

2A: 170-69.1a

LEGISLATIVE HISTORY CHECKLIST

HJSA 2A:170-69.1a (Fresh Water Littering and Dumping--Responsibility of owner or captain of vessel.)

LAWS OF 1977 CHAPTER 112

Bill No. S955

Sponsor(s) Buehler

Date Introduced Pre-filed

Committee: Assembly Agriculture and Environment

Senate Law, Public Safety and Defense

Amended during passage xxxx No

Date of Passage: Assembly May 16, 1977

Senate June 3, 1976

Date of approval June 1, 1977

Following statements are attached if available:

Sponsor statement Yes xNo

Committee Statement: Assembly xYes No

Senate Yes xNo

Fiscal Note xYes No

Veto message xYes No

Message on signing xYes No

Following were printed:

Reports xYes No

Hearings xYes No

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9/1/78

SENATE, No. 955

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1976 SESSION

By Senator BUEHLER

AN ACT to amend "An act concerning disorderly persons, prohibiting the discharge of certain matter or material into certain waters of the State and prohibiting the registration or licensing of certain vessels to operate in said waters," approved February 9, 1959 (P. L. 1958, c. 170).

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

1 1. Section 1 of P. L. 1958, c. 170 (C. 2A:170-69.1a) is amended
2 to read as follows:

3 1. **Any person who discharges, or suffers or permits the dis-**
4 **charge of any excrement, waste, debris, refuse, chemical, or any**
5 **other matter or material by any method, means or manner into or**
6 **upon any of the fresh waters of this State from any vessel afloat**
7 **on said waters]** *The owner or other person in charge of any vessel*
8 *afloat upon any of the fresh waters of this State, who shall dis-*
9 *charge, suffer, or knowingly or unknowingly allow or permit the*
10 *discharge of any excrement, waste, debris, refuse, chemical, or any*
11 *other matter or material by any method, means or manner into or*
12 *upon said waters from such vessel by any person aboard, which*
13 *excrement, waste, debris, refuse, chemical, material or other matter*
14 *may or will tend to pollute said waters, or to harm or destroy the*
15 *fish therein or the wildlife thereupon, or to litter said waters or the*
16 *shores or banks adjacent thereto, is a disorderly person, and upon*
17 *conviction, shall be punished by a fine of not less than \$25.00 nor*
18 *more than \$100.00 for the first offense and for each subsequent*
19 *offense a fine of not less than \$100.00 nor more than \$200.00 or by*
20 *imprisonment for not more than 90 days or both.*

21 Fish and game wardens and deputy fish and game wardens of
22 the State and all inspectors appointed pursuant to the "Power

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

23 Vessel Act" (P. L. 1954, c. 236), are authorized to enforce the
24 provisions of this section and shall have the powers of peace officers
25 for such purpose.

1 2. This act shall take effect immediately.

STATEMENT

This bill will impute liability for the despoiling of the fresh waters of this State to the owner of any vessel from which debris or other despoilants originates. The intent is to ease the burden of proof incumbent upon law enforcement personnel in the enforcement of this act as there presently exists a high degree of difficulty in determining exactly which individual among those aboard a vessel has committed the prohibited act.

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SENATE LAW, PUBLIC SAFETY
AND DEFENSE COMMITTEE

STATEMENT TO

SENATE, No. 955

STATE OF NEW JERSEY

DATED: MAY 5, 1976

This bill imputes liability as a disorderly person for despoiling the fresh waters of New Jersey, to the owner or the operator of the vessel of origin. Under existing law any person who despoils the fresh waters is so liable but problems of proof make it extremely difficult to enforce this section. By imputing liability to the owner or operator, such persons thereby incur a special obligation to control their passengers.

FROM THE OFFICE OF THE GOVERNOR

JUNE 1, 1977

FOR FURTHER INFORMATION

FOR IMMEDIATE RELEASE

ANNE BURNS

Governor Brendan Byrne today signed into law S-954, and S-955 sponsored by Senator Herbert J. Buehler, D-Monmouth.

These companion bills make the owner or person in charge of a boat that discharges waste, litter or any other material into the fresh or coastal waters of the state subject to conviction as a disorderly person.

S-954 deals with coastal water and S-955 deals with fresh water.

The intent of this legislation is to assist enforcement of marine littering prohibitions. Convictions have been extremely difficult to obtain because of the problem of determining exactly who among those on board a boat committed the prohibited act.

The bill was signed at the Boardwalk in front of the Asbury Park Convention Hall.

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