysters so sold or shipped which
 28 payments shall be made as statements are submitted.

29 All licenses issued under this act shall be numbered.

1 50. Section 21 of P. L. 1966, c. 52 (C. 50:3-16.21) is amended to
 2 read as follows :

3 21. The council may, subject to the approval of the commissioner
 4 **of Conservation and Economic Development**, by rule and regula-
 5 tion, prohibit the taking or catching of shellfish in such area at such
 6 times as, in the judgment of the council, may be necessary to close
 7 said beds or any part thereof for conservation purposes.

1 51. Section 22 of P. L. 1966, c. 52 (C. 50:3-16.22) is amended to
 2 read as follows :

3 22. All applications for licenses made under this act shall be filed,
 4 and all licenses issued under this act shall be recorded, in books to
 5 be kept for said purposes **in the office of the Division of Shell**
 6 **Fisheries in the Department of Conservation and Economic Devel-**
 7 **opment in Bivalve, New Jersey,** *by the department.*

1 52. Section 2 of P. L. 1945, c. 39 (C. 50:3-20.11) is amended to
 2 read as follows :

3 2. It shall be unlawful for any person to operate within this State
 4 an oyster shucking house or to engage in or carry on the business
 5 of an oyster planter or an oyster dealer, as defined in this act,
 6 without first obtaining a license so to do from the **Board of Shell**
 7 **Fisheries** *commissioner* as provided in this act.

1 53. Section 4 of P. L. 1945, c. 39 (C. 50:3-20.13) is amended to
 2 read as follows :

3 4. The license to conduct an oyster shucking house *or to engage*
 4 *in and conduct the business of an oyster planter or an oyster dealer*
 5 shall be issued upon the payment of a license fee of **[\$10.00]**
 6 **\$100.00.**

1 54. Section 6 of P. L. 1945, c. 39 (C. 50:3-20.15) is amended to
2 read as follows:

3 6. The license to engage in the business of an oyster dealer shall
4 be issued in consideration of the agreement of the licensee to pay to
5 the **【Board of Shell Fisheries】** *commissioner* the sums prescribed
6 to be paid by this act in lieu of the delivery of oyster shells.

1 55. Section 7 of P. L. 1945, c. 39 (C. 50:3-20.16) is amended to
2 read as follows:

3 7. Said oyster shells so to be returned to the State shall be
4 returned by the respective oyster planters by whom or for whose
5 account they are delivered to the respective oyster shucking houses
6 and shall be stored and loaded on boats, to be furnished by such
7 oyster planters by the operators of such oyster shucking houses and
8 shall be planted or spread upon said natural oyster beds, at the cost
9 and expense of said oyster planters, at times and places to be
10 designated by the **【Board of Shell Fisheries after consultation with
11 representatives of the Delaware Bay Oyster Planters Association】**
12 *council*.

1 56. Section 8 of P. L. 1945, c. 39 (C. 50:3-20.17) is amended to
2 read as follows:

3 8. The cost of storage and loading of such shells upon boats shall
4 be paid to the operators of the respective oyster shucking houses
5 by the State through the **【Board of Shell Fisheries】** *commissioner*
6 at a price to be fixed by said **【board】** *commissioner*, but not to
7 exceed **【\$0.04 per bushel】** *the market price of shells*.

1 57. Section 9 of P. L. 1945, c. 39 (C. 50:3-20.18) is amended to
2 read as follows:

3 9. In the case of oysters packed and shipped or otherwise sold in
4 the shells by oyster dealers to persons not required to be licensed
5 under this act, the respective oyster dealers shall pay to the
6 State of New Jersey the true, fair, cash, market value of the oyster
7 shells so packed and shipped and otherwise sold, as fixed by the
8 **【Board of Shell Fisheries】** *commissioner*, under the provisions of
9 this act, on the basis of one bushel of shells for each bushel of
10 oysters so sold or shipped which payments shall be made as state-
11 ments are submitted.

1 58. Section 11 of P. L. 1945, c. 39 (C. 50:3-20.20) is amended to
2 read as follows:

3 11. The **【Board of Shell Fisheries】** *council* shall, between June 1
4 and July 1 of each year, make a survey and determine the locations
5 in which, in the judgment of the **【board】** *council*, oyster shells
6 should be returned to the natural oyster beds lying within said
7 tidal waters within the year beginning on said July 1 in order to

8 prevent depletion of said natural oyster beds and seed
8A grounds and in order to improve the same and effectuate an
9 increase in the nation's food supply, and shall, at the same time,
10 ascertain the number of bushels of oyster shells to be returned to
11 the State by each licensed oyster planter, and to be stored and
12 loaded on boats by the operators of the respective oyster shucking
13 houses, as required by this act, and, at the same time, shall fix the
14 price to be paid to the operators of the respective oyster shucking
15 houses by the State for storing and loading such shells and shall
16 ascertain the true, fair, cash, market value of oyster shells per
17 bushel to be paid in lieu of the return of oyster shells under this
18 act during said year.

1 59. Section 12 of P. L. 1945, c. 39 (C. 50:3-20.21) is amended to
2 read as follows:

3 12. All moneys received as license fees and in lieu of the return of
4 oyster shells under the provisions of this act shall be used by the
5 **[Board of Shell Fisheries]** *commissioner* for the purchase of
6 oyster shells and oysters which shall be spread over and planted in
7 said natural oyster beds and seed grounds of the State and to
8 establish and maintain oyster sanctuaries.

1 60. Section 13 of P. L. 1945, c. 39 (C. 50:3-20.22) is amended to
2 read as follows:

3 13. The **[Board of Shell Fisheries]** *commissioner* shall have
4 power to make rules and regulations for the carrying out of the
5 purposes of, and enforcement of, the provisions of this act.

1 61. R. S. 50:4-2 is amended to read as follows:

2 50:4-2. No person shall use or cause to be used any dredge with
3 bag or pocket, drag or scrape upon any of the natural oyster or
4 clam beds under the tidal waters of the Atlantic seaboard of this
5 State and tributaries thereof, except Delaware bay, and no license
6 shall be issued by the **[board]** *commissioner* contrary to this sec-
7 tion; but this section shall not prohibit the use of any fork, hoe or
8 drag used by hand in the taking of soft clams; nor shall it prohibit
9 the catching of oysters with hand power dredges from the natural
10 oyster grounds of this State north of Shrewsbury river; nor shall
11 it prohibit the taking of clams with power dredges from specified
12 leased lands under said waters, except Delaware bay, with the
13 approval of the Commissioner of Environmental Protection and
14 under such conditions and supervision as he may prescribe, and
15 under rules and regulation of the Shell Fisheries Council.

1 62. R. S. 50:4-3 is amended to read as follows:

2 50:4-3. No person shall go upon, take or remove oysters, clams
3 or other material, dredge upon, throw, cast or drag an oyster dredge,
4 use oyster tongs, rakes, forks or other instruments or appliances
5 used for catching oysters or clams, or tread for clams, upon any
6 of the leased lands of this State lying under the tidal waters of
7 the Atlantic seaboard or tributaries thereof, above Cape May Point,
8 other than land or ground for which such person or his employer
9 then holds a lease from the **Shell Fisheries** council.

10 **Any person violating the provisions of this section shall be**
11 **liable to a penalty of not less than \$100.00 nor more than \$300.00**
12 **for the first offense, and of not less than \$300.00 nor more than**
13 **\$500.00 for any subsequent offense.]**

1 63. (New section) Within 1 year of the effective date of this
2 act, the commissioner shall review all rules and regulations pre-
3 viously adopted pursuant to the provisions of Title 50 of the Re-
4 vised Statutes for conformance to the revisions to that Title con-
5 tained herein and shall, after consultation with the Shell Fisheries
6 Council, amend or repeal any rules and regulations which are not
7 in conformance herewith.

1 64. R. S. 23:3-41 is amended to read as follows:

2 23:3-41. No person shall erect, set, operate or maintain a fish-
3 pound net in the waters of the Atlantic ocean, within 3 nautical
4 miles from the coast line of this State, or in Sandy Hook or Raritan
5 bay, without first obtaining a license for that purpose, as herein-
6 after provided.

7 An application for a license for such purpose shall be made to
8 the **division** commissioner. The **division** commissioner upon
9 the payment to **it** *him* of the sum of \$100.00 for each pound net
10 to be erected or set in the Atlantic ocean, and \$50.00 for each pound
11 net to be erected or set in Sandy Hook or Raritan bay, as a license
12 fee, may in **its** *his* discretion issue to the applicant, if he is a
13 citizen of the United States, a license, to erect, set, operate and
14 maintain a fishpound net in one of the waters above specified. The
15 method of numbering and identification of pounds shall be that
16 which the **division** commissioner determines. A license issued
17 hereunder shall expire annually on December 31 next succeeding
18 its issuance, and may be renewed by the **division** commissioner
19 upon the payment of the same fee and upon the same terms as those
20 upon which the original license was granted.

1 65. R. S. 23:3-47 is amended to read as follows:

2 23:3-47. A person who intends to take fish with shirred or purse
3 seines, otter or beam trawls in the waters of the Atlantic ocean

4 within the jurisdiction of this State shall make application to the
5 **[board]** *commissioner* for a license for that purpose for each vessel
6 proposed to be engaged in the fishing.

7 The **[Division of Fish, Game and Shellfisheries]** *commissioner*
8 upon the receipt of the application and the payment to **[it]** *him*
9 of the sum of \$100.00 for each vessel proposed to be engaged in
10 the fishing, shall issue to the applicant a license for the vessel to
11 take with shirred or purse seine, otter or beam trawl, fish of any
12 kind, excepting striped bass, in the waters of the Atlantic ocean
13 within the jurisdiction of this State at a distance of not less than 2
14 miles from the coast line. The license shall expire on December 31
15 in the year in which it is issued.

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

2 23:3-51. A person intending to take menhaden with purse or
3 shirred nets in any waters in the jurisdiction of this State, includ-
4 ing the waters of the Atlantic ocean, within 3 nautical miles of
5 the coast line of this State, shall apply to the **[division]** *commis-*
6 *sioner* for a license therefor. The **[division]** *commissioner*, upon
7 the receipt of the application and payment to **[it]** *him* of the fee
8 provided in section 23:3-52 of this Title, may, in **[its]** *his* discre-
9 tion, issue to the applicant a license, to take menhaden with purse
10 or shirred nets. The license shall be void after December 31 next
11 succeeding its issuance.

1 67. R. S. 23:5-9 is amended to read as follows:

2 23:5-9. No person shall take from the salt waters of this State
3 by any means, import, export, have in his possession, buy, sell or
4 offer to buy or sell, any lobster, which in length shall be less than
5 $3\frac{1}{8}$ inches measured from the rear end of the eye socket along
6 a line parallel to the center line of the body shell to the rear
7 end of the body shell, or any spawning lobster**],** under a penalty
8 of \$20.00 for each lobster so taken, imported, exported, offered for
9 sale or had in possession**].** This section shall not apply to the taking
10 or possession of lobsters bearing a tag that has been issued or
11 affixed by the Department of Environmental Protection or by any
12 other state or Federal agency with which the department cooperates
13 in a research project.

1 68. R. S. 23:5-16 is amended to read as follows:

2 23:5-16. No person shall catch or take, or attempt to catch or
3 take, eels from the tidal waters of this State by means or use of a
4 dredge, rake, spear or other device attached to or drawn by a boat
5 or vessel**],** under a penalty of \$50.00 for each offense**].**

1 69. Section 2 of P. L. 1941, c. 211 (C. 23:5-24.2) is amended to
2 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 [Division
 5 of Fish, Game and Shellfisheries] *commissioner* for a license there-
 6 for, and the [division] *commissioner* upon receipt of the application
 7 and the fee hereinafter prescribed may in [its] *his* discretion issue
 8 licenses for the taking of fish with nets as follows:

9 (a) Haul seines, the mesh of which shall not be larger than 3
 10 inches stretched mesh while being fished, and not to exceed 70
 11 fathoms in length, whether singly or attached, for all species, ex-
 12 cepting striped bass. November 1 to April 30. Fee, \$25.00.

13 (b) Fykes, with leaders, shall not exceed 30 fathoms in length
 14 and no part of net or leaders to be larger than 3 inches stretched
 15 mesh while being fished, for all species excepting striped bass.
 16 November 1 to April 30. Fee, \$30.00.

17 (c) Special fyke for flounder only, the length of the net not
 18 to exceed 30 fathoms and the mesh of which shall not be less than
 19 4 inches stretched mesh. October 1 to April 30. Fee, \$4.00.

20 (d) Miniature fykes or pots for the taking of catfish, suckers
 21 and eels, the same not to exceed 16 inches in diameter. March 15
 22 to December 15. Fee, \$1.00.

23 (e) Run around net the smallest mesh of which shall be $2\frac{3}{4}$
 24 inches wide stretched mesh and the length of which net shall not
 25 exceed 200 fathoms, for all species excepting striped bass. March
 26 15 to December 15. Fee, \$20.00. This net shall be used in the At-
 27 lantic ocean only. The limit shall be one run around net per boat.

28 (f) Shad nets, either staked or anchored, the smallest mesh of
 29 which shall be 5 inches while being fished, and shall not exceed
 30 50 fathoms in length, for all species excepting striped bass.
 31 March 1 to June 15. Fee, \$3.00.

32 These nets shall be used in the Atlantic ocean only.

33 (g) Bait seines, over 50 feet long and not exceeding 150 feet.
 34 Fee, \$3.00.

35 (h) Bait seines, not more than 50 feet long, may be used without
 36 application for or granting of license.

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

40 (j) Drifting gill net, the smallest mesh of which shall be $2\frac{3}{4}$
 41 inches stretched mesh and the length of which net shall not exceed
 42 150 fathoms, for all species excepting striped bass. The limit shall
 43 be two drifting gill nets per boat. March 15 to December 15. Fee,
 44 \$20.00. These nets shall be used in the Atlantic ocean only.

1 70. R. S. 23:5-35 is amended to read as follows:

2 23:5-35. No person shall take from any of the tidal waters of
 3 this State, or have in possession, any female crustacean, commonly
 4 known as crab, with eggs or spawn attached thereto, or from which
 5 the egg pouch or bunion has been removed, under a penalty of
 6 \$20.00 for each crab taken or had in possession.

