

# 23:5-9

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2002                      **CHAPTER:** 57  
**NJSA:** 23:5-9                      (Lobster-taking and management)  
**BILL NO:** A1880                      (Substituted for S1339)

**SPONSOR(S):** Van Drew and Smith

**DATE INTRODUCED:** February 21, 2002

**COMMITTEE:**                      **ASSEMBLY:** Agriculture and Natural Resources

**SENATE:** Environment

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**                      **ASSEMBLY:** June 28, 2002

**SENATE:** June 27, 2002

**DATE OF APPROVAL:** August 3, 2002

### **FOLLOWING ARE ATTACHED IF AVAILABLE:**

#### [FINAL TEXT OF BILL](#) (1st reprint enacted)

(Amendments during passage denoted by superscript numbers)

#### **A1880**

[SPONSORS STATEMENT](#): (Begins on page 3 of original bill) Yes

**COMMITTEE STATEMENT:**                      [ASSEMBLY:](#) Yes

[SENATE:](#) Yes

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

#### **S1339**

[SPONSORS STATEMENT](#): (Begins on page 3 of original bill) Yes

Bill and Sponsors Statement identical to A1880

**COMMITTEE STATEMENT:**                      **ASSEMBLY:** No

[SENATE:](#) Yes

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

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**REPORTS:**

No

**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

No

P.L. 2002, CHAPTER 57, *approved August 3, 2002*  
Assembly, No. 1880 (*First Reprint*)

1 AN ACT concerning lobsters and amending R.S.23:5-9.

2

3 **BE IT ENACTED** by the Senate and General Assembly of the State  
4 of New Jersey:

5

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

7 23:5-9. a. [A person shall not take from the marine waters of this  
8 State by any means, import, export, have in his possession, buy, sell or  
9 offer to buy or sell, any lobster of the genus and species *Homarus*  
10 *americanus*, which when measured from the rear end of the eye socket  
11 along a line parallel to the center line of the body shell to the rear end  
12 of the body shell is less than three and one-quarter inches in length.]  
13 (Deleted by amendment, P.L. , c. ) (now before the Legislature as  
14 this bill).

15 b. [A person shall not take from the marine waters of this State by  
16 any means, import, export, have in his possession, buy, sell or offer to  
17 buy or sell, any lobster of the genus and species *Homarus americanus*,  
18 which is damaged or mutilated to the extent that its length cannot be  
19 determined under subsection a. of this section; except that this  
20 subsection shall not apply to: (1) any detached lobster claws, if these  
21 are together with detached lobster tails of the type exempted under  
22 subparagraph (2) of this subsection and the number of these detached  
23 lobster claws does not exceed twice the number of these detached  
24 lobster tails; or (2) any detached lobster tail which is composed of six  
25 abdominal segments and the fan of the tail, if the sixth abdominal  
26 segment, when measured along its dorsal center line with the tail  
27 flexed, is no less than one and one-sixteenth inches in length.]  
28 (Deleted by amendment, P.L. , c. ) (now before the Legislature as  
29 this bill).

30 c. [A person shall not take from the marine waters of this State by  
31 any means, import, export, have in his possession, buy, sell or offer to  
32 buy or sell, any lobster of the genus and species *Homarus americanus*,  
33 with eggs attached, or from which the eggs have been removed.]  
34 (Deleted by amendment, P.L. , c. ) (now before the Legislature as  
35 this bill).

36 d. [Subsections a. through c. of this section shall not apply to the  
37 taking or possession of lobsters bearing a tag that has been issued or  
38 affixed by the Department of Environmental Protection or by any other  
39 state or federal agency with which the department cooperates in a  
40 research project.] (Deleted by amendment, P.L. , c. ) (now before

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Senate SEN committee amendments adopted June 20, 2002.

1 the Legislature as this bill).

2 e. (1) The Department of Environmental Protection shall adopt,  
3 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
4 (C.52:14B-1 et seq.), rules and regulations providing for the taking  
5 and management of the lobster of the genus and species *Homarus*  
6 *americanus* in [and upon the marine waters of] the State [according  
7 to this section].

8 (2) <sup>1</sup>The Commissioner of Environmental Protection shall regulate  
9 the lobster fishery in accordance with State policy as set forth in  
10 section 2 of P.L.1979, c.199 (C.23:2B-2).

11 (3)<sup>1</sup> The department shall prepare and issue an annual report on the  
12 taking, management, and status of lobster in the State. Copies of the  
13 report shall be transmitted to the chairpersons of the Senate  
14 Environment Committee and the Assembly Agriculture and Natural  
15 Resources Committee, or their successors as designated by the  
16 President of the Senate and the Speaker of the General Assembly,  
17 respectively, and shall be made available to the public upon request.  
18 (cf: P.L.1996, c.21, s.1)

19

20 2. This act shall take effect immediately.

