

R.S. 23:3-62 to 71

October 27, 1971

LEGISLATIVE HISTORY OF R.S. 23:3-62 to 23:3-71  
(Private fishing preserves; licensing)

COPY NO. 1

for mats; see copy 2

Similar bills introduced (1967-1970)

1969 - A1057 (Smith & others).

L. 1970, Chapter 247 - A284

Prefiled by W. Smith and others.

March 19 - Passed in Assembly, amended (copy encl.).

April 30 - Passed in Senate.

September 14 - Returned by Governor with recommended amendment (copy encl.).

September 17 - Re-enacted in Assembly as amended.

September 21 - Re-enacted in Senate.

October 28 - Approved, Chapter 247.

Amended during passage (copies encl.)

Statement on original bill (copy encl.)

Clipping located (V.F.--N.J.--Licenses & permits).

"Fish cost more in certain lakes" APP 5/1/70. (copy encl.)

JH/PC

ASSEMBLY, No. 284

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1970 SESSION

By Assemblymen W. L. SMITH, BROWN, MABIE, VREELAND,  
Assemblywoman MARGETTS and Assemblyman PARKER

AN ACT respecting the operation and licensing of commercial fishing preserves and supplementing Title 23 of the Revised Statutes.

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

1 1. "Fishing preserve waters" means any artificial or man-made  
2 body of water, not to exceed 10 acres in size, lying wholly within  
3 the boundaries of lands owned by one individual, operated for the  
4 purpose of permitting the owner to provide fishing facilities to  
5 fishermen. Such waters shall not include natural streams, natural  
6 ponds or waters impounded by the damming of natural streams. The  
7 sources of water for such ponds shall be limited to surface runoff,  
8 natural springs or driven wells. Any outfall from the "fishing  
9 preserve waters" must be so constructed as to prevent the passage  
10 of fish from or to that body of water.

1 2. (a) The division may, in its discretion, after application on  
2 forms furnished by it, issue to an owner of such fishing preserve  
3 waters a fishing preserve license permitting the holder thereof to  
4 manage such fishing preserve waters and to possess, propagate  
5 and rear, and to take or permit others to take therefrom, fish therein  
6 legally propagated or acquired. Such license shall expire on  
7 December 31 in the year it was issued unless previously revoked.  
8 A separate license is required for each body of water defined herein  
9 as fishing preserve waters. Two or more ponds under one owner-  
10 ship, supplied by one common water source and located on one  
11 continuous parcel of land, shall be considered as one body of water  
12 requiring one license.

13 (b) The license so issued shall: contain the name of the town  
14 and county in which such fishing preserve waters are located;  
15 specify the species of fish authorized to be stocked therein; au-

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

16 thorize the licensee to stock, propagate, raise and release such fish  
17 in such licensed fishing preserve waters and to buy, sell or other-  
18 wise traffic in fish taken therefrom; specify the manner of tagging  
19 fish taken from the licensed waters; specify the means of acquisi-  
20 tion of fish stocked therein.

21 (c) The license may also: authorize the licensee to control un-  
22 desirable protected fish, wildlife and insects and specify means of  
23 control of same; specify such other restrictions and controls for  
24 the management of fishing preserve waters as in the judgment of  
25 the division may be deemed advisable for proper fish management.

26 (d) The fee for the license shall be \*~~[\$100.00]~~\* \*\$150.00\* \*\*per  
27 year\*\*, payable at the time application is made.

28 (e) The division may for cause, revoke or suspend the license of  
29 any licensee.

1 3. A licensee or any member of his immediate family may, with-  
2 out license issued under Revised Statutes 23:3-1, or other license  
3 or permit to take fish by net or device, take fish of any size, in any  
4 manner, at any time permitted by the preserve license.

1 4. (a) Any licensee, during the term of his license may sell fish  
2 taken from the licensed fishing preserve waters and may grant  
3 permission to other persons to take fish in or from the licensed  
4 fishing preserve waters and to charge a fee for such fishing or for  
5 the fish taken, or if a club, to impose dues permitting such angling  
6 by members of such club.

7 (b) Persons to whom such permission to fish is granted, or who  
8 have paid for the privilege of fishing the licensed waters, or dues-  
9 paying members of a club which is a licensee, may fish in such  
10 waters without a license issued under Revised Statutes 23:3-1, or  
11 other license.

12 (c) The licensee may prescribe such restrictions or limitations  
13 as he sees fit with respect to the size of fish, limits of catch, open  
14 season, and manner of taking fish from the licensed waters. Except  
15 as specifically noted in the license, the provisions of chapter 3, 5  
16 or 6 of Title 23 of the Revised Statutes shall not be applicable to  
17 fishing in such licensed fishing preserve waters.

1 5. (a) All fish stocked in the waters of the fishing preserve in  
2 accordance with paragraph (b) of section 2 of this act that are  
3 taken from the licensed fishing preserve waters, shall be immedi-  
4 ately tagged as prescribed in the license or by order of the division.  
5 Such tags shall be furnished by the division and sold to the licensee  
6 at the cost of \$0.05 per tag.

