

23:5-9

LEGISLATIVE HISTORY CHECKLIST
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(Lobsters)

NJSA: 23:5-9

LAWS OF: 1996 CHAPTER: 21

BILL NO: S521

SPONSOR(S): Bassano

DATE INTRODUCED: January 29, 1996

COMMITTEE: ASSEMBLY: ---

SENATE: Senior Citizens

AMENDED DURING PASSAGE: Yes Amendments during passage
First reprint enacted denoted by superscript numbers

DATE OF PASSAGE: ASSEMBLY: March 18, 1996

SENATE: February 26, 1996

DATE OF APPROVAL: April 26, 1996

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: No

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBP:pp

P.L. 1996, CHAPTER 21, *approved April 26, 1996*
Senate No. 521 (*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. Minimum size of lobsters

8 a. **[No]**¹**[Except as provided pursuant to subsection e. of this**
9 **section, a]** **A**¹ person shall not take from the **[salt] marine** waters of
10 this State by any means, import, export, have in his possession, buy,
11 sell or offer to buy or sell, any lobster of the genus and species
12 Homarus americanus, which when measured from the rear end of the
13 eye socket along a line parallel to the center line of the body shell to
14 the rear end of the body shell is less than **[**: two and three-quarters
15 inches in length, from the effective date of this amendatory act through
16 December 31, 1983; two and seven-eighths inches in length, from
17 January 1, 1984 through December 31, 1984; three inches in length,
18 from January 1, 1985 through December 31, 1985; three and
19 one-eighth inches in length, from January 1, 1986 through December
20 31, 1986; three and three-sixteenths inches in length, from January 1,
21 1987 and every year thereafter] three and one-quarter inches in length.

22 b. **[No]**¹**[Except as provided pursuant to subsection e. of this**
23 **section, a]** **A**¹ person shall not take from the **[salt] marine** waters of
24 this State by any means, import, export, have in his possession, buy,
25 sell or offer to buy or sell, any lobster of the genus and species
26 Homarus americanus, which is damaged or mutilated to the extent that
27 its length cannot be determined under subsection a. of this section;
28 except that this subsection shall not apply to: (1) any detached lobster
29 claws, if these are together with detached lobster tails of the type
30 exempted under subparagraph (2) of this subsection and the number
31 of these detached lobster claws does not exceed twice the number of
32 these detached lobster tails; or (2) any detached lobster tail which is
33 composed of six abdominal segments and the fan of the tail, if the sixth
34 abdominal segment, when measured along its dorsal center line with
35 the tail flexed, is no less than **[**: seven-eighths inch in length, from the
36 effective date of this act through December 31, 1983;
37 twenty-nine-thirty-seconds inch in length, from January 1, 1984
38 through December 31, 1984; fifteen-sixteenths inch in length, from
39 January 1, 1985 through December 31, 1985; one inch in length, from
40 January 1, 1986 through December 31, 1986;] one and one-sixteenth

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:

¹ Senate SSV committee amendments adopted February 15, 1996.

1 inches in length [, from January 1, 1987 and every year thereafter].

2 c. ~~【No】~~¹~~【Except as provided pursuant to subsection e. of this~~
3 ~~section, a】~~ A¹ person shall not take from the ~~【salt】~~ marine waters of
4 this State by any means, import, export, have in his possession, buy,
5 sell or offer to buy or sell, any lobster of the genus and species
6 Homarus americanus, with eggs attached, or from which the eggs have
7 been removed.

8 d. ~~【This】~~ Subsections a. through c. of this section shall not apply
9 to the taking or possession of lobsters bearing a tag that has been
10 issued or affixed by the Department of Environmental Protection or by
11 any other state or federal agency with which the department
12 cooperates in a research project.

13 e. The Department of Environmental Protection shall adopt,
14 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
15 (C.52:14B-1 et seq.), rules and regulations providing for the taking
16 and management of the lobster of the genus and species Homarus
17 americanus in and upon the marine waters of the State¹~~【, which rules~~
18 ~~and regulations may include provisions differing from, superseding, or~~
19 ~~supplementing the provisions of subsections a. through d. of】~~
20 according to¹ this section.

21 (cf: P.L.1983, c.366, s.1)

22

23 2. This act shall take effect immediately.

24

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26

27

28 Revises minimum size restrictions for taking of lobster.

[First Reprint]
SENATE, No. 521

STATE OF NEW JERSEY

INTRODUCED JANUARY 29, 1996

By Senator BASSANO

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. Minimum size of lobsters

8 a. **[No]**¹ **[Except as provided pursuant to subsection e. of this**
9 **section, a]** **A**¹ person shall not take from the **[salt]** marine waters of
10 this State by any means, import, export, have in his possession, buy,
11 sell or offer to buy or sell, any lobster of the genus and species
12 Homarus americanus, which when measured from the rear end of the
13 eye socket along a line parallel to the center line of the body shell to
14 the rear end of the body shell is less than **[**: two and three-quarters
15 inches in length, from the effective date of this amendatory act through
16 December 31, 1983; two and seven-eighths inches in length, from
17 January 1, 1984 through December 31, 1984; three inches in length,
18 from January 1, 1985 through December 31, 1985; three and
19 one-eighth inches in length, from January 1, 1986 through December
20 31, 1986; three and three-sixteenths inches in length, from January 1,
21 1987 and every year thereafter] three and one-quarter inches in length.