21

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23

24

25 Repeals certain statutory provisions concerning the taking and  
26 management of lobster and requires annual DEP report on lobster  
27 resource.

# ASSEMBLY, No. 1880

## STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED FEBRUARY 21, 2002

**Sponsored by:**

**Assemblyman JEFF VAN DREW**

**District 1 (Cape May, Atlantic and Cumberland)**

**Assemblyman ROBERT J. SMITH**

**District 4 (Camden and Gloucester)**

**SYNOPSIS**

Repeals certain statutory provisions concerning the taking and management of lobster and requires annual DEP report on lobster resource.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 2/22/2002)**

1 AN ACT concerning lobsters and amending R.S.23:5-9.

2

3 **BE IT ENACTED** by the Senate and General Assembly of the State  
4 of New Jersey:

5

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

7 23:5-9. a. [A person shall not take from the marine waters of this  
8 State by any means, import, export, have in his possession, buy, sell or  
9 offer to buy or sell, any lobster of the genus and species *Homarus*  
10 *americanus*, which when measured from the rear end of the eye socket  
11 along a line parallel to the center line of the body shell to the rear end  
12 of the body shell is less than three and one-quarter inches in length.]  
13 (Deleted by amendment, P.L. , c. ) (now before the Legislature as  
14 this bill).

15 b. [A person shall not take from the marine waters of this State by  
16 any means, import, export, have in his possession, buy, sell or offer to  
17 buy or sell, any lobster of the genus and species *Homarus americanus*,  
18 which is damaged or mutilated to the extent that its length cannot be  
19 determined under subsection a. of this section; except that this  
20 subsection shall not apply to: (1) any detached lobster claws, if these  
21 are together with detached lobster tails of the type exempted under  
22 subparagraph (2) of this subsection and the number of these detached  
23 lobster claws does not exceed twice the number of these detached  
24 lobster tails; or (2) any detached lobster tail which is composed of six  
25 abdominal segments and the fan of the tail, if the sixth abdominal  
26 segment, when measured along its dorsal center line with the tail  
27 flexed, is no less than one and one-sixteenth inches in length.]  
28 (Deleted by amendment, P.L. , c. ) (now before the Legislature as  
29 this bill).

30 c. [A person shall not take from the marine waters of this State by  
31 any means, import, export, have in his possession, buy, sell or offer to  
32 buy or sell, any lobster of the genus and species *Homarus americanus*,  
33 with eggs attached, or from which the eggs have been removed.]  
34 (Deleted by amendment, P.L. , c. ) (now before the Legislature as  
35 this bill).

36 d. [Subsections a. through c. of this section shall not apply to the  
37 taking or possession of lobsters bearing a tag that has been issued or  
38 affixed by the Department of Environmental Protection or by any other  
39 state or federal agency with which the department cooperates in a  
40 research project.] (Deleted by amendment, P.L. , c. ) (now before  
41 the Legislature as this bill).

42 e. (1) The Department of Environmental Protection shall adopt,

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

**Matter underlined thus is new matter.**

1 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
2 (C.52:14B-1 et seq.), rules and regulations providing for the taking  
3 and management of the lobster of the genus and species *Homarus*  
4 *americanus* in [and upon the marine waters of] the State [according  
5 to this section] .

6 (2) The department shall prepare and issue an annual report on the  
7 taking, management, and status of lobster in the State. Copies of the  
8 report shall be transmitted to the chairpersons of the Senate  
9 Environment Committee and the Assembly Agriculture and Natural  
10 Resources Committee, or their successors as designated by the  
11 President of the Senate and the Speaker of the General Assembly,  
12 respectively, and shall be made available to the public upon request.  
13 (cf: P.L.1996, c.21, s.1)

14

15 2. This act shall take effect immediately.

16

17

18

#### STATEMENT

19

20 This bill provides for the repeal of subsections a. through d. of  
21 R.S.23:5-9 concerning the taking and management of lobster, but  
22 retains subsection e. that authorizes the Department of Environmental  
23 Protection (DEP) to adopt regulations providing for the taking and  
24 management of lobster in the State. The Atlantic States Marine  
25 Fisheries Commission has approved the American Lobster Fishery  
26 Management Plan that modifies current statutory restrictions  
27 concerning the taking and management of lobster. The Department of  
28 Environmental Protection adopted this plan by regulation in February  
29 1999.

30 This bill would amend current law to be consistent with that  
31 adoption and would provide for future regulation of the taking and  
32 management of lobster to be accomplished through State regulations.

33 The bill would also require the DEP to prepare and issue an annual  
34 report on the taking, management, and status of lobster in the State.  
35 Copies of the report would be required (1) to be transmitted to the  
36 chairpersons of the Senate Environment Committee and the Assembly  
37 Agriculture and Natural Resources Committee, and (2) to be made  
38 available to the public upon request.