7 (b) The tag so affixed shall not be removed from the fish until  
8 the same is finally prepared for consumption.

9 (c) No fish, required to be tagged as specified in paragraph (a)  
10 of this section, taken pursuant to this act, shall be possessed off  
11 the premises of the fishing preserve without such tag, and no person  
12 shall sell such fish without such tag attached, except for scientific,  
13 exhibition or stocking purposes.

14 (d) Fish taken from such fishing preserves and tagged as pro-  
15 vided in this section, may be possessed, bought, sold and offered  
16 for sale, and transported without restriction. Fish raised or  
17 possessed under license issued under this act may be sold at any  
18 time for scientific, exhibition, propagation or stocking purposes.

1 6. The holder of a fishing preserve license shall keep such records  
2 as the division may require and make annual reports, verified by  
3 affidavit of the licensee, to and upon forms furnished by the division.  
4 The records shall be continuous and shall be kept on the licensed  
5 premises, and the licensee shall allow any representative of the  
6 division to enter upon the premises and inspect his operations and  
7 records.

1 7. The division may, by special permit or authorization contained  
2 in the license, authorize the licensee to use fish toxins in the manage-  
3 ment of the licensed waters, but unless so specifically authorized  
4 by permit or license, no toxins or poisons may be introduced into  
5 the licensed waters.

1 8. Nothing in this act shall abridge, alter or affect the rights or  
2 liabilities, riparian or otherwise, that would otherwise exist or  
3 accrue by reason of the impounding of the water, except that fishing  
4 preserve waters are waters of the State within the meaning of the  
5 Public Health Laws.

1 9. The division may make such rules and regulations with respect  
2 to the management and operation of fishing preserves, not incon-  
3 sistent with the provisions of this act, as it shall deem necessary  
4 and proper to carry into effect the provisions of this act.

1 10. Any \*\*\*[licensee]\*\*\* \*\*\**person*\*\*\* who violates any of the  
2 provisions of this act shall be liable to a penalty of not less than  
3 \$100.00 or more than \*\*\*[\$200.00]\*\*\* \*\*\*\$1,000.00\*\*\* for each  
4 offense.

1 11. This act shall take effect immediately.

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#### STATEMENT

This bill is to set up provisions for operation of private fishing preserves so that such preserve will be licensed rather than the individual fishermen who fish therein. The private ponds are stocked and maintained at the expense of the operator and not runways for fish.

All waters in the State must be licensed and regulated otherwise it would not be possible to enforce the rules and regulations established for the protection and perpetuation of fish and fishing in the open waters of the State. The preserve license fee is established to offset and compensate the division for the individual license fees which will no longer be required in these waters and will help to meet the expense of supervision and enforcement of the regulations.

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

September 14, 1970

ASSEMBLY BILL NO. 284 2nd OCR

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 (b) of the Constitution, I herewith return Assembly Bill No. 284, with my objections, for reconsideration.

This bill would supplement Title 23 of the Revised Statutes and provide for the licensing of private ponds that are stocked and maintained at the expense of the operator and are not runways for fish. The bill also would provide that persons angling in said private ponds would not be required to have a fishing license.

I am generally in favor of the purpose of the bill, however, the language should be corrected to carry out what I am sure is the true intent. The penalty provisions of this bill are limited to "any licensee", whereas the failure to obtain a license, to observe tagging requirements, and to comply in other respects with the provisions of the bill would also appear to be violations. In addition, the maximum violation is barely above the prescribed license fee, and this would tend to hinder voluntary compliance. A private pond operator might be tempted to delay compliance until after the first violation since the cost of the first violation would in all probability be less than the cost of the license. A more adequate discretionary penalty would appear appropriate.

I return the bill with the recommendation that the language be corrected as follows:

1. Page 3, Section 10: Delete the word "licensee" in line 1 and insert the word "person" in lieu thereof.
2. Page 3, Section 10: Delete "\$200" in line 3 and insert "\$1,000."

Respectfully,

/s/ William T. Cahill

GOVERNOR

Attest:

/s/ Jean E. Mulford

Secretary to the Governor

FISCAL NOTE TO  
**ASSEMBLY, No. 284**

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**STATE OF NEW JERSEY**

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DATED: FEBRUARY 19, 1970

Assembly Bill No. 284 provides for the licensing of private fishing preserves, so that such preserves will be licensed rather than the individual fisherman who fish therein.

The Department of Conservation and Economic Development estimates that if this legislation is enacted, revenues and expenditures would off-set each other in fiscal 1970-71. In fiscal 1971-72, the Department estimates a surplus revenue of \$400.00 would be produced.

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In compliance with written request received, there is hereby submitted a fiscal estimate for the above bill, pursuant to P. L. 1962, c. 27.