

# 23:5-45.1

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2005                    **CHAPTER:** 340  
**NJSA:** 23:5-45.1                    (Changes striped bass catch and possession limits)  
**BILL NO:** S2450                    (Substituted for A4472)

**SPONSOR(S):** Palaia and others

**DATE INTRODUCED:** March 21, 2005

**COMMITTEE:**                    **ASSEMBLY:**  
**SENATE:** Environment

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**                    **ASSEMBLY:** January 9, 2006  
**SENATE:** January 5, 2006

**DATE OF APPROVAL:** January 12, 2006

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

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

### S2450

[SPONSOR'S STATEMENT:](#) (Begins on page 3 of original bill) [Yes](#)

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

[SENATE:](#) [Yes](#)

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

### A4472

[SPONSOR'S STATEMENT:](#) (Begins on page 3 of original bill) [Yes](#)

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

**SENATE:** No

**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

IS 2/22/08

P.L. 2005, CHAPTER 340, *approved January 12, 2006*  
Senate, No. 2450 (*First Reprint*)

1 **AN ACT** concerning the taking of striped bass and amending P.L.1987,  
2 c.83.

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

6  
7 1. Section 1 of P.L.1987, c.83 (C.23:5-45.1) is amended to read as  
8 follows:

9 1. a. Except as permitted pursuant to subsection c. of this section,  
10 a person shall not take from the marine waters or other waters of the  
11 State in any one day, or have in ~~[his]~~ the person's possession at any  
12 time, more than two striped bass. ~~[One]~~ Each of the striped bass  
13 taken in accordance with this subsection shall be at least ~~[24 inches~~  
14 ~~but less than]~~ 28 inches in length ~~[and the other shall be at least 34~~  
15 ~~inches in length]~~.

16 b. <sup>1</sup>~~[The possession of any striped bass or parts of a striped bass~~  
17 ~~from which the head or tail has been removed other than immediately~~  
18 ~~prior to preparation or being served as food, which is less than the~~  
19 ~~minimum size limits specified in subsections a. and c. of this section~~  
20 ~~shall be presumed to be a violation of this section]~~ A person shall not  
21 fillet, or remove the head or tail, or parts thereof, of any striped bass  
22 at sea<sup>1</sup>, except this subsection shall not apply to striped bass that have  
23 been filleted under authority of, and in accordance with, a special  
24 permit therefor which may be issued by the Commissioner of  
25 Environmental Protection to an inspected vessel licensed to  
26 accommodate 15 or more passengers.

27 c. The Commissioner of Environmental Protection, by public notice  
28 placed in the New Jersey Register, shall establish management  
29 measures for striped bass in and upon the marine waters and other  
30 waters of the State, which management measures shall be consistent  
31 with the Striped Bass Management Plan of the Atlantic States Marine  
32 Fisheries Commission. Upon the approval of the Atlantic States  
33 Marine Fisheries Commission, these management measures shall  
34 provide for the taking in one day, or the possession at any time, of  
35 <sup>1</sup>~~[one]~~<sup>1</sup> striped bass <sup>1</sup>~~[at least 28 inches in length]~~<sup>1</sup> in addition to the  
36 two striped bass permitted pursuant to subsection a. of this section and  
37 shall include the ~~[size and quantity limits and the]~~ <sup>1</sup>size and quantity  
38 limits and the<sup>1</sup> areas and the seasons for the taking of such additional  
39 striped bass.

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and 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 December 5, 2005.

1       The department shall monitor the catch provided for in this  
2 subsection and provide for its discontinuance as necessary to keep the  
3 State in compliance with the allowances of the commission.  
4 (cf: P.L.2004, c.152, s.1)

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6       2. This act shall take effect immediately.

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11       Changes striped bass catch and possession limits.

**SENATE, No. 2450**

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**STATE OF NEW JERSEY**  
**211th LEGISLATURE**

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INTRODUCED MARCH 21, 2005

**Sponsored by:**

**Senator JOSEPH A. PALAIA**

**District 11 (Monmouth)**

**Senator ELLEN KARCHER**

**District 12 (Mercer and Monmouth)**

**Co-Sponsored by:**

**Senator Cardinale**

**SYNOPSIS**

Changes catch and possession limits for taking of striped bass.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/6/2005)**

S2450 PALAIA, KARCHER

2

1 AN ACT concerning the taking of striped bass and amending P.L.1987,  
2 c.83.

3

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

6

7 1. Section 1 of P.L.1987, c.83 (C.23:5-45.1) is amended to read as  
8 follows:

9 1. a. Except as permitted pursuant to subsection c. of this section,  
10 a person shall not take from the marine waters or other waters of the  
11 State in any one day, or have in **[his]** the person's possession at any  
12 time, more than two striped bass. **[One]** Each of the striped bass  
13 taken in accordance with this subsection shall be at least **[24 inches**  
14 **but less than]** 28 inches in length **[and the other shall be at least 34**  
15 **inches in length]**.

