

23:3-1 +

LEGISLATIVE FACT SHEET

ON *Trapping - regulation*

N.J.R.S. *23:3-1*

( Amendment )

LAWS OF 1971

CHAPTER *405 Jan. 20, 1972*

SENATE *708*

ASSEMBLY

INTRODUCED *March 23, 1970*

BY *Woodcock, Knowlton, Dickerson, Schiaffo*

STATEMENT

YES

NO

AMENDED DURING PASSAGE

YES

NO

HEARING

VETO *Conditional*

*974.90*

*A 273*

*1971a*

*N.J. Legis. Assembly, Committee on Agriculture, Conservation & Natural Resources.*

*Public hearing on Senate bills nos. 706, 707, 708 and 709 (Trapping).*

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CHAPTER 405  
APPROVED 1-20-72

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SENATE, No. 708

STATE OF NEW JERSEY

INTRODUCED MARCH 23, 1970

By Senators WOODCOCK, KNOWLTON, DICKINSON and  
SCHIAFFO

Referred to Committee on Agriculture, Conservation and  
Natural Resources

AN ACT concerning trapping, prohibiting and regulating the use  
of certain traps in certain cases, amending R. S. 23:3-1 and  
supplementing article 6 of chapter 4 of 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. R. S. 23:3-1 is amended to read as follows:

2 23:3-1. No person shall at any time hunt for, take, kill or pursue,  
3 with a gun or any firearms of any kind or character, or with bow  
4 and arrow, a wild bird, animal or fowl, or take or attempt to take  
5 any skunk, mink, muskrat, otter or other fur-bearing animal by  
6 means of a trap, or set a trap for any fur-bearing animal, and no  
7 person above the age of 14 years shall at any time take or attempt  
8 to take fish in any of the fresh waters of this State by the method  
9 commonly known as angling with a hand line or rod and line, unless  
10 he has first procured a proper license. Nor shall any person engage  
11 in hunting or trapping unless he has in addition first procured a  
12 button or tag showing the number of the license and whether the  
13 hunter or trapper is a resident or a nonresident; and such button  
14 or tag shall be worn in a conspicuous place on his outer clothing  
15 at the time of such hunting or trapping. A licensee shall exhibit his  
16 license and tag or button for inspection to any warden, deputy  
17 warden, police officer or other person requesting to see it. **[A person**  
18 **under 14 years of age, who is a bona fide resident of this State,**  
19 **may trap fur-bearing animals without license during the season**  
20 **when it is legal so to do.]** *No person under \***[14]**\* \*12\* years of age*  
21 *shall be issued a trapping license.*

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

22 Any person found hunting or trapping without his button or tag  
 23 conspicuously displayed shall be liable to a penalty of \$5.00 and  
 24 costs to be recovered pursuant to the provisions of Title 23, chapter  
 25 10, of the Revised Statutes.

26 A resident of this State, while he or she is on active duty with  
 27 any branch of the armed service of the United States, shall be  
 28 entitled to hunt and fish in this State in accordance with law without  
 29 being licensed.

30 A nonresident, who is on active duty with any branch or depart-  
 31 ment of the armed service of the United States, shall be entitled  
 32 to hunt or fish upon obtaining the proper resident license therefor.

33 Nothing in this section shall prevent the occupant of a farm in  
 34 this State, who actually resides thereon, or the immediate members  
 35 of his family who also reside thereon, from hunting for, taking,  
 36 killing or pursuing with a gun or firearm on the farm a wild bird,  
 37 animal or fowl, from taking any skunk, mink, muskrat, otter or  
 38 other fur-bearing animal by means of a trap or from setting a trap  
 39 for a fur-bearing animal on the farm, or from taking fish on the  
 40 farm with hand line or rod and line, in the manner provided by  
 41 law during the time when it is lawful so to do, without being  
 42 licensed hereunder. The exemption of this paragraph shall not  
 43 apply to a person residing on the farm or in a tenant house thereon  
 44 who is not a member of the occupant's family, nor to a servant of  
 45 the occupant.

1 2. Except as authorized as to owners and agents of owners of  
 2 dams or canals pursuant to R. S. 23:4-39, no person in any county  
 3 of the first or second class and no person under the age of **\*\*[18]\*\***  
 4 **\*\*14\*\*** years in any other county shall take or attempt to take any  
 5 skunk, mink, muskrat, otter or other fur-bearing animal by means  
 6 of a trap of the steel-jaw leghold type, or set such a trap for any  
 7 fur-bearing animal.

1 3. No trap of the conibear or killer type shall be used in trapping  
 2 unless such trap is **\*\*\*[completely]\*\*\*** submerged under water  
 3 **\*\*\*in accordance with rules and regulations promulgated by the**  
 4 **Department of Environmental Protection\*\*\***.

1 4. Any person violating the provisions of sections 2 or 3 of this  
 2 act shall be subject to a fine of not more than \$50.00 for each offense  
 3 and to the forfeiture of his license to trap.

1 5. This act shall take effect immediately but shall remain in-  
 2 operative for 30 days thereafter.

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

December 6, 1971

Senate Bill No. 708 (OCR)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 708 (OCR), with my objections, for reconsideration.

Senate Bill No. 708 (OCR) would amend the laws relating to trapping to specify, among other things, that no trap of the conibear or killer type shall be used in trapping unless such trap is completely submerged under water.

I am advised that this is generally in accord with proper procedures. However, in certain areas along the Delaware River which are subject to wide tide fluctuations it may be impractical to have the traps completely submerged at all times. Therefore, I suggest an amendment which would allow these traps to be placed in accordance with rules and regulations of the Department of Environmental Protection.

Accordingly, I herewith return Senate Bill No. 708 (OCR) for reconsideration and recommend that it be amended as follows:

Page 2, Section 3, Line 2: Delete "completely"

Page 2, Section 3, Line 2: After "water" insert "in accordance with rules and regulations promulgated by the Department of Environmental Protection".

Respectfully,

/s/ William T. Cahill

GOVERNOR

[seal]

Attest:

/s/ Jean E. Mulford

Acting Secretary to the Governor