1 71. R. S. 23:9-115 is amended to read as follows:

2 23:9-115. Upon application to the [Division of Fish, Game and
 3 Shellfisheries] commissioner and the payment of a fee of \$60.00
 4 for each net, the [division] commissioner may issue, in [its] his
 5 discretion, a license permitting the licensee to fish for shad, in the
 6 Hudson river, from March 15 to June 15; provided further, how-
 7 ever, no net shall be set or put in position and no shad shall be
 8 taken during the period from Friday noon until Saturday midnight
 9 of each week; provided, however, that any net which has been set
 10 prior to Friday noon shall be permitted to remain in position and
 11 be lifted at the next high water; provided further, however, that
 12 the aforementioned 36-hour lift period shall be the minimum period
 13 and the maximum lift period shall be at the discretion of the [Di-
 14 vision of Fish, Game and Shellfisheries] commissioner.

1 72. Section 26 of P. L. 1948, c. 448 (C. 13:1B-24) is amended
 2 to read as follows:

3 26. There shall be within the Division of [Fish] ***[Fisheries]***
 4 *Fish, Game* and [Game] Wildlife, a Fish and Game Council
 5 which shall consist of 11 members, each of whom shall be chosen
 6 with due regard to his knowledge of and interest in the conservation
 7 of fish and game. Each member of the council shall be appointed
 8 by the Governor, with the advice and consent of the Senate. Three
 9 of such members shall be farmers, recommended to the Governor
 10 for appointment to the council by the agricultural convention held
 11 pursuant to the provisions of article 2 of chapter 1 of Title 4 of
 12 the Revised Statutes; six of such members shall be sportsmen,
 13 recommended to the Governor for appointment to the council by
 14 the New Jersey State Federation of Sportsmen's Clubs; ***[and**
 15 **two]*** *one* of such members shall be **[commercial fishermen]**
 16 ***[members of the general public]*** *the chairman of the com-
 17 mittee established pursuant to section 7 of the "Endangered and
 18 Nongame Species Conservation Act" (P. L. 1973, c. 309;
 19 C. 23:2A-7), and one of such members shall be a person knowlege-
 20 able in land use management and soil conservation practices*. One
 20A of such farmer representatives and two of such sportsmen repre-
 20B sentatives in the council shall be chosen from among residents of
 20C any of the following counties—Bergen, Essex, Hudson, Morris,

20D Passaic, Sussex and Warren; one of such farmer representatives
 20E and two of such sportsmen representatives in the council shall be
 21 chosen from among residents of any of the following counties—
 22 Hunterdon, Mercer, Middlesex, Monmouth, Ocean, Somerset and
 23 Union; and one of such farmer representatives and two of such
 24 sportsmen representatives shall be chosen from among residents
 25 of any of the following counties—Atlantic, Burlington, Camden,
 26 Cape May, Cumberland, Gloucester and Salem.

27 Each member of the council shall be appointed for a term of 4
 28 years and shall serve until his successor has been appointed and
 29 has qualified; except that of the first appointments hereunder,
 30 two shall be for a term of 1 year, three for 2 years, three for 3
 31 years, and three for 4 years, each commencing on April 1 following
 32 the date of appointment. The term of each of the respective first
 33 appointees to the council shall be designated by the Governor].

34 [The persons in office as members of the Fish and Game Council
 35 in the Division of Fish and Game of the existing State Department
 36 of Conservation on the effective date of this act shall constitute
 37 the Fish and Game Council established hereunder until April 1,
 38 1949, at which time their respective terms of office shall expire.]

73. (New section) For purposes of this section, the "act" means
 2 and includes all the new sections and amended sections contained
 3 herein, all the remaining sections of Title 50 of the Revised
 4 Statutes, sections 23:3-41, 23:3-46, 23:3-47, 23:3-48, 23:3-51,
 5 23:3-52, 23:5-9, 23:5-16, 23:5-35, 23:9-114, 23:9-115 and 23:9-120
 6 of Title 23 of the Revised Statutes, sections 1, 2, 3 and 7 of P. L.
 7 1938, c. 318 (C. 23:5-5.1 through 23:5-5.3 and 23:5-5.7), P. L. 1952,
 8 c. 216 (C. 23:5-5.1a); and sections 1, 2, and 3 of P. L. 1941, c. 211
 9 (C. 23:5-24.1 to 23:5-24.3).

10 The commissioner may utilize any or all of the following remedies
 11 for any violation of this act:

12 a. (1) Any person who violates the provisions of this act or of
 13 any rule, regulation, license or permit promulgated or issued pur-
 14 suant to this act shall be liable to a penalty of not less than \$100.00
 15 or more than \$3,000.00 for the first offense and not less than \$200.00
 16 or more than \$5,000.00 for any subsequent offense, unless the com-
 17 missioner has established an alternate penalty **for a specific*
 18 *offense** pursuant to subsection a. (2) of this section.

19 (2) The Commissioner of Environmental Protection, with the
 20 approval of the Marine Fisheries Council, may, by regulation,
 21 establish a penalty schedule for any **specific** violation of this act
 22 or of any rule or regulation promulgated pursuant to this act. No

23 such penalty may be less than \$10.00 nor more than \$100.00 on the
 24 first offense or less than \$20.00 nor more than \$200.00 on any sub-
 25 sequent offense. Any penalty provided for by this act or by the fee
 26 schedule promulgated by the commissioner shall be collected in a
 27 civil action by a summary proceeding under the penalty enforcement
 28 law (N. J. S. 2A:58-1 et seq.). The Superior Court or any County
 29 Court, county district court or municipal court shall have jurisdic-
 30 tion to enforce said penalty enforcement law. If the violation is of
 31 a continuing nature, each day during which it continues shall con-
 32 stitute an additional separate and distinct offense.

33 ****[b. Any vessel, vehicle or equipment used in violation of this
 34 act or any rule or regulation or any license or permit promulgated
 35 pursuant to this act may be forfeited. The department may seize
 36 and secure any such vessel, vehicle or equipment and shall immedi-
 37 ately thereafter give notice thereof to a court located in the county
 38 where the seizure is made which shall, at an appointed time and
 39 place, summarily hear and determine whether such vessel, vehicle
 40 or equipment was unlawfully used and if it does so determine, it
 41 may direct the confiscation and forfeiture of such vessel, vehicle
 42 or equipment for the use of the department. The commissioner
 43 may dispose of any such confiscated *or* and* forfeited vessel,
 44 vehicle or equipment at his discretion.]****

45 ****[c.]**** ****b.**** Any person who violates the provisions
 46 of this act or any rule or regulation or any license or permit
 47 promulgated or issued pursuant to this act shall be liable to the
 48 revocation of any license which he holds pursuant to this act for
 49 such period of time as the court may choose.

50 ****[d.]**** ****c.**** If any person violates any of the pro-
 51 visions of this act, or any rule or regulation or any license or permit
 52 promulgated or issued pursuant to the provisions of this act, the
 53 department may institute a civil action in a court of competent
 54 jurisdiction for injunctive relief to prohibit and prevent such viola-
 55 tion or violations and the said court may proceed in the action in a
 55A summary manner.

56 The department is hereby authorized and empowered to com-
 57 promise and settle any claim for a penalty under this section in
 58 such amount in the discretion of the department as may appear
 59 appropriate and equitable under all of the circumstances.

1 74. (New section) a. The Division of Fish, Game and Shellfish-
 2 eries is continued and constituted as the Division of *[Fisheries]*
 3 *Fish, Game* and Wildlife in the Department of Environmental
 4 Protection. Except as otherwise provided by this act, all the func-
 5 tions, powers and duties of the existing Division of Fish, Game and

6 Shellfisheries, and the director, thereof, are continued in the Divi-
 7 sion of ***[Fisheries]*** *Fish, Game** and Wildlife and the director
 8 thereof, and whenever the term "Division of Fish, Game and Shell-
 9 fisheries" occurs or any reference is made thereto in any law,
 10 contract or document, the same shall be deemed or mean to refer
 11 to the Division of ***[Fisheries]*** *Fish, Game** and Wildlife.

12 b. The Fish and Game Council, together with all its functions,
 13 powers and duties, is continued as the Fish and Game Council in
 14 the Division of ***[Fisheries]*** *Fish, Game** and Wildlife in the
 15 Department of Environmental Protection.

1 75. (New section) If any provision of this act or the applica-
 2 tion thereof to any person or circumstance is held invalid, the
 3 remainder of the act and the application of such provision to
 4 persons or circumstances other than those to which it is held in-
 5 valid, shall not be affected thereby. This act shall be liberally con-
 6 strued to effectuate the purpose and intent thereof.

1 76. (New section) This act shall not affect, impair or invalidate
 2 any action or proceeding, civil or criminal, brought by or against
 3 the department, pending on the effective date of this act, and all
 4 such actions or proceedings may and shall be continued to final
 5 judgment, decree or decision, as if the foregoing provisions had not
 6 taken effect; nor shall this act affect orders, rules and regulations
 7 heretofore made, promulgated or issued by the department or
 8 other matters or proceedings pending before the department on
 9 the effective date of this act. Such orders, rules, regulations,
 10 matters or proceedings shall continue in full force and effect
 11 until amended or repealed pursuant to law.

1 *77. R. S. 50:3-15 is amended to read as follows:

2 50:3-15. No person shall gather, scrape, rake or tong any oysters
 3 in or upon the beds, rivers or creeks of this State named in section
 4 50:3-14 of this Title, for and during the period from June 30 until
 5 September 1 in each and every year; but this closed season shall
 6 not apply to the beds (a) at the mouth of Maurice river, described
 7 as follows: Beginning at a point with co-ordinates $x=1,897,678$
 8 $y=132,207$ said point being now or formerly East Point Lighthouse
 9 and running thence N 48°-23'-07" W 9,400. feet to a point
 10 $x=1,890,650$ $y=138,450$ on the east bank of the mouth of New
 11 England creek; thence following in an easterly direction the shore
 12 line and crossing the mouth of the Maurice river and following the
 13 shore line to the point of beginning, and in Maurice river, from
 14 which oysters may be taken between sunrise and sunset at any time,
 15 except on Sundays; or (b) to the Nantuxent beds *in that area at*

16 the mouth of Nantuxent creek, *Back creek and Cedar creek* and the
 17 Cohansey beds at the mouth of Cohansey river, from which oysters
 18 may be taken [only during the months of May and June] at any
 19 time between sunrise and sunset, except on Sunday, provided, how-
 20 ever, that any oysters so taken shall be 3 inches from hinge to
 21 mouth or longer; or (c) to the Back creek beds at the mouth of
 22 Back creek, Back creek from the mouth to the south bank of the
 23 mouth of Tweed creek, which areas are described as follows:
 24 Beginning at the intersection of the southerly bank of the mouth
 25 of Tweed creek with the westerly bank of Back creek, said intersec-
 26 tion being at high-water mark, thence from said point in a south-
 27 easterly, southwesterly, and southerly direction, being along the
 28 westerly bank of Back creek and the westerly shore of Nantuxent
 29 Cove to a point on the said shore, said point being N 71° E 700 feet
 30 more or less from the Sextant tower on Ben Davis Point; thence
 31 N 71° E 4,300 feet more or less to a stake set in Nantuxent Cove;
 32 thence N 19° E 3,300 feet more or less to a stake set at the high-
 33 water mark along the north shore of Nantuxent Cove; thence bound-
 34 ing on the said high-water mark in a general westerly direction to
 35 the mouth of Back creek, thence along the easterly bank of Back
 36 creek in a general, easterly, northerly and northwesterly direction
 37 to a point due east from the southerly bank of the mouth of Tweed
 38 creek; thence crossing Back creek in a due west direction to the
 39 place of beginning, from which oysters may be taken only during
 40 the months of April, May, June, September, October and November
 41 between sunrise and sunset, except on Sunday.

1 78. R. S. 50:3-17 is amended to read as follows:

2 No person shall take or attempt to take edible crabs from any
 3 of the waters of the Delaware bay or any of its tributaries within
 4 the jurisdiction of this State, in any manner except by rod, hand
 5 line, or scoop net operated by hand, without first obtaining a
 6 license so to do from the [board] commissioner.

1 79. R. S. 50:3-18 is amended to read as follows:

2 50:3-18. The [Division of Fish, Game and Shellfisheries] com-
 3 missioner may grant licenses, under such rules and regulations as
 4 it may establish, to catch and take edible crabs from the waters of
 5 the Delaware bay and its tributaries in this State, by means of
 6 layout lines, crabpots or trawl lines; but such licenses shall be
 7 granted only to persons who are residents of this State, or of any
 8 other state bordering on Delaware bay or its tributaries, if any
 9 such other state grants to New Jersey residents the privilege of
 10 obtaining licenses to take such crabs in the waters of Delaware bay
 11 and its tributaries within the area of its jurisdiction.

1 80. R. S. 50:3-20 is amended to read as follows:

2 The **[board]** *commissioner* may establish and enforce rules and
3 regulations for the propagation and protection of edible crabs in
4 the waters of the Delaware bay and its tributaries in this State.*

1 ***[76.]*** *80.* The following statutes, acts and parts of acts are
1A repealed:

- 2 a. R. S. 23:3-42
3 R. S. 23:3-44 and 23:3-45
4 R. S. 23:3-49
5 R. S. 23:3-53
6 R. S. 23:5-8
7 R. S. 23:5-18 through 23:5-20
8 R. S. 23:5-22 and 23:5-23
9 R. S. 23:5-26
10 R. S. 23:5-36 through 23:5-42
11 R. S. 23:9-22 through 23:9-35
12 R. S. 23:9-37 through 23:9-42
13 R. S. 23:9-44
14 R. S. 23:9-46
15 R. S. 23:9-50 and 23:9-51
16 R. S. 23:9-53 through 23:9-58
17 R. S. 23:9-94 through 23:9-98
18 R. S. 23:9-108 through 23:9-112
19 R. S. 23:9-116 through 23:9-119
20 P. L. 1938, c. 318, ss. 8, 9 (C. 23:5-5.8 and 23:5-5.9)
21 P. L. 1952, c. 71 (C. 23:5-8.1 and 23:5-8.2)
22 P. L. 1941, c. 211, ss. 5-13 (C. 23:5-24.4 through 23:5-24.12)
23 P. L. 1948, c. 154, s. 2 (C. 23:5-35.1)
24 P. L. 1944, c. 111 (C. 23:9-76.1)
25 P. L. 1947, c. 297 (C. 23:9-112.1 and 23:9-112.2)
26 P. L. 1941, c. 244 (C. 23:9-122 through 23:9-125)
27 b. R. S. 50:1-6 through 50:1-17
28 R. S. 50:1-19 through 50:1-21
29 R. S. 50:1-26
30 R. S. 50:1-32
31 R. S. 50:1-37 and 50:1-38
32 R. S. 50:2-6
33 R. S. 50:2-13 through 50:2-17
34 R. S. 50:3-4
35 R. S. 50:4-1
36 R. S. 50:5-1 through 50:5-4
37 R. S. 50:5-6 and 50:5-7

38 R. S. 50:5-9 through 50:5-13

39 R. S. 50:5-15 through 50:5-17

40 P. L. 1945, c. 22, ss. 18-22 (C. 13:1A-18 through 13:1A-22)

41 P. L. 1948, c. 448, ss. 93-97 (C. 13:1B-42 through 13:1B-46)

42 P. L. 1956, c. 191, s. 1 (C. 50:1-13.1)

43 P. L. 1950, c. 310, s. 4 (C. 50:2-6.4)

44 P. L. 1975, c. 398, s. 6 (C. 50:2-6.5)

45 P. L. 1945, c. 39, ss. 14-16 (C. 50:3-20.23 through 50:3-20.25)

1 ***81. *Nothing in this act shall authorize the imposition of a*
2 *saltwater recreational anglers license on any person.****

1 ***[77.]*** *****[*81.*]***** ***82.*** (New section) There is hereby
2 appropriated to the Department of Environmental Protection the
3 sum of \$500,000.00 for the administration of the fisheries manage-
4 ment program authorized by this act.