16 b. The possession of any striped bass or parts of a striped bass  
17 from which the head or tail has been removed other than immediately  
18 prior to preparation or being served as food, which is less than the  
19 minimum size limits specified in subsections a. and c. of this section  
20 shall be presumed to be a violation of this section, except this  
21 subsection shall not apply to striped bass that have been filleted under  
22 authority of, and in accordance with, a special permit therefor which  
23 may be issued by the Commissioner of Environmental Protection to an  
24 inspected vessel licensed to accommodate 15 or more passengers.

25 c. The Commissioner of Environmental Protection, by public notice  
26 placed in the New Jersey Register, shall establish management  
27 measures for striped bass in and upon the marine waters and other  
28 waters of the State, which management measures shall be consistent  
29 with the Striped Bass Management Plan of the Atlantic States Marine  
30 Fisheries Commission. Upon the approval of the Atlantic States  
31 Marine Fisheries Commission, these management measures shall  
32 provide for the taking in one day, or the possession at any time, of one  
33 striped bass at least 28 inches in length in addition to the two striped  
34 bass permitted pursuant to subsection a. of this section and shall  
35 include the **[size and quantity limits and the]** areas and the seasons for  
36 the taking of such additional striped bass.

37 The department shall monitor the catch provided for in this  
38 subsection and provide for its discontinuance as necessary to keep the  
39 State in compliance with the allowances of the commission.

40 (cf: P.L.2004, c.152, s.1)

41

42 2. This act shall take effect immediately.

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

**Matter underlined thus is new matter.**

1 STATEMENT

2

3 Current law sets the basic daily catch and possession limit for  
4 striped bass at two fish, as follows: one fish at least 24 inches but less  
5 than 28 inches in length and another fish at least 34 inches in length.  
6 This bill would change that limit to provide instead that both fish must  
7 be at least 28 inches in length.

8 The bill would also amend the law to allow the taking of one  
9 additional striped bass at least 28 inches in length under the "bonus  
10 fish" program.

# SENATE ENVIRONMENT COMMITTEE

## STATEMENT TO

### **SENATE, No. 2450**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: DECEMBER 5, 2005

The Senate Environment Committee favorably reports Senate Bill No. 2450 with committee amendments.

Current law sets the basic daily catch and possession limit for striped bass at two fish, as follows: one fish at least 24 inches but less than 28 inches in length and another fish at least 34 inches in length. This bill would change that limit to provide instead that both fish must be at least 28 inches in length.

As amended by the committee, the bill would retain the provision in that law that authorizes the Commissioner of Environmental Protection to establish a "bonus fish" program consistent with the Striped Bass Management Plan of the Atlantic States Marine Fisheries Commission. An approved bonus fish program could allow for the taking of striped bass in addition to the two 28-inch or larger fish allowed under the law as amended by this bill.

The committee amendments also would delete language in the law which established a presumption of violation when a person was found to possess any striped bass or parts of a striped bass from which the head or tail has been removed other than immediately prior to preparation or being served as food, which is less than the minimum size limits prescribed by law. Instead, the committee amendments prohibit the filleting, or the removal of the head or tail, or parts thereof, of any striped bass at sea.

As amended, this bill is identical to Assembly Bill No. 4472.



# ASSEMBLY, No. 4472

## STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED DECEMBER 8, 2005

**Sponsored by:**

**Assemblyman ROBERT J. SMITH**

**District 4 (Camden and Gloucester)**

**Assemblyman DOUGLAS H. FISHER**

**District 3 (Salem, Cumberland and Gloucester)**

**Co-Sponsored by:**

**Assemblyman Conaway**

**SYNOPSIS**

Changes striped bass catch and possession limits.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 1/10/2006)**

1 AN ACT concerning the taking of striped bass and amending P.L.1987,  
2 c.83.

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

6  
7 1. Section 1 of P.L.1987, c.83 (C.23:5-45.1) is amended to read as  
8 follows:

9 1. a. Except as permitted pursuant to subsection c. of this section,  
10 a person shall not take from the marine waters or other waters of the  
11 State in any one day, or have in ~~his~~ the person's possession at any  
12 time, more than two striped bass. ~~One~~ Each of the striped bass  
13 taken in accordance with this subsection shall be at least ~~24 inches~~  
14 ~~but less than~~ 28 inches in length ~~and the other shall be at least 34~~  
15 ~~inches in length~~ .