ASSEMBLY AGRICULTURE AND NATURAL RESOURCES  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 1880**

**STATE OF NEW JERSEY**

DATED: FEBRUARY 28, 2002

The Assembly Agriculture and Natural Resources Committee reports favorably Assembly Bill No. 1880.

This bill provides for the repeal of subsections a. through d. of R.S.23:5-9 concerning the taking and management of lobster, but retains subsection e. that authorizes the Department of Environmental Protection (DEP) to adopt regulations providing for the taking and management of lobster in the State. The Atlantic States Marine Fisheries Commission has approved the American Lobster Fishery Management Plan that modifies current statutory restrictions concerning the taking and management of lobster. The Department of Environmental Protection adopted this plan by regulation in February 1999.

This bill would amend current law to be consistent with that adoption and would provide for future regulation of the taking and management of lobster to be accomplished through State regulations.

The bill would also require the DEP to prepare and issue an annual report on the taking, management, and status of lobster in the State. Copies of the report would be required (1) to be transmitted to the chairpersons of the Senate Environment Committee and the Assembly Agriculture and Natural Resources Committee, and (2) to be made available to the public upon request.



# SENATE ENVIRONMENT COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 1880**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JUNE 20, 2002

The Senate Environment Committee reports favorably and with committee amendments Assembly Bill No. 1880.

As amended, this bill provides for the repeal of subsections a. through d. of R.S.23:5-9 concerning the taking and management of lobster, but retains subsection e. that authorizes the Department of Environmental Protection (DEP) to adopt regulations providing for the taking and management of lobster in the State. The Atlantic States Marine Fisheries Commission has approved the American Lobster Fishery Management Plan that modifies current statutory restrictions concerning the taking and management of lobster. The Department of Environmental Protection adopted this plan by regulation in February 1999.

This bill would amend current law to be consistent with that adoption and would provide for future regulation of the taking and management of lobster to be accomplished through State regulations.

The bill would also require the DEP to prepare and issue an annual report on the taking, management, and status of lobster in the State. Copies of the report would be required (1) to be transmitted to the chairpersons of the Senate Environment Committee and the Assembly Agriculture and Natural Resources Committee, and (2) to be made available to the public upon request.

The committee amendments would require the Commissioner of Environmental Protection to regulate the lobster fishery in accordance with State policy as set forth in N.J.S.A.23:2B-2. This statute articulates State policy with respect to the management of New Jersey's fisheries resources, including "conservation and management measures involving a reciprocal and cooperative relationship among States and between States and the Federal Government, and between States and the fisheries management councils established pursuant to the "Federal Fisheries Conservation and Management Act of 1976" (16 USC s.s. 1801 to 1882)."

**SENATE, No. 1339**

**STATE OF NEW JERSEY**  
**210th LEGISLATURE**

INTRODUCED MARCH 18, 2002

**Sponsored by:**

**Senator JAMES S. CAFIERO**

**District 1 (Cape May, Atlantic and Cumberland)**

**SYNOPSIS**

Repeals certain statutory provisions concerning the taking and management of lobster and requires annual DEP report on lobster resource.

**CURRENT VERSION OF TEXT**

As introduced.



S1339 CAFIERO

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10 Resources Committee, or their successors as designated by the  
11 President of the Senate and the Speaker of the General Assembly,  
12 respectively, and shall be made available to the public upon request.  
13 (cf: P.L.1996, c.21, s.1)

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15 2. This act shall take effect immediately.

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21 R.S.23:5-9 concerning the taking and management of lobster, but  
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37 Agriculture and Natural Resources Committee, and (2) to be made  
38 available to the public upon request.

# SENATE ENVIRONMENT COMMITTEE

## STATEMENT TO

### **SENATE, No. 1339**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JUNE 20, 2002

The Senate Environment Committee reports favorably and with committee amendments Senate Bill No. 1339.

As amended, this bill provides for the repeal of subsections a. through d. of R.S.23:5-9 concerning the taking and management of lobster, but retains subsection e. that authorizes the Department of Environmental Protection (DEP) to adopt regulations providing for the taking and management of lobster in the State. The Atlantic States Marine Fisheries Commission has approved the American Lobster Fishery Management Plan that modifies current statutory restrictions concerning the taking and management of lobster. The Department of Environmental Protection adopted this plan by regulation in February 1999.

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The committee amendments would require the Commissioner of Environmental Protection to regulate the lobster fishery in accordance with State policy as set forth in N.J.S.A.23:2B-2. This statute articulates State policy with respect to the management of New Jersey's fisheries resources, including "conservation and management measures involving a reciprocal and cooperative relationship among States and between States and the Federal Government, and between States and the fisheries management councils established pursuant to the "Federal Fisheries Conservation and Management Act of 1976" (16 USC s.s. 1801 to 1882)."