1 ***[78.]*** *****[*82.*]***** ***83.*** (New section) This act shall
2 take effect immediately, provided, however, that subsection a. of
3 section ***[76]*** *****[*81*]***** ***80*** shall take effect 1 year after the
4 effective date of this act.

179 9-19-79
[FOURTH OFFICIAL COPY REPRINT]

SENATE, No. 1399

STATE OF NEW JERSEY

INTRODUCED OCTOBER 19, 1978

By Senators DODD, LASKIN, FELDMAN, HIRKALA and PARKER

Referred to Committee on Energy and Environment

AN ACT concerning marine fisheries management, the development of the commercial fisheries industry, and the support of recreational fishing, establishing a Marine Fisheries Council, providing certain powers, duties and responsibilities to the Commissioner of Environmental Protection, the Marine Fisheries Council and the New Jersey Economic Development Authority, providing penalties for its violation, making an appropriation and amending, supplementing and repealing parts of the statutory law.

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

1 1. (New section) This act shall be known and may be cited as the
2 "Marine Fisheries Management and Commercial Fisheries Act."

1 2. (New section) a. The Legislature hereby finds that:

2 (1) The fisheries resources of the State make a material contri-
3 bution to our economy and food supply, as well as to the health,
4 recreation, and well-being of our citizens; and,

5 (2) The fisheries resources of the State are a living, renewable
6 form of wealth capable of being maintained and greatly increased
7 with proper management, but equally capable of destruction if
8 neglected or unwisely exploited.

9 b. It is hereby declared to be the policy of this State to:

10 (1) Provide an organizational framework that will permit the
11 State to manage more effectively its fisheries resources with the
12 following objectives:

13 (a) The conservation of fisheries resources and their habitat
14 to ***[ensure]*** **promote** their continued ***[existence]*** **pro-*
14A *ductivity**;

15 (b) The maintenance and enhancement of fisheries resources
16 to support a recreational use where a species is the object of
17 recreational fishing;

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.

18 (c) The maintenance and enhancement of fisheries resources
 19 to support a commercial use where a species is the object of
 20 commercial fishing;

21 (d) The management, on a basis of scientific information,
 22 of the fisheries resources under the State's jurisdiction, and
 23 the participation in the management of other fisheries in which
 24 New Jersey fishermen are engaged, with the objective of
 25 optimum yield;

26 (2) Develop an active and modern commercial fisheries fleet,
 27 docks, freezing, processing and marketing facilities;

28 (3) Encourage citizen participation through advisory councils
 29 and otherwise, since decisions concerning the distribution and allo-
 30 cation of fisheries resources have important consequences for all
 31 citizens of this State; and,

32 (4) Provide for conservation and management measures involv-
 33 ing a reciprocal and cooperative relationship among States and
 34 between States and the Federal Government, and between States
 35 and the fisheries management councils established pursuant to the
 36 "Federal Fisheries Conservation and Management Act of 1976"
 37 (16 USC §§ 1801 to 1882), since many species of fisheries resources
 38 travel across state and state-federal boundaries;

39 (5) Develop a viable aquaculture industry in the State, utilizing
 40 existing Federal and other programs where appropriate, and
 41 necessary supportive infrastructure.

1 3. (New section) As used in this act:

2 a. "Aquaculture" means the propagation and rearing of aquatic
 3 species in controlled or selected environments;

4 b. "Commissioner" means the Commissioner of Environmental
 5 Protection;

6 c. "Council" means the Marine Fisheries Council created pur-
 7 suant to this act, except in those sections of this act amending
 8 sections of Title 50 of the Revised Statutes;

9 d. "Department" means the Department of Environmental
 10 Protection;

11 e. "Fish" means any marine or anadromous animal **or plant**,
 12 or part thereof, excepting mammals and birds;

13 f. "Fisheries management plans" means plans to prevent over-
 14 fishing, achieve optimal yield from each fishery on a continuing
 15 basis, which are based on the best scientific information available,
 16 are in accordance with management plans promulgated pursuant
 17 to the Fisheries Conservation and Management Act of 1976 and
 18 any appropriate interstate programs, provide for the management
 19 of stock as a unit throughout their range, and allow for flexibility

20 management; **provided, however, that such plans, where practi-*
 20A *cable and feasible, give preference to the interests and concerns of*
 20B *fishermen in this State;**

21 g. "Marine waters" means all the salt waters of this State, and
 22 none of the fresh waters of this State as defined in R. S. 23:1-2.
 23 Specifically it includes the waters of the Atlantic ocean, and all
 24 bays, inlets and estuarine waters located below the mouth of any
 25 fresh water river, stream or creek;

26 h. "Optimum yield" means the amount of fish from a fishery
 27 which will provide the greatest overall benefit to the State, with
 28 particular reference to food production and recreational oppor-
 29 tunities, and the amount of fish which is prescribed as such on the
 30 basis of the maximum sustainable yield from such fishery as modi-
 31 fied by any relevant economic, social or ecological factor;

32 i. "Processing" means handling, storing, freezing, preparing,
 33 preserving, packing, transporting, holding, or selling fish or fish
 34 products;

35 j. "Taking" means to catch, net, capture, possess, or collect any
 36 fish or to attempt to engage in any such conduct;

37 **k. "Fishery" means one or more stocks of fish which can be*
 38 *treated as a unit for purposes of conservation and management and*
 39 *which are identified on the basis of geographical, scientific, techni-*
 40 *cal, recreational and economic characteristics and any fishing for*
 41 *such stocks.**

1 4. (New section) There is hereby created in the department a
 2 Marine Fisheries Council, which shall consist of 11 members, nine
 3 of whom shall be appointed by the Governor, with the advice and
 4 consent of the Senate, of whom four shall represent and be knowl-
 5 edgeable of the interests of sports fishermen, two shall be
 6 ****[members of the commercial fin fishery industry and
 7 three]**** *****active commercial fin fishermen, one shall be an*
 8 *active fish processor, and two***** shall represent the general
 8A public; the other two members shall be the chairmen of the two
 8B sections of the Shell Fisheries Council.

9 Of the nine members first to be appointed by the Governor,
 10 three shall be appointed for a term of 1 year, three for a term of 2
 11 years, and three for a term of 3 years. Thereafter, all appoint-
 12 ments shall be made for terms of 3 years. All appointed members
 13 shall serve after the expiration of their terms until their respective
 14 successors are appointed and shall qualify, and any vacancy oc-
 15 ccurring in the appointed membership of the council, by expiration
 16 of term or otherwise, shall be filled in the same manner as the
 17 original appointment for the unexpired term only, notwithstanding
 18 that the previous incumbent may have held over and continued

19 in office as aforesaid. The Governor may remove any member of
 20 the council for cause ***[after a public hearing]*** **upon notice and*
 20A *opportunity to be heard**.

21 Members of the council shall serve without compensation, but
 22 shall be reimbursed for expenses actually incurred in attending
 23 meetings of the council and in the performance of their duties as
 24 members thereof.

25 The Governor shall appoint a chairman, from the citizen mem-
 26 bers of the council, who shall serve at his pleasure. Six members
 27 of the council shall constitute a quorum to transact its business.

1 5. (New section) The Marine Fisheries Council shall:

2 a. Contribute to the preparation and revision of fisheries man-
 3 agement plans;

4 b. ***[Approve or disapprove]*** **Be empowered to disapprove,*
 5 *within 60 days of the proposal thereof and the submittal thereto,**
 5A any rule or regulation or any amendment thereto proposed by the
 5B commissioner pursuant to this act **except for any rule or regula-*
 5C *tion adopted pursuant to subsection (c) of section 4 of the "Admin-*
 5D *istrative Procedure Act," (C. 52:14B-4)*;*

6 c. Advise the commissioner on policies of the department and
 7 in the planning, development, and implementation of all depart-
 8 mental programs related to this act;

9 d. Examine, consider and make recommendations in any matters
 10 pertaining to the conservation and management of fisheries re-
 11 sources throughout the State;

12 e. From time to time submit to the commissioner any recom-
 13 mendation for new rules and regulations or revision to existing
 14 rules and regulations which it deems necessary for the proper
 15 operation of an effective marine fisheries program;

16 f. Hold periodic public hearings in regard to current issues
 17 affecting the operation of the marine fisheries program;

18 g. Recommend the convening of species related citizen panels
 19 where appropriate;

20 h. Study and analyze economic, social and ecological data relat-
 21 ing to the operation of the marine fisheries program.

1 6. (New section) The commissioner shall prepare fisheries man-
 2 agement plans for each major fishery in the State, with the advice
 3 and assistance of the council, and if deemed necessary, advisory
 4 species related citizen panels. The citizen panels shall be com-
 5 posed of persons appointed by the commissioner. They shall review
 6 suggested management plans and any rules and regulations im-
 7 plementing said plans. Such management plans shall be coordi-

8 nated with and take into consideration the appropriate Federal,
9 Federal-State, regional management council and interstate pro-
10 grams.

11 The commissioner, *~~with the approval of the council~~* *subject*
12 *to the disapproval of the council as hereinbefore provided**, shall
13 prepare and promulgate and may amend and repeal rules and
14 regulations to carry out the intent of this act and to implement the
15 provisions of the fisheries management plans. Any such rules and
16 regulations shall be promulgated in accordance with the "Admin-
17 istrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.).

17A Such rules and regulations may:

18 a. Prohibit, limit, condition, require or establish the use of
19 specified types of fishing gear; the size, number and quantity of
20 specific species that may be taken; the areas to be opened or closed
21 to their taking, the time and manner of their taking; *~~the number~~
22 ~~of persons or vessels or amount of fishing gear that may participate~~
23 ~~in harvest of a specified fisheries resource,~~* and may prescribe
24 such other limitations, conditions, requirements, or restrictions as
25 is necessary and appropriate to the policy and purposes of this act;

26 b. Establish and develop fisheries management areas and pre-
27 scribe rules governing the use of such areas;

28 The commissioner may not regulate, pursuant to this section,
29 any species in any body of water which is regulated pursuant to
30 Title 50 of the Revised Statutes.

1 7. (New section) The commissioner shall have the following
2 powers and duties:

3 a. Administer and enforce the laws, rules and regulations re-
4 lating to fisheries resources;

5 b. Appoint the chief administrative officer of the marine fisheries
6 program and all other necessary employees, including enforcement
7 personnel*,* within the limits of available revenues;

8 c. Develop and implement a program for the management of
9 fisheries resources, including such species related management
10 plans as may be appropriate;

11 d. Acquire by gift or purchase and hold real property in the
12 name of the State, or any right or interest therein, including, but
13 not limited to, easements or rights of access;

14 e. Accept for the State any Federal funds apportioned under
15 Federal law related to authorized programs of the department and
16 to do such acts as are necessary for the purpose of carrying out
17 such Federal laws; and to accept from any other agency or govern-
18 ment, individual, group, or corporation, such funds, gifts, or de-
19 vises as may be available to carry out the purposes of this act;

20 f. Make periodic reports to the Governor and the Legislature,
21 including therein such recommendations for changes and amend-
22 ments in existing law and licensing procedures as are warranted
23 by investigations and research;

24 g. Conduct or sponsor a program or programs for research and
25 development of fisheries resources of the State, in cooperation,
26 where appropriate, with Rutgers, The State University, the Marine
27 Sciences Consortium, and other responsible research or academic
28 agencies, which programs shall include, but not be limited to bio-
29 logical, chemical, technological, hydrological, processing, market-
30 ing, financial, economic, and promotional research and development.
31 The department may carry out such a program or programs in
32 cooperation with other State agencies, Federal, regional, and local
33 governmental entities, or with private institutions or persons;

34 h. Establish programs for public education concerning the con-
35 servation, utilization, development, and enhancement of fisheries
36 resources;

37 i. Acquire, introduce, and propagate marine fish species in such
38 manner as will carry out the fisheries resources management pro-
39 grams;

40 j. To coordinate and integrate the marine fisheries program
41 established herein with the activities of all other State agencies
42 which affect fisheries resources, **and access thereto** including but
43 not limited to, freshwater fisheries, coastal zone management, water
44 pollution control and marine law enforcement; and,

45 k. To encourage every agency which operates a bridge **or road**
46 over any of the marine waters of this State to construct a fishing
47 platform on each such bridge.

1 8. (New section) In the management of fisheries resources which
2 are shared by the State of New Jersey with other states or with
3 other states and the Federal Government, the commissioner shall
4 cooperate with the appropriate agencies of said states, the Federal
5 Government and the regional fisheries management councils estab-
6 lished under the Federal Fisheries Conservation and Management
7 Act of 1976, and any appropriate interstate programs to develop
8 integrated management plans for such shared resources.