16 b. ~~The possession of any striped bass or parts of a striped bass~~  
17 ~~from which the head or tail has been removed other than immediately~~  
18 ~~prior to preparation or being served as food, which is less than the~~  
19 ~~minimum size limits specified in subsections a. and c. of this section~~  
20 ~~shall be presumed to be a violation of this section~~ A person shall not  
21 fillet, or remove the head or tail, or parts thereof, of any striped bass  
22 at sea , except this subsection shall not apply to striped bass that have  
23 been filleted under authority of, and in accordance with, a special  
24 permit therefor which may be issued by the Commissioner of  
25 Environmental Protection to an inspected vessel licensed to  
26 accommodate 15 or more passengers.

27 c. The Commissioner of Environmental Protection, by public notice  
28 placed in the New Jersey Register, shall establish management  
29 measures for striped bass in and upon the marine waters and other  
30 waters of the State, which management measures shall be consistent  
31 with the Striped Bass Management Plan of the Atlantic States Marine  
32 Fisheries Commission. Upon the approval of the Atlantic States  
33 Marine Fisheries Commission, these management measures shall  
34 provide for the taking in one day, or the possession at any time, of  
35 striped bass in addition to the two striped bass permitted pursuant to  
36 subsection a. of this section and shall include the size and quantity  
37 limits and the areas and the seasons for the taking of such additional  
38 striped bass.

39 The department shall monitor the catch provided for in this  
40 subsection and provide for its discontinuance as necessary to keep the  
41 State in compliance with the allowances of the commission.

42 (cf: P.L.2004, c.152, s.1)

**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       2. This act shall take effect immediately.

2

3

4

STATEMENT

5

6       Current law sets the basic daily catch and possession limit for  
7 striped bass at two fish, as follows: one fish at least 24 inches but less  
8 than 28 inches in length and another fish at least 34 inches in length.  
9 This bill would change that limit to provide instead that both fish must  
10 be at least 28 inches in length.

11       The bill would retain the provision in the law that authorizes the  
12 Commissioner of Environmental Protection to establish a "bonus fish"  
13 program consistent with the Striped Bass Management Plan of the  
14 Atlantic States Marine Fisheries Commission. An approved bonus fish  
15 program could allow for the taking of striped bass in addition to the  
16 two 28-inch or larger fish allowed under the law as amended by this  
17 bill.

18       Finally, this bill deletes language in the law which established a  
19 presumption of violation when a person was found to possess any  
20 striped bass or parts of a striped bass from which the head or tail has  
21 been removed other than immediately prior to preparation or being  
22 served as food, which is less than the minimum size limits prescribed  
23 by law. Instead, the bill prohibits the filleting, or the removal of the  
24 head or tail, or parts thereof, of any striped bass at sea.

ASSEMBLY AGRICULTURE AND NATURAL RESOURCES  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 4472**

**STATE OF NEW JERSEY**

DATED: DECEMBER 8, 2005

The Assembly Agriculture and Natural Resources Committee reports favorably Assembly Bill No. 4472.

Current law sets the basic daily catch and possession limit for striped bass at two fish, as follows: one fish at least 24 inches but less than 28 inches in length and another fish at least 34 inches in length. This bill would change that limit to provide instead that both fish must be at least 28 inches in length.

The bill would retain the provision in the law that authorizes the Commissioner of Environmental Protection to establish a "bonus fish" program consistent with the Striped Bass Management Plan of the Atlantic States Marine Fisheries Commission. An approved bonus fish program could allow for the taking of striped bass in addition to the two 28-inch or larger fish allowed under the law as amended by this bill.

Finally, this bill deletes language in the law which established a presumption of violation when a person was found to possess any striped bass or parts of a striped bass from which the head or tail has been removed other than immediately prior to preparation or being served as food, which is less than the minimum size limits prescribed by law. Instead, the bill prohibits the filleting, or the removal of the head or tail, or parts thereof, of any striped bass at sea.