22 b. **[No]**¹ **[Except as provided pursuant to subsection e. of this**
23 **section, a]** **A**¹ person shall not take from the **[salt]** marine waters of
24 this State by any means, import, export, have in his possession, buy,
25 sell or offer to buy or sell, any lobster of the genus and species
26 Homarus americanus, which is damaged or mutilated to the extent that
27 its length cannot be determined under subsection a. of this section;
28 except that this subsection shall not apply to: (1) any detached lobster
29 claws, if these are together with detached lobster tails of the type
30 exempted under subparagraph (2) of this subsection and the number
31 of these detached lobster claws does not exceed twice the number of

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:

¹ Senate SSV committee amendments adopted February 15, 1996.

1 these detached lobster tails; or (2) any detached lobster tail which is
2 composed of six abdominal segments and the fan of the tail, if the sixth
3 abdominal segment, when measured along its dorsal center line with
4 the tail flexed, is no less than **【**: seven-eighths inch in length, from the
5 effective date of this act through December 31, 1983;
6 twenty-nine-thirty-seconds inch in length, from January 1, 1984
7 through December 31, 1984; fifteen-sixteenths inch in length, from
8 January 1, 1985 through December 31, 1985; one inch in length, from
9 January 1, 1986 through December 31, 1986;**】** one and one-sixteenth
10 inches in length **【**, from January 1, 1987 and every year thereafter**】**.

11 c. **【No】** ¹**【**Except as provided pursuant to subsection e. of this
12 section, a】 ¹**A** person shall not take from the **【salt】** marine waters of
13 this State by any means, import, export, have in his possession, buy,
14 sell or offer to buy or sell, any lobster of the genus and species
15 Homarus americanus, with eggs attached, or from which the eggs have
16 been removed.

17 d. **【This】** Subsections a. through c. of this section shall not apply
18 to the taking or possession of lobsters bearing a tag that has been
19 issued or affixed by the Department of Environmental Protection or by
20 any other state or federal agency with which the department
21 cooperates in a research project.

22 e. The Department of Environmental Protection shall adopt,
23 pursuant to the "Administrative Procedure Act." P.L.1968, c.410
24 (C.52:14B-1 et seq.), rules and regulations providing for the taking
25 and management of the lobster of the genus and species Homarus
26 americanus in and upon the marine waters of the State ¹**【**, which rules
27 and regulations may include provisions differing from, superseding, or
28 supplementing the provisions of subsections a. through d. of】
29 according to¹ this section.
30 (cf: P.L.1983, c.366, s.1)

31

32 2. This act shall take effect immediately.

33

34

35

36

37 Revises minimum size restrictions for taking of lobster.

1 the tail flexed, is no less than [: seven-eighths inch in length, from the
2 effective date of this act through December 31, 1983;
3 twenty-nine-thirty-seconds inch in length, from January 1, 1984
4 through December 31, 1984; fifteen-sixteenths inch in length, from
5 January 1, 1985 through December 31, 1985; one inch in length, from
6 January 1, 1986 through December 31, 1986;] one and one-sixteenth
7 inches in length [, from January 1, 1987 and every year thereafter].

8 c. [No] Except as provided pursuant to subsection e. of this
9 section, a person shall not take from the [salt] marine waters of this
10 State by any means, import, export, have in his possession, buy, sell or
11 offer to buy or sell, any lobster of the genus and species Homarus
12 americanus, with eggs attached, or from which the eggs have been
13 removed.

14 d. [This] Subsections a. through c. of this section shall not apply
15 to the taking or possession of lobsters bearing a tag that has been
16 issued or affixed by the Department of Environmental Protection or by
17 any other state or federal agency with which the department
18 cooperates in a research project.

19 e. The Department of Environmental Protection shall adopt,
20 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
21 (C.52:14B-1 et seq.), rules and regulations providing for the taking
22 and management of the lobster of the genus and species Homarus
23 americanus in and upon the marine waters of the State, which rules
24 and regulations may include provisions differing from, superseding, or
25 supplementing the provisions of subsections a. through d. of this
26 section.

27 (cf:P.L.1983, c.366, s.1)

28
29 2. This act shall take effect immediately.

30
31
32 *from ...* STATEMENT

33
34 This bill would amend the legal minimum size restrictions for the
35 taking of lobster to bring them into conformance with the standards
36 and requirements set by the Atlantic States Marine Fisheries
37 Commission (ASMFC) as authorized by federal law. New Jersey is a
38 member of the ASMFC.

39 The bill would also give the Department of Environmental
40 Protection the authority to adopt rules and regulations providing for
41 the taking and management of American lobster in and upon the
42 marine waters of the State, which rules and regulations may include
43 provisions differing from, superseding, or supplementing the
44 provisions of the current statutory law as amended by the bill.

SENATE SENIOR CITIZENS, VETERANS' AFFAIRS AND
AGRICULTURE COMMITTEE

STATEMENT TO

SENATE, No. 521

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 15, 1996

The Senate Senior Citizens, Veterans' Affairs and Agriculture Committee reports without recommendation Senate Bill No. 521, with committee amendments.

As amended, this bill would amend the legal minimum size restrictions for the taking of lobster to bring them into conformance with the standards and requirements set by the Atlantic States Marine Fisheries Commission (ASMFC) as authorized by federal law. New Jersey is a member of the ASMFC.

The committee amended the bill to remove the authority of the Department of Environmental Protection to adopt rules and regulations providing for the taking and management of lobsters with provisions differing from, superseding, or supplementing the provisions of the current statutory law as amended by the bill.