9 The commissioner is empowered to make the following reciprocal
10 agreements with other jurisdictions:

11 a. Rules and regulations with respect to fishing in boundary
12 waters after consultation with the appropriate body in the neigh-
13 boring states;

14 b. A procedure whereby valid fishing license issued by the par-
15 ties to the reciprocal agreements may be used by their licensees
16 within the jurisdiction of either in accordance with the terms of
17 such agreements;

18 c. Any individual from a state who has the responsibility of
19 enforcing that state's marine fisheries laws may pursue any person
20 found fishing in the coastal waters of such state in violation of the
21 marine fisheries laws thereof onto adjacent waters of this State
22 and there arrest him and return him to the state where the viola-
23 tion occurred for the purpose of prosecuting him for such violation;
24 provided, that such other state shall have enacted legislation giving
25 substantially similar authority to individuals of this State who
26 have responsibility for enforcing the marine fisheries laws of this
27 State relative to persons found fishing in the coastal waters of
28 this State in violation of the marine fishing laws thereof.

1 9. (New section) a. The commissioner may by regulation require
2 that every person, who takes fisheries resources, provide informa-
3 tion on the species, number, weight, and any other information
4 pertinent to management of the resources taken in a manner pre-
5 scribed and on forms supplied by the department.

6 b. Every person engaged in the **commercial** buying, packing,
7 storing, wholesaling, marketing, or processing of any fisheries
8 resources within the State shall keep accurate records, books or
9 accounts showing the species, quantity, and source of fisheries
9A resources.

10 c. Every record, book, or account referred to in subsection b.
11 shall be open for inspection by the department at reasonable hours.

12 d. The department may audit the records, books, or accounts of
13 any person referred to in subsection b., and of anyone who takes
14 fisheries resources and ships directly to market in order to
15 determine the quantity of resources taken and other information
16 pertinent to management.

17 e. The records obtained by the department, and the information
18 contained therein, shall except as otherwise provided in this section,
19 be confidential, and the records shall not be public records and
20 insofar as possible, the information contained in the records shall
21 be compiled or published in such a manner so as not to disclose
22 the business record of any person.

23 f. The information in the above records can be provided to other
24 states*, *Federal agencies** and regional fisheries agencies provided
25 that those entities have similar confidentiality provisions that do
26 not disclose the business record of any person.

1 10. (New section) For a period of ~~*[1 year]~~ **2 years** from the
 2 effective date of this act the Commissioner of Labor and Industry,
 3 the Commissioner of Environmental Protection, the Secretary of
 4 Agriculture, the Executive Director of the Economic Development
 5 Authority and the Director of the Division of Fisheries and Wild-
 6 life shall serve on an Aquaculture **Task Force to be chaired by*
 7 *the Secretary of Agriculture** and **a** Commercial Fisheries De-
 8 velopment Task Force **to be chaired by the Commissioner of*
 9 *Environmental Protection**. The task ~~*[force]~~ **forces** shall be
 10 ~~*[located in]~~ **assigned to** the Governor's office and shall pro-
 10A mote the development of aquaculture, of the commercial fisheries
 10B industry, and of the commercial aspects of fish products. ~~*[Each~~
 10C ~~such administrator]~~ **The task forces** shall, to the extent prac-
 11 ticable, encourage the growth and expansion of piers and docks,
 12 processing and storage facilities, fishing equipment and vessels
 13 and marketing facilities and the development of aquaculture,
 14 personnel training programs, research, or any other procedures
 15 designed to stimulate, expand and promote the commercial fisheries
 16 industry and the commercial aspects of recreational fishing and
 17 the development of processing and marketing facilities for fish
 18 and fish products. **The task forces shall define the roles of the*
 19 *various concerned State agencies in carrying out a permanent pro-*
 20 *gram to promote the development of an aquaculture program and*
 21 *of a commercial fisheries industry. The task forces shall report*
 22 *to the Governor and Legislature on their findings and conclusions,*
 23 *and shall recommend whatever legislative changes are necessary*
 24 *for a permanent program prior to the termination of the 2-year*
 25 *period.**

1 11. Section 3 of P. L. 1974, c. 80 (C. 34:1B-3) is amended to
 2 read as follows:

3 3. As used in this act, unless a different meaning clearly appears
 4 from the context:

5 a. "Authority" means the New Jersey Economic Development
 6 Authority, created by section 4 of this act.

7 b. "Bonds" means bonds or other obligations issued by the
 8 Authority pursuant to this act.

9 c. "Cost" means

10 ~~[The]~~ *the* cost of the acquisition, construction, reconstruction,
 11 repair, alteration, improvement and extension of any building,
 12 structure, facility including water transmission facilities, or other
 13 improvement; the cost of machinery and equipment, the cost of
 14 acquisition, construction, reconstruction, repair, alteration, im-

15 improvement and extension of pollution control devices, equipment
16 or facilities; the cost of lands, rights-in-lands, easements, privileges,
17 agreements, franchises, utility extensions, disposal facilities, access
18 roads and site development deemed by the authority to be neces-
19 sary or useful and convenient for any project or in connection
20 therewith, discount on bonds, costs of issuance of bonds, engineer-
21 ing and inspection costs, cost of financial, legal, professional and
22 other estimates and advice, organization, administrative, insur-
23 ance, operating and other expenses of the authority or any person
24 prior to and during any acquisition or construction, and all such
25 expenses as may be necessary or incident to the financing, acquisi-
26 tion, construction or completion of any project or part thereof,
27 and also such provision for reserves for payment or security of
28 principal of or interest on bonds during or after such acquisition
29 or construction as the authority may determine.

30 d. "County" means any county of any class.

31 e. "Development property" means any real or personal property
32 interest therein, improvements thereon, appurtenances thereto and
33 air or other rights in connection therewith, including land, build-
34 ings, plants, structures, systems, works, machinery and equipment
35 acquired or to be acquired by purchase, gift or otherwise by the
36 authority within an urban growth zone.

37 f. "Person" means any person, including individuals, firms,
38 partnerships, associations, societies, trusts, public or private
39 corporations, or other legal entities, including public or govern-
40 mental bodies as well as natural persons. "Person" shall include
41 the plural as well as the singular.

42 g. "Pollution control project" means any device, equipment,
43 improvement, structure or facility or any land and any building,
44 structure, facility or other improvement thereon, or any combina-
45 tion thereof, whether or not in existence or under construction, or
46 the refinancing thereof in order to facilitate improvements or
47 additions thereto or upgrading thereof, and all real and personal
48 property deemed necessary thereto, having to do with or the end
49 purpose of which is the control, abatement or prevention of land,
50 sewer, water, air, noise or general environmental pollution, includ-
51 ing, but not limited to, any air pollution control facility, noise
52 abatement facility, water management facility, thermal pollution
53 control facility, radiation contamination control facility, waste
54 water collection system, waste water treatment works, sewage
55 treatment works system, sewage treatment system or solid waste
56 disposal facility or site; provided that the authority shall have

57 received from the Commissioner of the State Department of
58 Environmental Protection or his duly authorized representative,
59 a certificate stating the opinion that, based upon information, facts
60 and circumstances available to the State Department of Environ-
61 mental Protection and any other pertinent data, (1) said pollution
62 control facilities do not conflict with, overlap or duplicate any other
63 planned or existing pollution control facilities undertaken or
64 planned by another public agency or authority within any political
65 subdivision, and (2) that such facilities, as designed, will be a pol-
66 lution control project as defined in this act and are in furtherance
67 of the purpose of abating or controlling pollution.

68 h. "Project" means (1) (a) acquisition, construction, recon-
69 struction, repair, alteration, improvement and extension of any
70 building, structure, facility including water transmission facilities
71 or other improvement, whether or not in existence or under con-
72 struction, (b) purchase and installation of equipment and machin-
73 ery, (c) acquisition and improvement of real estate and the
74 extension or provision of utilities, access roads and other appurte-
75 nant facilities, and (2) (a) the acquisition, financing, or refinancing
76 of inventory, raw materials, supplies, work in process, or stock
77 in trade, or (b) the financing, refinancing or consolidation of
78 secured or unsecured debt, borrowings, or obligations, or (c) the
79 provision of financing for any other expense incurred in the
80 ordinary course of business; all of which are to be used or occupied
81 by any person in any enterprise promoting employment, either
82 for the manufacturing, processing or assembly of materials or
83 products, or for research or office purposes, including, but not
84 limited to, medical and other professional facilities, or for indus-
85 trial, recreational, hotel or motel facilities, public utility and ware-
86 housing, or for commercial and service purposes, including, but
87 not limited to, retail outlets, retail shopping centers, restaurant
88 and retail food outlets, and any and all other employment promot-
89 ing enterprises including, but not limited to motion picture and
90 television studios and facilities *and commercial fishing facilities,*
91 *commercial facilities for recreational fishermen, fishing vessels,*
92 *aquaculture facilities and marketing facilities for fish and fish*
93 *products* and (d) acquisition of an equity interest in, including
94 capital stock of, any corporation; or any combination of the above,
95 which the authority determines will (i) tend to maintain or provide
96 gainful employment opportunities within and for the people of
97 the State, or (ii) aid, assist and encourage the economic develop-
98 ment or redevelopment of any political subdivision of the State,
99 or (iii) maintain or increase the tax base of the State or of any

100 political subdivision of the State, or (iv) maintain or diversify
 101 and expand employment promoting enterprises within the State;
 102 and (3) the cost of acquisition, construction, reconstruction, repair,
 103 alteration, improvement and extension of a pollution control
 104 project which the authority determines will tend to reduce, abate
 105 or prevent environmental pollution within the State. Project may
 106 also include (i) reimbursement to any person for costs in connec-
 107 tion with any project, or the refinancing of any project or portion
 108 thereof, if determined by the authority as necessary and in the
 109 public interest to maintain employment and the tax base of any
 110 political subdivision and will facilitate improvements thereto or
 111 the completion thereof, and (ii) development property and any
 112 construction, reconstruction, improvement, alteration, equipment
 113 or maintenance or repair, or, planning and designing in connection
 114 therewith.

115 i. "Revenues" means receipts, fees, rentals or other payments
 116 to be received on account of lease, mortgage, conditional sale, or
 117 sale and payments and any other income derived from the lease,
 118 sale or other disposition of a project, moneys in such reserve and
 119 insurance funds or accounts or other funds and accounts and income
 120 from the investment thereof, established in connection with the
 121 issuance of bonds or notes for a project or projects, and fees,
 122 charges or other moneys to be received by the authority in respect
 123 of projects and contracts with persons.

124 j. "Resolution" means any resolution adopted or trust agree-
 125 ment executed by the authority pursuant to which bonds of the
 126 authority are authorized to be issued.

127 k. "Urban growth zone" means any area within a municipality
 128 receiving State aid pursuant to the provisions of P. L. 1971, c. 64,
 129 or a municipality certified by the Commissioner of Community
 130 Affairs to qualify under such law in every respect except popula-
 131 tion, which area has been so designated pursuant to an ordinance
 132 of the governing body of such municipality.

1 12. (New section) No person shall, willfully and without reason-
 2 able cause*,* interfere with, break, damage or destroy any net, trap,
 3 seine, fyke pot or any other device used to take fish, which is being
 4 utilized in a lawfully authorized manner.

1 13. (New section) The marine police shall devote a sufficient
 2 number of hours and sufficient resources to the enforcement of the
 3 marine management statutes and rules and regulations promulgated
 4 pursuant thereto to assure compliance therewith. The chief admini-
 5 strative officer of the marine fisheries program and of the marine

6 police shall jointly work out an effective marine fisheries enforce-
 7 ment program. The two chief administrative officers shall periodi-
 8 cally report to the Marine Fisheries Council on enforcement activi-
 9 ties, whether completed, underway or contemplated. Each marine
 10 policeman shall be trained for a minimum of one full work week on
 11 marine resources management procedures during his first year on
 12 the job and for a minimum of one working day every year there-
 13 after.

1 14. R. S. 50:1-5 is amended to read as follows:

2 50:1-5. The **[board]** *Commissioner of Environmental Protection*
 3 shall have full control and direction of the shellfish industry *and*
 4 *resource* and of the protection of shellfish throughout the entire
 5 State, *subject to the* ***[remaining]*** *provisions of this Title. [It]*
 6 *He* shall make such rules and regulations as may be necessary for
 7 the preservation and improvement of the shellfish industry *and re-*
 8 *source* of the State, *after consultation with the Shell Fisheries*
 9 *Council and subject to the* ***[approval]*** *disapproval, as herein-*
 10 *before provided,* of the Marine Fisheries Council. For purposes*
 11 *of this title the term "shellfish" shall mean hard clams,*
 12 **[(mercenaria mercenaria)]* *(Mercenaria mercenaria)* soft*
 13 *clams (*[mya]* *Mya* arenaria)*, sea clams (Mactra solidissima)**
 13A *and oysters (*[coassostrea]* *Cassostrea* virginica) and the*
 13B *term "commissioner" shall mean Commissioner of Environmental*
 13C *Protection.*

14 **[The board shall report annually to the legislature.]**

1 15. R. S. 50:1-18 is amended to read as follows:

2 50:1-18 a. *The Shell Fisheries Council shall be composed of nine*
 3 *members; one each residing in the counties of Monmouth, Ocean,*
 4 *Burlington, Atlantic, Cape May and Salem*,* and three residents of*
 5 *Cumberland county; each of whom shall be* *a licensed and practic-*
 6 *ing shellfisherman and shall be* *chosen with due regard to his*
 6A *knowledge of and interest in the shellfish industry and in the*
 7 *conservation and management of shellfish. Each member of the*
 8 *council shall be appointed by the Governor, with the advice and*
 9 *consent of the Senate, for a term of 4 years and shall serve until*
 10 *his successor has been appointed and has qualified.*

11 *Any vacancies in the membership of said council occurring other*
 12 *than by expiration of term shall be filled by the Governor, with the*
 13 *advice and consent of the Senate, for the unexpired term only. Any*
 14 *member of the council may be removed from office by the Governor,*
 15 *for cause, upon notice and opportunity to be heard.*

16 *The members of the council shall serve without compensation*
17 *but shall be reimbursed for necessary expenses incurred in the*
18 *performance of their duties. Each section of the council shall*
19 *annually elect a chairman of the council from its own members.*

20 *b. The council shall, subject to the approval of the commissioner,*
21 *formulate comprehensive policies for the preservation and improve-*
22 *ment of the shellfish industry and resource of the State. The*
23 *council shall also: (1) consult with and advise the commissioner*
24 *and the Marine Fisheries Council with respect to the implementa-*
25 *tion of the shellfisheries program; (2) study the activities of the*
26 *shellfisheries program and hold hearings with respect thereto as it*
27 *may deem necessary or desirable; and (3) ***[recommend]*** **[in-***
28 *itate**, *by resolution of the council, proposed rules and regulations*
29 *concerning shellfish to the commissioner.*

30 *c. No lease of any of the lands of the State under the tidal waters*
31 *thereof, to be exclusively used and enjoyed by the lessee for the*
32 *planting and cultivating of shellfish, shall hereafter be allowed*
33 *except when approved by a majority of the appropriate section of*
34 *the council; and no such lease shall hereafter in any case be allowed*
35 *except when approved and signed by the commissioner.*

36 *d. The **[Shell Fisheries]** council **[in the State Department of***
37 *Conservation and Economic Development]* shall be divided into
38 two sections one to be known as the “**[Maurice River Cove]**
39 *Delaware Bay Section,*” consisting of the members from the
40 counties of Cumberland and **[Cape May]** *Salem,* and the other to
41 be known as the “Atlantic Coast Section” consisting of the
42 members from the counties of Atlantic, Burlington, Ocean and
43 Monmouth. The member of the said council from **[a county other**
44 *than the above enumerated counties]* *Cape May* shall be entitled
45 to participate in the exercise of the powers and the performance
46 of the duties of each of the said two sections.

47 The **[Maurice River Cove]** *Delaware Bay Section* shall, subject
48 to the approval of the Commissioner **[of Conservation and**
49 *Economic Development]*, exercise all the powers and perform all
50 the duties of the council in matters relating to the shellfish in-
51 dustry in the tidal waters of Delaware river, Delaware bay and
52 their tributaries.

53 The Atlantic Coast Section shall, subject to the approval of the
54 Commissioner **[of Conservation and Economic Development]**,
55 exercise all the powers and perform all the duties of the council
56 in matters relating to the shellfish industry in all of the tidal
57 waters of the State except in the tidal waters of the Delaware river,
58 Delaware bay and their tributaries.

1 16. R. S. 50:1-22 is amended to read as follows:

2 50:1-22. The [board] *commissioner* shall establish and main-
 3 tain * [an office] * *several offices* * [within the boundaries of each
 4 department and division,] located at * [some place] * *places* *
 5 convenient to persons engaged in the [oyster] *shellfish* industry
 6 [in such department or division. Such office shall also be the office
 7 of the chief of the department or division, and the]. *The records*
 8 *of all leases and licenses issued by him shall be kept therein. One*
 9 *office shall be located in the area served by the Atlantic Coast*
 10 *Section and one office shall be located in the area served by the*
 11 *Delaware Bay Section of the Council.*

1 17. R. S. 50:1-24 is amended to read as follows:

2 50:1-24. The power granted by this title to the [board] *council*,
 3 *subject to the provisions of R. S. 50:1-18*, to lease lands under the
 4 tidal waters of this State for the planting and culture of shellfish
 5 is exclusive, and no other State agency may, in the name of the
 6 State or otherwise, give, grant or convey to any person the exclu-
 7 sive right to plant or take shellfish from any of such waters; and
 8 no grant or lease of lands under tidewater, whereon there are
 9 natural oyster beds, shall be made by any other state agency except
 10 for the purpose of building wharves, bulkheads or piers.

1 18. R. S. 50:1-25 is amended to read as follows:

2 50:1-25. No lease shall be granted to any person who is not at
 3 the time of granting such lease[, and shall not have been for
 4 12 months preceding,] a [citizen and actual] resident of this
 5 State[, but this restriction shall not apply to the renewal of any
 6 lease granted prior to March 24, 1917].

1 19. R. S. 50:1-27 is amended to read as follows:

2 50:1-27. The [board] *council*, *with the approval of the commis-*
 3 *sioner*, shall fix the term for which leases may be granted, not
 4 exceeding 30 years, the rental to be paid, the maximum size of any
 5 single ground to be leased, and the total acreage which may be
 6 leased to any person or persons.

1 20. R. S. 50:1-28 is amended to read as follows:

2 50:1-28. The [board] *commissioner* shall, from time to time,
 3 cause the leased lands to be measured, and the metes and bounds
 4 thereof ascertained and located by ranges, monuments or other
 5 means, so that the limits thereof may be accurately fixed and easily
 6 located.

7 The [board] *commissioner* shall cause the leased lands to be
 8 mapped, and the maps to be filed in the office of the [board; and
 9 copies thereof to be filed in the office of the department of the
 10 Maurice river cove, and the offices of the department or divisions of
 11 the Atlantic coast, respectively] *department*.

12 The expense of surveying, measuring, locating and mapping any
 13 ground or grounds shall be paid by the applicant therefor before he
 14 shall be entitled to a lease or leases for the same.

1 21. R. S. 50:1-29 is amended to read as follows:

2 50:1-29. The [board] commissioner shall cause leases, and
 3 assignments and transfers thereof, to be recorded in books kept in
 4 the offices of the [departments or divisions, respectively] depart-
 5 ment; and no assignment or transfer of any ground or lease
 6 therefor shall be valid unless approved by the [board] commis-
 7 sioner and the council and forthwith recorded in the office of the
 8 department [or division in which the leased land is located].

1 22. R. S. 50:1-30 is amended to read as follows:

2 50:1-30. The [board] council with the approval of the commis-
 3 sioner may lease to applicants therefor any of the lands of this
 4 State that have been or may hereafter be condemned [by the State
 5 Department of Health] pursuant to the provisions of chapter 14 of
 6 Title 24 of the Revised Statutes.

1 23. R. S. 50:1-31 is amended to read as follows:

2 50:1-31. The [board] commissioner may make such rules and
 3 regulations for the removal and distribution of shellfish from lands
 4 leased under section 50:1-30 of this Title, as in [its] his judgment
 5 will be in accord with the object of the condemnation. Such rules
 6 and regulations shall not be inconsistent with those [of the State
 7 Department of Health. The board may require the lessee to give
 8 bond in a sum not to exceed \$10,000.00 for the faithful observance
 9 of such rules and regulations] adopted pursuant to the provisions
 10 of chapter 14 of Title 24 of the Revised Statutes.

1 24. R. S. 50:1-34 is amended to read as follows:

2 50:1-34. No [oysters, seed oysters, or other mollusks, commonly
 3 known as] *[shellfish]* *oysters*, native to, or brought directly
 4 or indirectly, from any foreign country or any other state shall be
 5 planted or lodged in the waters of this State without written per-
 6 mission issued by the [board] commissioner, after notice to the
 7 council, for each separate shipment. Application for such per-
 8 mission shall be made in writing, and shall state:

9 a. The species of such [oysters, seed oysters or mollusks]
 10 *[shellfish]* *oysters*;

11 b. The location from which they were, or are to be, immediately
 12 taken;

13 c. The source from which they were originally obtained; and

14 d. The country to which their kind is native.

15 The same information shall be shown upon a tag attached to, or
 16 upon the billing accompanying each shipment upon its arrival in
 17 this State.

1 25. R. S. 50:1-35 is amended to read as follows:

2 50:1-35. The [board] *commissioner* may issue such permission
3 after due inspection and examination of the nature, species, quan-
4 tity, source, location of proposed planting or lodging, and the
5 condition of the [oysters, seed oysters or mollusks] **[shellfish]**
6 **oysters** and after [certification by the biologist of the board] *his*
7 *determination* that the same will not [in his opinion,] be detrimental
8 to the native [oysters] **[shellfish]** **oysters** or to the [oyster]
9 **[shellfish]** **oysters** industry of this State.

10 Such permission shall specify the nature, species, quantity and
11 proposed location of planting or lodgment of the [oysters, seed
12 oysters or mollusks] **[shellfish]** **oysters** and shall apply only to
13 the particular shipment for which it is issued.

1 26. R. S. 50:1-36 is amended to read as follows:

2 50:1-36. The [board] *commissioner* shall make such charge, and
3 collect in advance, for the issuance of such permission, such sum
4 of money as may be necessary to defray the cost of the inspection,
5 examination and certification.

1 27. R. S. 50:2-1 is amended to read as follows:

2 50:2-1. No person shall catch or take **[oysters or]** clams from
3 any of the natural **[oyster or]** clam grounds in the waters of this
4 State, without first obtaining a license from the [board] *commis-*
5 *sioner*. Such licenses shall grant the privilege of taking **[oysters*
6 *or]** clams upon any natural **[oyster bed or]** clam ground of this
7 State, except such as may be [reserved for leasing purposes]
8 *leased* by the [board] *council*.

1 28. R. S. 50:2-2 is amended to read as follows:

2 50:2-2. No *recreational* license shall be granted to any applicant
3 who does not present satisfactory evidence that he is [at the time
4 of such application, and has been for 12 months next preceding,]
5 a [citizen and actual] resident of this State; except that a *non-*
6 *resident's recreational* license effective only in the months of June,
7 July, August and September in any calendar year may be granted
8 to a nonresident of this State upon payment of a license fee [to
9 be fixed by the Shell Fisheries Council, within the limits of, and
10 subject to, the rules and regulations provided by this chapter, and
11 limited to the Atlantic seaboard, and except that any resident of
12 the state of New York may be granted such a license to take clams
13 from the clamming grounds in the waters of Raritan bay in this
14 State, if the same privileges are granted to the citizens of New
15 Jersey to obtain licenses to take clams from the clamming grounds
16 in said bay in New York State].

17 No [nonresident] holder of [any] *either* such *recreational* license
 18 *may take more than 150 clams per day or shall sell or offer for sale*
 19 **[oysters or]* clams taken under said license and any such sale or*
 20 *offer for sale shall constitute ground for the revocation of said*
 21 *license. No person shall take or catch more than 150 clams per day*
 22 *unless such person is a holder of a commercial clam license.*

1 29. R. S. 50:2-3 is amended to read as follows:

2 50:2-3. The license fee shall be fixed by the [Division of Fish,
 3 Game and Shell Fisheries from time to time, subject to approval
 4 of the] commissioner [of the Department of Environmental Pro-
 5 tection], *with the approval of the council*, at not less than [\$1.00]
 6 \$5.00 nor more than \$10.00 for [residents] *either recreational li-*
 7 *cence*, and shall be *not less than \$25.00 nor more than \$50.00* for
 8 [nonresidents] *a commercial clam license*. No fee shall be charged
 9 **for a recreational license** to a person who is 62 or more years of
 10 age; provided such person is a **[citizen and actual]** resident of
 11 this State.

1 30. R. S. 50:2-4 is amended to read as follows:

2 50:2-4. Each license shall be for the term of 1 year from Janu-
 3 ary 1 of the year of issue, and shall be [under the hand and seal
 4 of the chief of a department or division of the board] *granted by*
 5 *the commissioner*. Each license shall be numbered and shall state
 6 the name and residence of the licensee, and a record thereof shall
 7 be kept by the [chiefs of departments and divisions respectively]
 8 *commissioner*.

1 31. R. S. 50:2-5 is amended to read as follows:

2 50:2-5. [Each licensee shall, at all times while engaged in op-
 3 erating under his license wear in a conspicuous place on his outer
 4 clothing a button to be furnished by the person issuing the license.
 5 The button shall bear a number corresponding to the number of
 6 the license delivered to the applicant and any other matter the
 7 board determines.] Each licensee shall [also] have the license on
 8 his person and shall exhibit it for inspection to any [member of
 9 the board, any] officer or employee [thereof] *of the department*
 10 *or other person requesting to see the same.*

1 32. Section 1 of P. L. 1950, c. 310 (C. 50:2-6.1) is amended to
 2 read as follows:

3 1. No person or vessel shall take, harvest or dredge for sea clams
 4 (**[mactra]* *Mactra* solidissima*) also known as **[spisula]**
 5 **Spisula* solidissima* from any waters of this State without first
 6 obtaining a license from the [Division of Fish, Game and Shell
 7 Fisheries in the Department of Environmental Protection] *com-*

8 *missioner*. The **【Division of Fish, Game and Shell Fisheries】**
 9 *commissioner* may license every vessel engaged in the harvesting
 10 of sea clams within the waters of this State. Such license shall be
 10A issued on an annual basis.

11 Such licenses shall grant the privilege of gathering sea clams
 12 by dredging, but only in the Atlantic ocean, but not in the Delaware
 13 bay northerly of a line from Cape May Point lighthouse tower to
 14 Brandywine lighthouse or in the Sandy Hook bay west of a line
 15 from the west point of Sandy Hook to Roamer Shoal lighthouse.
 16 No boat or vessel shall be licensed under this act unless its bona
 17 fide owner is a **【citizen and actual】** resident of this State **【and shall**
 18 have been such for 12 months next preceding the issuance of such
 19 license**】**.

20 The **【division】** *commissioner* may adopt regulations regarding
 21 the issuance procedures of such licenses.

22 The **【Division of Fish, Game and Shell Fisheries】** *commissioner*
 23 may issue permits for sea clam research, inventory and educational
 24 projects. Nothing in this section shall be construed to limit the
 25 activities of such projects.

1 33. R. S. 50:2-7 is amended to read as follows:

2 50:2-7. All oysters, oyster shells and other material dredged,
 3 tonged or in any manner raised or taken from any of the beds and
 4 grounds above what is known as the southwest line in Delaware
 5 bay, or from any natural oyster bed or ground, shell bed or reef,
 6 where oysters naturally spawn and grow under the tidal waters of
 7 the State, shall be culled as soon as the same are emptied out of
 8 the tongs or dredges on the culling board, *conveyor, culling device,*
 9 or deck of the boat or vessel employed for the purpose, and before
 10 the same are shoveled back from the culling board or portion of the
 11 deck used for emptying the tongs or dredges.

1 34. R. S. 50:2-8 is amended to read as follows:

2 50:2-8. Such culling shall be so close that three bushels of oys-
 3 ters**【,】** ***[and]****,* oyster shells **【and other material】** ***and other**
 4 **material*** taken from any part of a boat or vessel, after having been
 5 shoveled back from the culling board, *conveyor, culling device* or
 6 that part of the boat or vessel used for emptying the tongs and
 7 dredges, shall not contain more than 15% of shells and other
 7A material.

8 All shells and other material except oysters and clams, shall be
 9 immediately thrown back upon the beds or grounds from which
 10 they shall have been taken.

1 35. R. S. 50:2-9 is amended to read as follows:

2 50:2-9. When the person in charge of any boat or vessel licensed
 3 under the provisions of this Title, or any person holding a tonger's
 4 license, is hailed or signaled by any officer of the [board] depart-
 5 ment and refuses to stop and permit such officer or officers to board
 6 his boat, vessel or other craft and examine the oysters, oyster shells
 7 and other material thereon, the [board] commissioner may revoke
 8 the license of such boat or vessel and the license of the tonger.

1 36. R. S. 50:2-10.1 is amended to read as follows:

2 50:2-10.1. No person shall use or employ any boat or other
 3 vessel propelled wholly or in part by steam, naphtha, gasoline,
 4 electricity or any other mechanical motive power, or any motor
 5 driven apparatus, for the purpose of catching or taking of clams
 6 from any of the waters of this State, whereby the soil or bottom
 7 on or in which the clams are found is agitated or disturbed by the
 8 propellor wheel or wheels of such boat or vessel or by any other
 9 motor or mechanically driven apparatus thereon for the purpose
 10 of catching or taking clams as aforesaid, *except by permit issued*
 11 *by the Department of Environmental Protection with the approval*
 12 *of the council for taking * [soft] * clams from the waters of the*
 13 *Raritan bay * [and] * *, * Sandy Hook bay*, Shrewsbury river or*
 14 *Navesink river*.*

1 37. R. S. 50:2-11 is amended to read as follows:

2 50:2-11. No person shall dredge upon, or throw, cast or drag an
 3 oyster dredge or any other instrument or appliance used for catch-
 4 ing clams or oysters, or assist in so doing, or tread for clams, upon
 5 any of the lands lying under the tidal waters of this State before
 6 sunrise or after sunset, or at any time on Sunday, *except that*
 7 ** [soft] * clams may be taken from the waters of Raritan bay,*
 8 ** Sandy Hook bay, Shrewsbury river or Navesink river* on Sunday.*

1 38. R. S. 50:2-12 is amended to read as follows:

2 50:2-12. Seed oysters of any size and hard shell clams measuring
 3 less than 1½ inches in length caught and taken from any of the
 4 natural oyster or clam beds or grounds under the tidal waters of
 5 this State shall not be sold and taken out of this State for the
 6 purpose of planting on grounds in any other state, *excepting for*
 7 *methods of aquaculture approved by the commissioner.* No person
 8 may sell natural seed oysters or clams in violation of this section
 9 nor shall any person purchase or transport such oysters or clams
 10 in violation of this section.

11 Possession of such oysters or clams outside of the boundaries
 12 of this State shall be prima facie evidence of violation of this
 13 section.

1 39. R. S. 50:3-1 is amended to read as follows:

2 50:3-1. No boat or vessel shall be used or employed in the catch-
3 ing or taking of oysters in the Delaware river, Delaware bay or
4 Maurice river cove, in this State, without a license for that purpose
5 [under this article. Such license shall be issued by the chief of
6 the department of Maurice river cove, duly certified by himself, to
7 the captains of the boats or vessels entitled thereto] *issued by the*
8 *commissioner.*

1 40. R. S. 50:3-2 is amended to read as follows:

2 50:3-2. The [board] *council* may fix the license fee at any sum
3 [not exceeding \$4.00 per ton] on the gross tonnage measurement
4 of such boat or vessel.

5 No license shall be issued for a period longer than 1 year.

6 All licenses shall be numbered and recorded [in a book kept for
7 that purpose in the office of the board, at Bivalve] *by the com-*
8 *missioner.*

1 41. R. S. 50:3-3 is amended to read as follows:

2 50:3-3. The [chief of the department of Maurice river cove]
3 *commissioner*, before issuing a license to any boat or vessel as
4 provided in this article, shall cause the master or captain thereof
5 to [make and] file with him [an oath] *a statement* that such boat
6 or vessel is wholly owned bona fide by [citizens and actual]
7 residents of this State[, and who have been such for 12 months
8 next preceding]; and no boat or vessel owned wholly or in part
9 by a nonresident and licensed in any other state to catch oysters
10 on natural beds or grounds in such other state shall be licensed
11 in this State within the same year in which such license to catch
12 oysters in such other state shall have been or shall be issued.
13 [Such oath may be administered by any member of the board or
14 the chief of the department, and the board] *The commissioner*
15 may revoke a license issued by reason of a false [oath made or
16 taken] *statement filed* by any applicant.

1 42. R. S. 50:3-5 is amended to read as follows:

2 50:3-5. The [board shall] *commissioner may* revoke the license
3 of any boat or vessel, the owner, captain, master or person in charge
4 of which shall violate or cause or permit to be violated any of the
5 provisions of this Title or any rule or regulation of the [board]
6 *commissioner*, and the [board] *commissioner* may refuse there-
7 after to allow any license to be issued to the boat or vessel for such
8 period of time as [the board] *he* shall fix.

1 43. R. S. 50:3-7 is amended to read as follows:

2 50:3-7. No person shall use any dredge for the purpose of catch-
 3 ing or taking oysters or clams from any of the natural beds or
 4 grounds in Delaware bay or Delaware river above the line running
 5 direct from the mouth of Straight creek to Cross Ledge lighthouse,
 6 commonly known and hereafter referred to as the "southwest
 7 line", the tooth bar of which dredge measures more than fifty-four
 8 inches across from center of bolt hole to center of bolt hole where
 9 the frame thereof is fastened to the tooth bar, or any dredge which
 10 measures more than 5 feet 2 inches in width from the extreme
 11 outside to outside of frame, or any dredge which measures more
 12 than 21 inches from center of tooth bar to center of cross bar, or
 13 any dredge the bag of which contains more than 17 rows of 2 inch
 14 rings, or any dredge the rings of which are less than 2 inches in
 15 diameter, inside measurement, or any dredge the bag of which
 16 measures more than 5 feet around the bag from center of tooth
 17 bar to center of cross bar, or any dredge which weighs more than
 18 **[190]** 250 pounds.

1 44. R. S. 50:3-11 is amended to read as follows:

2 50:3-11. No oysters shall be dredged for, caught or taken from
 3 any of the lands lying under the tidal waters of the Delaware bay
 4 and Maurice river cove below a line running direct from the mouth
 5 of Straight creek to Cross Ledge lighthouse, commonly known and
 6 hereinafter referred to as the "southwest line," at any time except
 7 from September 1 to June 30 then next, both inclusive, of each
 8 year; but the **[chief of the department of Maurice river cove or**
 9 **any member of the board]** *commissioner* may, upon application,
 10 give permission, in writing, to any lessee of oyster grounds to
 11 dredge, catch or take oysters or to employ such methods for the
 12 protection of his oysters on said grounds and for the promotion
 13 of the growth thereof during the closed season as the **[chief or**
 14 **board]** *commissioner* may deem advisable.

1 45. R. S. 50:3-12 is amended to read as follows:

2 50:3-12. The **[chief of the department of Maurice river cove, or**
 3 **any member of the board,]** *council* may upon application give per-
 4 mission, in writing, to any prospective lessee to examine and in-
 5 spect, with proper appliances, any of the unleased lands of the
 6 State below the southwest line for the purpose of determining
 7 their suitability or adaptability for oyster culture or propagation;
 8 but no oysters shall be permanently removed from any such lands
 9 by virtue of any such permit.

1 46. R. S. 50:3-13 is amended to read as follows:

2 50:3-13. No person shall dredge upon or throw, cast or drag an
 3 oyster or clam dredge, or any other instrument or appliance used
 4 for catching oysters or clams, upon any of the land of the State

5 lying under the tidal waters of the Delaware bay or Maurice river
6 cove, in this State, below the southwest line, other than land or
7 ground for which such person then holds a lease from the Shell
8 Fisheries Council under this Title.

9 **【Any person violating the provisions of this section shall be**
10 **liable to a penalty of not less than \$100.00 nor more than \$300.00**
11 **for the first offense, and of not less than \$300.00 nor more than**
12 **\$500.00 for any subsequent offense.】**

1 47. Section 2 of P. L. 1966, c. 52 (C. 50:3-16.2) is amended to
2 read as follows:

3 2. The **【Division of Shell Fisheries in the Department of Con-**
4 **servation and Economic Development】** *commissioner* shall cause
5 the limits of each of said areas to be plainly marked by stakes or
6 buoys as soon as practical after the effective date of this act.

1 48. Section 5 of P. L. 1966, c. 52 (C. 50:3-16.5) is amended to read
2 as follows:

3 5. No person shall catch or take any shellfish from the natural
4 shellfish beds contained within said Area No. 1 unless there shall
5 have been first issued by the **【Shell Fisheries】** Council**【,** Maurice
6 River Cove Section, of the Division of Shell Fisheries in the De-
7 partment of Conservation and Economic Development,**】** for each
8 boat or vessel, so to be used or employed therein, a special license
9 authorizing the catching or taking of shellfish within said area,
10 which shall be issued for a term not longer than 1 year and shall
11 contain an agreement on the part of the holder thereof that any
12 person or officer authorized by regulation of said council to make
13 inspections of such area may board said boat or vessel to inspect
14 shellfish therein contained, and all licenses issued under this act
15 shall be numbered.

1 49. Section 14 of P. L. 1966, c. 52 (C. 50:3-16.14) is amended to
2 read as follows:

3 14. No person shall catch or take any shellfish from the natural
4 shellfish beds, contained within said Area 3, unless there shall have
5 been first issued by the **【Shell Fisheries】** Council**【,** Maurice River
6 Cove Section, of the Division of Shell Fisheries in the Department
7 of Conservation and Economic Development,**】** for each boat or
8 vessel, so to be used or employed therein, a special license authoriz-
9 ing the catching or taking of shellfish within said area, which shall
10 be issued for a term not longer than 1 year and shall contain an
11 agreement on the part of the holder thereof.

12 (a) That any person or officer authorized by regulation of said
13 council to make inspections of such area may board said boat or
14 vessel to inspect shellfish therein contained, and

15 (b) That such holder will deliver or cause to be delivered to said
 16 council the shells taken in said area in the process of opening or
 17 shucking, from 40% of all of the oysters taken from under the tidal
 18 waters of said area and delivered by such holder or for his account
 19 to any shucking houses, pursuant to chapter 39 of the laws of 1945,
 20 at the times and in the manner prescribed therein.

21 (c) That such holder will, in the case of oysters packed and
 22 shipped or otherwise sold in the shells by him to persons not re-
 23 quired to be licensed under this act, pay to the State of New
 24 Jersey the true, fair, cash market value of the oyster shells so
 25 packed and shipped and otherwise sold, as fixed by the Council of
 26 Shell Fisheries, under the provisions of this act, on the basis of one
 27 bushel of shells for each bushel of oysters so sold or shipped which
 28 payments shall be made as statements are submitted.

29 All licenses issued under this act shall be numbered.

1 50. Section 21 of P. L. 1966, c. 52 (C. 50:3-16.21) is amended to
 2 read as follows:

3 21. The council may, subject to the approval of the commissioner
 4 **[of Conservation and Economic Development]**, by rule and regula-
 5 tion, prohibit the taking or catching of shellfish in such area at such
 6 times as, in the judgment of the council, may be necessary to close
 7 said beds or any part thereof for conservation purposes.

1 51. Section 22 of P. L. 1966, c. 52 (C. 50:3-16.22) is amended to
 2 read as follows:

3 22. All applications for licenses made under this act shall be filed,
 4 and all licenses issued under this act shall be recorded, in books to
 5 be kept for said purposes **[in the office of the Division of Shell**
 6 **Fisheries in the Department of Conservation and Economic Devel-**
 7 **opment in Bivalve, New Jersey,]** *by the department.*

1 52. Section 2 of P. L. 1945, c. 39 (C. 50:3-20.11) is amended to
 2 read as follows:

3 2. It shall be unlawful for any person to operate within this State
 4 an oyster shucking house or to engage in or carry on the business
 5 of an oyster planter or an oyster dealer, as defined in this act,
 6 without first obtaining a license so to do from the **[Board of Shell**
 7 **Fisheries]** *commissioner* as provided in this act.

1 53. Section 4 of P. L. 1945, c. 39 (C. 50:3-20.13) is amended to
 2 read as follows:

3 4. The license to conduct an oyster shucking house *or to engage*
 4 *in and conduct the business of an oyster planter or an oyster dealer*
 5 shall be issued upon the payment of a license fee of **[\$10.00]**
 6 **\$100.00.**

1 54. Section 6 of P. L. 1945, c. 39 (C. 50:3-20.15) is amended to
2 read as follows:

3 6. The license to engage in the business of an oyster dealer shall
4 be issued in consideration of the agreement of the licensee to pay to
5 the **【Board of Shell Fisheries】** *commissioner* the sums prescribed
6 to be paid by this act in lieu of the delivery of oyster shells.

1 55. Section 7 of P. L. 1945, c. 39 (C. 50:3-20.16) is amended to
2 read as follows:

3 7. Said oyster shells so to be returned to the State shall be
4 returned by the respective oyster planters by whom or for whose
5 account they are delivered to the respective oyster shucking houses
6 and shall be stored and loaded on boats, to be furnished by such
7 oyster planters by the operators of such oyster shucking houses and
8 shall be planted or spread upon said natural oyster beds, at the cost
9 and expense of said oyster planters, at times and places to be
10 designated by the **【Board of Shell Fisheries after consultation with
11 representatives of the Delaware Bay Oyster Planters Association】**
12 *council*.

1 56. Section 8 of P. L. 1945, c. 39 (C. 50:3-20.17) is amended to
2 read as follows:

3 8. The cost of storage and loading of such shells upon boats shall
4 be paid to the operators of the respective oyster shucking houses
5 by the State through the **【Board of Shell Fisheries】** *commissioner*
6 at a price to be fixed by said **【board】** *commissioner*, but not to
7 exceed **【\$0.04 per bushel】** *the market price of shells*.

1 57. Section 9 of P. L. 1945, c. 39 (C. 50:3-20.18) is amended to
2 read as follows:

3 9. In the case of oysters packed and shipped or otherwise sold in
4 the shells by oyster dealers to persons not required to be licensed
5 under this act, the respective oyster dealers shall pay to the
6 State of New Jersey the true, fair, cash, market value of the oyster
7 shells so packed and shipped and otherwise sold, as fixed by the
8 **【Board of Shell Fisheries】** *commissioner*, under the provisions of
9 this act, on the basis of one bushel of shells for each bushel of
10 oysters so sold or shipped which payments shall be made as state-
11 ments are submitted.

1 58. Section 11 of P. L. 1945, c. 39 (C. 50:3-20.20) is amended to
2 read as follows:

3 11. The **【Board of Shell Fisheries】** *council* shall, between June 1
4 and July 1 of each year, make a survey and determine the locations
5 in which, in the judgment of the **【board】** *council*, oyster shells
6 should be returned to the natural oyster beds lying within said
7 tidal waters within the year beginning on said July 1 in order to

8 prevent depletion of said natural oyster beds and seed
 8A grounds and in order to improve the same and effectuate an
 9 increase in the nation's food supply, and shall, at the same time,
 10 ascertain the number of bushels of oyster shells to be returned to
 11 the State by each licensed oyster planter, and to be stored and
 12 loaded on boats by the operators of the respective oyster shucking
 13 houses, as required by this act, and, at the same time, shall fix the
 14 price to be paid to the operators of the respective oyster shucking
 15 houses by the State for storing and loading such shells and shall
 16 ascertain the true, fair, cash, market value of oyster shells per
 17 bushel to be paid in lieu of the return of oyster shells under this
 18 act during said year.

1 59. Section 12 of P. L. 1945, c. 39 (C. 50:3-20.21) is amended to
 2 read as follows:

3 12. All moneys received as license fees and in lieu of the return of
 4 oyster shells under the provisions of this act shall be used by the
 5 **[Board of Shell Fisheries]** *commissioner* for the purchase of
 6 oyster shells and oysters which shall be spread over and planted in
 7 said natural oyster beds and seed grounds of the State and to
 8 establish and maintain oyster sanctuaries.

1 60. Section 13 of P. L. 1945, c. 39 (C. 50:3-20.22) is amended to
 2 read as follows:

3 13. The **[Board of Shell Fisheries]** *commissioner* shall have
 4 power to make rules and regulations for the carrying out of the
 5 purposes of, and enforcement of, the provisions of this act.

1 61. R. S. 50:4-2 is amended to read as follows:

2 50:4-2. No person shall use or cause to be used any dredge with
 3 bag or pocket, drag or scrape upon any of the natural oyster or
 4 clam beds under the tidal waters of the Atlantic seaboard of this
 5 State and tributaries thereof, except Delaware bay, and no license
 6 shall be issued by the **[board]** *commissioner* contrary to this sec-
 7 tion; but this section shall not prohibit the use of any fork, hoe or
 8 drag used by hand in the taking of soft clams; nor shall it prohibit
 9 the catching of oysters with hand power dredges from the natural
 10 oyster grounds of this State north of Shrewsbury river; nor shall
 11 it prohibit the taking of clams with power dredges from specified
 12 leased lands under said waters, except Delaware bay, with the
 13 approval of the Commissioner of Environmental Protection and
 14 under such conditions and supervision as he may prescribe, and
 15 under rules and regulation of the Shell Fisheries Council.

1 62. R. S. 50:4-3 is amended to read as follows:

2 50:4-3. No person shall go upon, take or remove oysters, clams
 3 or other material, dredge upon, throw, cast or drag an oyster dredge,
 4 use oyster tongs, rakes, forks or other instruments or appliances
 5 used for catching oysters or clams, or tread for clams, upon any
 6 of the leased lands of this State lying under the tidal waters of
 7 the Atlantic seaboard or tributaries thereof, above Cape May Point,
 8 other than land or ground for which such person or his employer
 9 then holds a lease from the **【Shell Fisheries】** council.

10 **【Any person violating the provisions of this section shall be**
 11 **liable to a penalty of not less than \$100.00 nor more than \$300.00**
 12 **for the first offense, and of not less than \$300.00 nor more than**
 13 **\$500.00 for any subsequent offense.】**

1 63. (New section) Within 1 year of the effective date of this
 2 act, the commissioner shall review all rules and regulations pre-
 3 viously adopted pursuant to the provisions of Title 50 of the Re-
 4 vised Statutes for conformance to the revisions to that Title con-
 5 tained herein and shall, after consultation with the Shell Fisheries
 6 Council, amend or repeal any rules and regulations which are not
 7 in conformance herewith.

1 64. R. S. 23:3-41 is amended to read as follows:

2 23:3-41. No person shall erect, set, operate or maintain a fish-
 3 pound net in the waters of the Atlantic ocean, within 3 nautical
 4 miles from the coast line of this State, or in Sandy Hook or Raritan
 5 bay, without first obtaining a license for that purpose, as herein-
 6 after provided.

7 An application for a license for such purpose shall be made to
 8 the **【division】** *commissioner*. The **【division】** *commissioner* upon
 9 the payment to **【it】** *him* of the sum of \$100.00 for each pound net
 10 to be erected or set in the Atlantic ocean, and \$50.00 for each pound
 11 net to be erected or set in Sandy Hook or Raritan bay, as a license
 12 fee, may in **【its】** *his* discretion issue to the applicant, if he is a
 13 citizen of the United States, a license, to erect, set, operate and
 14 maintain a fishpound net in one of the waters above specified. The
 15 method of numbering and identification of pounds shall be that
 16 which the **【division】** *commissioner* determines. A license issued
 17 hereunder shall expire annually on December 31 next succeeding
 18 its issuance, and may be renewed by the **【division】** *commissioner*
 19 upon the payment of the same fee and upon the same terms as those
 20 upon which the original license was granted.

1 65. R. S. 23:3-47 is amended to read as follows:

2 23:3-47. A person who intends to take fish with shirred or purse
 3 seines, otter or beam trawls in the waters of the Atlantic ocean

4 within the jurisdiction of this State shall make application to the
5 **[board]** *commissioner* for a license for that purpose for each vessel
6 proposed to be engaged in the fishing.

7 The **[Division of Fish, Game and Shellfisheries]** *commissioner*
8 upon the receipt of the application and the payment to **[it]** *him*
9 of the sum of \$100.00 for each vessel proposed to be engaged in
10 the fishing, shall issue to the applicant a license for the vessel to
11 take with shirred or purse seine, otter or beam trawl, fish of any
12 kind, excepting striped bass, in the waters of the Atlantic ocean
13 within the jurisdiction of this State at a distance of not less than 2
14 miles from the coast line. The license shall expire on December 31
15 in the year in which it is issued.

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

2 23:3-51. A person intending to take menhaden with purse or
3 shirred nets in any waters in the jurisdiction of this State, includ-
4 ing the waters of the Atlantic ocean, within 3 nautical miles of
5 the coast line of this State, shall apply to the **[division]** *commis-*
6 *sioner* for a license therefor. The **[division]** *commissioner*, upon
7 the receipt of the application and payment to **[it]** *him* of the fee
8 provided in section 23:3-52 of this Title, may, in **[its]** *his* discre-
9 tion, issue to the applicant a license, to take menhaden with purse
10 or shirred nets. The license shall be void after December 31 next
11 succeeding its issuance.

1 67. R. S. 23:5-9 is amended to read as follows:

2 23:5-9. No person shall take from the salt waters of this State
3 by any means, import, export, have in his possession, buy, sell or
4 offer to buy or sell, any lobster, which in length shall be less than
5 $3\frac{1}{8}$ inches measured from the rear end of the eye socket along
6 a line parallel to the center line of the body shell to the rear
7 end of the body shell, or any spawning lobster**],** under a penalty
8 of \$20.00 for each lobster so taken, imported, exported, offered for
9 sale or had in possession**].** This section shall not apply to the taking
10 or possession of lobsters bearing a tag that has been issued or
11 affixed by the Department of Environmental Protection or by any
12 other state or Federal agency with which the department cooperates
13 in a research project.

1 68. R. S. 23:5-16 is amended to read as follows:

2 23:5-16. No person shall catch or take, or attempt to catch or
3 take, eels from the tidal waters of this State by means or use of a
4 dredge, rake, spear or other device attached to or drawn by a boat
5 or vessel**],** under a penalty of \$50.00 for each offense**].**

1 69. Section 2 of P. L. 1941, c. 211 (C. 23:5-24.2) is amended to
2 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 [Division
5 of Fish, Game and Shellfisheries] *commissioner* for a license there-
6 for, and the [division] *commissioner* upon receipt of the application
7 and the fee hereinafter prescribed may in [its] *his* discretion issue
8 licenses for the taking of fish with nets as follows:

9 (a) Haul seines, the mesh of which shall not be larger than 3
10 inches stretched mesh while being fished, and not to exceed 70
11 fathoms in length, whether singly or attached, for all species, ex-
12 cepting striped bass. November 1 to April 30. Fee, \$25.00.

13 (b) Fykes, with leaders, shall not exceed 30 fathoms in length
14 and no part of net or leaders to be larger than 3 inches stretched
15 mesh while being fished, for all species excepting striped bass.
16 November 1 to April 30. Fee, \$30.00.

17 (c) Special fyke for flounder only, the length of the net not
18 to exceed 30 fathoms and the mesh of which shall not be less than
19 4 inches stretched mesh. October 1 to April 30. Fee, \$4.00.

20 (d) Miniature fykes or pots for the taking of catfish, suckers
21 and eels, the same not to exceed 16 inches in diameter. March 15
22 to December 15. Fee, \$1.00.

23 (e) Run around net the smallest mesh of which shall be $2\frac{3}{4}$
24 inches wide stretched mesh and the length of which net shall not
25 exceed 200 fathoms, for all species excepting striped bass. March
26 15 to December 15. Fee, \$20.00. This net shall be used in the At-
27 lantic ocean only. The limit shall be one run around net per boat.

28 (f) Shad nets, either staked or anchored, the smallest mesh of
29 which shall be 5 inches while being fished, and shall not exceed
30 50 fathoms in length, for all species excepting striped bass.
31 March 1 to June 15. Fee, \$3.00.

32 These nets shall be used in the Atlantic ocean only.

33 (g) Bait seines, over 50 feet long and not exceeding 150 feet.
34 Fee, \$3.00.

35 (h) Bait seines, not more than 50 feet long, may be used without
36 application for or granting of license.

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

40 (j) Drifting gill net, the smallest mesh of which shall be $2\frac{3}{4}$
41 inches stretched mesh and the length of which net shall not exceed
42 150 fathoms, for all species excepting striped bass. The limit shall
43 be two drifting gill nets per boat. March 15 to December 15. Fee,
44 \$20.00. These nets shall be used in the Atlantic ocean only.

1 70. R. S. 23:5-35 is amended to read as follows:

2 23:5-35. No person shall take from any of the tidal waters of
 3 this State, or have in possession, any female crustacean, commonly
 4 known as crab, with eggs or spawn attached thereto, or from which
 5 the egg pouch or bunion has been removed, under a penalty of
 6 \$20.00 for each crab taken or had in possession.

1 71. R. S. 23:9-115 is amended to read as follows:

2 23:9-115. Upon application to the [Division of Fish, Game and
 3 Shellfisheries] commissioner and the payment of a fee of \$60.00
 4 for each net, the [division] commissioner may issue, in [its] his
 5 discretion, a license permitting the licensee to fish for shad, in the
 6 Hudson river, from March 15 to June 15; provided further, how-
 7 ever, no net shall be set or put in position and no shad shall be
 8 taken during the period from Friday noon until Saturday midnight
 9 of each week; provided, however, that any net which has been set
 10 prior to Friday noon shall be permitted to remain in position and
 11 be lifted at the next high water; provided further, however, that
 12 the aforementioned 36-hour lift period shall be the minimum period
 13 and the maximum lift period shall be at the discretion of the [Di-
 14 vision of Fish, Game and Shellfisheries] commissioner.

1 72. Section 26 of P. L. 1948, c. 448 (C. 13:1B-24) is amended
 2 to read as follows:

3 26. There shall be within the Division of [Fish] ***[Fisheries]***
 4 *Fish, Game* and [Game] Wildlife, a Fish and Game Council
 5 which shall consist of 11 members, each of whom shall be chosen
 6 with due regard to his knowledge of and interest in the conservation
 7 of fish and game. Each member of the council shall be appointed
 8 by the Governor, with the advice and consent of the Senate. Three
 9 of such members shall be farmers, recommended to the Governor
 10 for appointment to the council by the agricultural convention held
 11 pursuant to the provisions of article 2 of chapter 1 of Title 4 of
 12 the Revised Statutes; six of such members shall be sportsmen,
 13 recommended to the Governor for appointment to the council by
 14 the New Jersey State Federation of Sportsmen's Clubs; ***[and**
 15 **two]*** *one* of such members shall be **[commercial fishermen]**
 16 ***[members of the general public]*** *the chairman of the com-
 17 mittee established pursuant to section 7 of the "Endangered and
 18 Nongame Species Conservation Act" (P. L. 1973, c. 309;
 19 C. 23:2A-7), and one of such members shall be a person knowl-
 20 able in land use management and soil conservation practices*. One
 20A of such farmer representatives and two of such sportsmen repre-
 20B sentatives in the council shall be chosen from among residents of
 20C any of the following counties—Bergen, Essex, Hudson, Morris,

20D Passaic, Sussex and Warren; one of such farmer representatives
 20E and two of such sportsmen representatives in the council shall be
 21 chosen from among residents of any of the following counties—
 22 Hunterdon, Mercer, Middlesex, Monmouth, Ocean, Somerset and
 23 Union; and one of such farmer representatives and two of such
 24 sportsmen representatives shall be chosen from among residents
 25 of any of the following counties—Atlantic, Burlington, Camden,
 26 Cape May, Cumberland, Gloucester and Salem.

27 Each member of the council shall be appointed for a term of 4
 28 years and shall serve until his successor has been appointed and
 29 has qualified; except that of the first appointments hereunder,
 30 two shall be for a term of 1 year, three for 2 years, three for 3
 31 years, and three for 4 years, each commencing on April 1 following
 32 the date of appointment. The term of each of the respective first
 33 appointees to the council shall be designated by the Governor.

34 [The persons in office as members of the Fish and Game Council
 35 in the Division of Fish and Game of the existing State Department
 36 of Conservation on the effective date of this act shall constitute
 37 the Fish and Game Council established hereunder until April 1,
 38 1949, at which time their respective terms of office shall expire.]

1 73. (New section) For purposes of this section, the "act" means
 2 and includes all the new sections and amended sections contained
 3 herein, all the remaining sections of Title 50 of the Revised
 4 Statutes, sections 23:3-41, 23:3-46, 23:3-47, 23:3-48, 23:3-51,
 5 23:3-52, 23:5-9, 23:5-16, 23:5-35, 23:9-114, 23:9-115 and 23:9-120
 6 of Title 23 of the Revised Statutes, sections 1, 2, 3 and 7 of P. L.
 7 1938, c. 318 (C. 23:5-5.1 through 23:5-5.3 and 23:5-5.7), P. L. 1952,
 8 c. 216 (C. 23:5-5.1a); and sections 1, 2, and 3 of P. L. 1941, c. 211
 9 (C. 23:5-24.1 to 23:5-24.3).

10 The commissioner may utilize any or all of the following remedies
 11 for any violation of this act:

12 a. (1) Any person who violates the provisions of this act or of
 13 any rule, regulation, license or permit promulgated or issued pur-
 14 suant to this act shall be liable to a penalty of not less than \$100.00
 15 or more than \$3,000.00 for the first offense and not less than \$200.00
 16 or more than \$5,000.00 for any subsequent offense, unless the com-
 17 missioner has established an alternate penalty **for a specific*
 18 *offense** pursuant to subsection a. (2) of this section.

19 (2) The Commissioner of Environmental Protection, with the
 20 approval of the Marine Fisheries Council, may, by regulation,
 21 establish a penalty schedule for any **specific** violation of this act
 22 or of any rule or regulation promulgated pursuant to this act. No

23 such penalty may be less than \$10.00 nor more than \$100.00 on the
 24 first offense or less than \$20.00 nor more than \$200.00 on any sub-
 25 sequent offense. Any penalty provided for by this act or by the fee
 26 schedule promulgated by the commissioner shall be collected in a
 27 civil action by a summary proceeding under the penalty enforcement
 28 law (N. J. S. 2A:58-1 et seq.). The Superior Court or any County
 29 Court, county district court or municipal court shall have jurisdic-
 30 tion to enforce said penalty enforcement law. If the violation is of
 31 a continuing nature, each day during which it continues shall con-
 32 stitute an additional separate and distinct offense.

33 ****[b. Any vessel, vehicle or equipment used in violation of this
 34 act or any rule or regulation or any license or permit promulgated
 35 pursuant to this act may be forfeited. The department may seize
 36 and secure any such vessel, vehicle or equipment and shall immedi-
 37 ately thereafter give notice thereof to a court located in the county
 38 where the seizure is made which shall, at an appointed time and
 39 place, summarily hear and determine whether such vessel, vehicle
 40 or equipment was unlawfully used and if it does so determine, it
 41 may direct the confiscation and forfeiture of such vessel, vehicle
 42 or equipment for the use of the department. The commissioner
 43 may dispose of any such confiscated *or* and* forfeited vessel,
 44 vehicle or equipment at his discretion.]****

45 ****[c.]**** ****b.**** Any person who violates the provisions
 46 of this act or any rule or regulation or any license or permit
 47 promulgated or issued pursuant to this act shall be liable to the
 48 revocation of any license which he holds pursuant to this act for
 49 such period of time as the court may choose.

50 ****[d.]**** ****c.**** If any person violates any of the pro-
 51 visions of this act, or any rule or regulation or any license or permit
 52 promulgated or issued pursuant to the provisions of this act, the
 53 department may institute a civil action in a court of competent
 54 jurisdiction for injunctive relief to prohibit and prevent such viola-
 55 tion or violations and the said court may proceed in the action in a
 55A summary manner.

56 The department is hereby authorized and empowered to com-
 57 promise and settle any claim for a penalty under this section in
 58 such amount in the discretion of the department as may appear
 59 appropriate and equitable under all of the circumstances.

1 74. (New section) a. The Division of Fish, Game and Shellfish-
 2 eries is continued and constituted as the Division of *[Fisheries]*
 3 *Fish, Game* and Wildlife in the Department of Environmental
 4 Protection. Except as otherwise provided by this act, all the func-
 5 tions, powers and duties of the existing Division of Fish, Game and

6 Shellfisheries, and the director, thereof, are continued in the Divi-
 7 sion of ***【Fisheries】*** **Fish, Game** and Wildlife and the director
 8 thereof, and whenever the term "Division of Fish, Game and Shell-
 9 fisheries" occurs or any reference is made thereto in any law,
 10 contract or document, the same shall be deemed or mean to refer
 11 to the Division of ***【Fisheries】*** **Fish, Game** and Wildlife.

12 b. The Fish and Game Council, together with all its functions,
 13 powers and duties, is continued as the Fish and Game Council in
 14 the Division of ***【Fisheries】*** **Fish, Game** and Wildlife in the
 15 Department of Environmental Protection.

1 75. (New section) If any provision of this act or the applica-
 2 tion thereof to any person or circumstance is held invalid, the
 3 remainder of the act and the application of such provision to
 4 persons or circumstances other than those to which it is held in-
 5 valid, shall not be affected thereby. This act shall be liberally con-
 6 strued to effectuate the purpose and intent thereof.

1 76. (New section) This act shall not affect, impair or invalidate
 2 any action or proceeding, civil or criminal, brought by or against
 3 the department, pending on the effective date of this act, and all
 4 such actions or proceedings may and shall be continued to final
 5 judgment, decree or decision, as if the foregoing provisions had not
 6 taken effect; nor shall this act affect orders, rules and regulations
 7 heretofore made, promulgated or issued by the department or
 8 other matters or proceedings pending before the department on
 9 the effective date of this act. Such orders, rules, regulations,
 10 matters or proceedings shall continue in full force and effect
 11 until amended or repealed pursuant to law.

1 *77. R. S. 50:3-15 is amended to read as follows:

2 50:3-15. No person shall gather, scrape, rake or tong any oysters
 3 in or upon the beds, rivers or creeks of this State named in section
 4 50:3-14 of this Title, for and during the period from June 30 until
 5 September 1 in each and every year; but this closed season shall
 6 not apply to the beds (a) at the mouth of Maurice river, described
 7 as follows: Beginning at a point with co-ordinates $x=1,897,678$
 8 $y=132,207$ said point being now or formerly East Point Lighthouse
 9 and running thence N $48^{\circ}-23'-07''$ W 9,400. feet to a point
 10 $x=1,890,650$ $y=138,450$ on the east bank of the mouth of New
 11 England creek; thence following in an easterly direction the shore
 12 line and crossing the mouth of the Maurice river and following the
 13 shore line to the point of beginning, and in Maurice river, from
 14 which oysters may be taken between sunrise and sunset at any time,
 15 except on Sundays; or (b) to the Nantuxent beds *in that area* at

16 the mouth of Nantuxent creek, *Back creek and Cedar creek* and the
 17 Cohansey beds at the mouth of Cohansey river, from which oysters
 18 may be taken **【only during the months of May and June】** *at any*
 19 *time* between sunrise and sunset, except on Sunday, *provided, how-*
 20 *ever, that any oysters so taken shall be 3 inches from hinge to*
 21 *mouth or longer*; or (c) to the Back creek beds at the mouth of
 22 Back creek, Back creek from the mouth to the south bank of the
 23 mouth of Tweed creek, which areas are described as follows:
 24 Beginning at the intersection of the southerly bank of the mouth
 25 of Tweed creek with the westerly bank of Back creek, said intersec-
 26 tion being at high-water mark, thence from said point in a south-
 27 easterly, southwesterly, and southerly direction, being along the
 28 westerly bank of Back creek and the westerly shore of Nantuxent
 29 Cove to a point on the said shore, said point being N 71° E 700 feet
 30 more or less from the Sextant tower on Ben Davis Point; thence
 31 N 71° E 4,300 feet more or less to a stake set in Nantuxent Cove;
 32 thence N 19° E 3,300 feet more or less to a stake set at the high-
 33 water mark along the north shore of Nantuxent Cove; thence bound-
 34 ing on the said high-water mark in a general westerly direction to
 35 the mouth of Back creek, thence along the easterly bank of Back
 36 creek in a general, easterly, northerly and northwesterly direction
 37 to a point due east from the southerly bank of the mouth of Tweed
 38 creek; thence crossing Back creek in a due west direction to the
 39 place of beginning, from which oysters may be taken only during
 40 the months of April, May, June, September, October and November
 41 between sunrise and sunset, except on Sunday.

1 78. R. S. 50:3-17 is amended to read as follows:

2 No person shall take or attempt to take edible crabs from any
 3 of the waters of the Delaware bay or any of its tributaries within
 4 the jurisdiction of this State, in any manner except by rod, hand
 5 line, or scoop net operated by hand, without first obtaining a
 6 license so to do from the **【board】** *commissioner*.

1 79. R. S. 50:3-18 is amended to read as follows:

2 50:3-18. The **【Division of Fish, Game and Shellfisheries】** *com-*
 3 *missioner* may grant licenses, under such rules and regulations as
 4 it may establish, to catch and take edible crabs from the waters of
 5 the Delaware bay and its tributaries in this State, by means of
 6 layout lines, crabpots or trawl lines; but such licenses shall be
 7 granted only to persons who are residents of this State, or of any
 8 other state bordering on Delaware bay or its tributaries, if any
 9 such other state grants to New Jersey residents the privilege of
 10 obtaining licenses to take such crabs in the waters of Delaware bay
 11 and its tributaries within the area of its jurisdiction.

1 80. R. S. 50:3-20 is amended to read as follows:

2 The **[board]** *commissioner* may establish and enforce rules and
3 regulations for the propagation and protection of edible crabs in
4 the waters of the Delaware bay and its tributaries in this State.*

1 ***[76.]*** *80.* The following statutes, acts and parts of acts are
1A repealed:

- 2 a. R. S. 23:3-42
3 R. S. 23:3-44 and 23:3-45
4 R. S. 23:3-49
5 R. S. 23:3-53
6 R. S. 23:5-8
7 R. S. 23:5-18 through 23:5-20
8 R. S. 23:5-22 and 23:5-23
9 R. S. 23:5-26
10 R. S. 23:5-36 through 23:5-42
11 R. S. 23:9-22 through 23:9-35
12 R. S. 23:9-37 through 23:9-42
13 R. S. 23:9-44
14 R. S. 23:9-46
15 R. S. 23:9-50 and 23:9-51
16 R. S. 23:9-53 through 23:9-58
17 R. S. 23:9-94 through 23:9-98
18 R. S. 23:9-108 through 23:9-112
19 R. S. 23:9-116 through 23:9-119
20 P. L. 1938, c. 318, ss. 8, 9 (C. 23:5-5.8 and 23:5-5.9)
21 P. L. 1952, c. 71 (C. 23:5-8.1 and 23:5-8.2)
22 P. L. 1941, c. 211, ss. 5-13 (C. 23:5-24.4 through 23:5-24.12)
23 P. L. 1948, c. 154, s. 2 (C. 23:5-35.1)
24 P. L. 1944, c. 111 (C. 23:9-76.1)
25 P. L. 1947, c. 297 (C. 23:9-112.1 and 23:9-112.2)
26 P. L. 1941, c. 244 (C. 23:9-122 through 23:9-125)
27 b. R. S. 50:1-6 through 50:1-17
28 R. S. 50:1-19 through 50:1-21
29 R. S. 50:1-26
30 R. S. 50:1-32
31 R. S. 50:1-37 and 50:1-38
32 R. S. 50:2-6
33 R. S. 50:2-13 through 50:2-17
34 R. S. 50:3-4
35 R. S. 50:4-1
36 R. S. 50:5-1 through 50:5-4
37 R. S. 50:5-6 and 50:5-7

- 38 R. S. 50:5-9 through 50:5-13
- 39 R. S. 50:5-15 through 50:5-17
- 40 P. L. 1945, c. 22, ss. 18-22 (C. 13:1A-18 through 13:1A-22)
- 41 P. L. 1948, c. 448, ss. 93-97 (C. 13:1B-42 through 13:1B-46)
- 42 P. L. 1956, c. 191, s. 1 (C. 50:1-13.1)
- 43 P. L. 1950, c. 310, s. 4 (C. 50:2-6.4)
- 44 P. L. 1975, c. 398, s. 6 (C. 50:2-6.5)
- 45 P. L. 1945, c. 39, ss. 14-16 (C. 50:3-20.23 through 50:3-20.25)
- 1 ***81. *Nothing in this act shall authorize the imposition of a*
- 2 *saltwater recreational anglers license on any person.****
- 1 ***[77.]*** *****[*81.*]***** ***82.*** (New section) There is hereby
- 2 appropriated to the Department of Environmental Protection the
- 3 sum of \$500,000.00 for the administration of the fisheries manage-
- 4 ment program authorized by this act.
- 1 ***[78.]*** *****[*82.*]***** ***83.*** (New section) This act shall
- 2 take effect immediately, provided, however, that subsection a. of
- 3 section ***[76]*** ****[*81*]**** ***80** shall take effect 1 year after the
- 4 effective date of this act.
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FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

SEPTEMBER 19, 1979

PAT SWEENEY

Governor Byrne today signed S-1399, sponsored by Senator Frank J. Dodd (D-Essex), creating a comprehensive Marine and commercial Fisheries Management program. The bill was signed at noon, in Point Pleasant during the Conference on the Future of the New Jersey Shore.

"This bill helps New Jersey's commercial and recreational fisherman to maximize their share of the Atlantic Ocean fishery resource opened up to American fisherman through the enactment of the Federal 200 mile limit fishing law," according to the Governor.

The bill authorizes the development and enforcement of fisheries management plans by the Department of Environmental Protection in cooperation with the federal government and the Marine Fisheries Council, created by this legislation.

The fisheries management plans will provide the basis for implementing rules and regulations. The Marine Fisheries Council will have the power to veto rules and regulations that the Commissioner of Environmental Protection may propose.

Further, this legislation will promote the development and expansion of the commercial fisheries industry through the use of low interest loans made by the New Jersey Economic Development Authority.

The bill also establishes interdepartmental task forces, assigned to the Governor's office, to expand the commercial fisheries industry, the commercial aspects of recreational fishing, aquaculture, and the development of processing and marketing facilities for fish and fish products. These task forces will define the roles of the various State agencies in implementing a permanent program to promote development of an aquaculture program and the commercial fishing industry, and be required to report to the Governor and the Legislature within two years of the effective date of this act.

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In addition, the Division of Fish, Game and Shellfisheries will be changed to the Division of Fish, Game and Wildlife. The Fish and Game Council will retain all its existing responsibilities and remains the sole regulatory authority for all freshwater fishery and wildlife programs.

"In keeping with my request to reduce the number of laws on the books, S-1399 will repeal 130 redundant, confusing and contradictory sections of the existing statutory law, while amending 70 other sections of the law, to bring them into conformity with the new fisheries management program created by the act," according to Byrne.

"The importance of the fishing industry to New Jersey is emphasized by my signing this bill," the Governor concluded.

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