

23:3-1

LEGISLATIVE HISTORY CHECKLIST
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(Delaware River fishing--
recognize PA. licenses)

NJSA: 23:3-1

LAWS OF: 1993 CHAPTER: 20

BILL NO: S502

SPONSOR(S) Dimon

DATE INTRODUCED: March 5, 1993

COMMITTEE: ASSEMBLY: Environment

SENATE: Senior Citizens

AMENDED DURING PASSAGE: Yes Amendments during passage
denoted by asterisks

DATE OF PASSAGE: ASSEMBLY: January 12, 1993

SENATE: June 18, 1993

DATE OF APPROVAL: January 22, 1993

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG:pp

[FIRST REPRINT]

SENATE, No. 502

STATE OF NEW JERSEY

INTRODUCED MARCH 5, 1992

By Senator DIMON

1 AN ACT concerning fish and game licenses, amending
2 R.S.23:1-1¹, amending¹ and ¹supplementing¹ R.S.23:3-1, and
3 repealing R.S.23:9-1 and R.S.23:9-2.
4

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

7 1. R.S.23:1-1 is amended to read as follows:

8 23:1-1. As used in this Title:

9 "Delaware river" means the waters of the Delaware river from
10 the Pennsylvania shore to the New Jersey shore, or in the case of
11 any tributaries or inland bays on the New Jersey side, to the
12 mouths of those tributaries or bays;

13 [a.] "Division," "board," or "Board of Fish and Game
14 Commissioners" means the Division of Fish [and Game in the
15 Department of Conservation and Economic Development] , Game
16 and Wildlife in the Department of Environmental Protection [.] ;

17 [b.] "Council" means the Fish and Game Council in the
18 Division of Fish [and Game in the Department of Conservation
19 and Economic Development] , Game and Wildlife in the
20 Department of Environmental Protection [.] ;

21 [c.] "Code" means the State Fish and Game Code [.] ;

22 [d.] "Protector" or "fish and game protector" means chief
23 conservation officer [.] ;

24 [e.] "Assistant protector" or "assistant fish and game
25 protector" means district conservation officer [.] ;

26 [f.] "Warden" or "fish and game warden" means assistant
27 district conservation officer or conservation officer [.] ;

28 [g.] "Deputy warden" or "deputy fish and game warden" means
29 deputy conservation officer [.] ;

30 [h.] "Open season" [is] means the time during the year when
31 fish, game, birds or animals, as the case may be, may be
32 captured, taken, killed or had in possession [.] ; and

33 [i.] "Closed season" [is] means the time during the year when
34 fish, game, birds or animals, as the case may be, may not be
35 captured, taken, killed or had in possession.

36 (cf: P.L.1958, c.80, s.1)

37 2. R.S.23:3-1 is amended to read as follows:

38 23:3-1. [No person shall] a. A person shall not at any time
39 hunt, take or attempt to take, kill or pursue, with a gun or any
40 firearms of any kind or character, or with longbow and arrow, a
41 wild bird, animal or fowl, or take or attempt to take any skunk,
42 mink, muskrat, or other fur-bearing animal by means of a trap, or

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:

¹ Senate SSV committee amendments adopted March 16, 1992.

1 set a trap for any fur-bearing animal, [and no] nor shall any
2 person above the age of 14 years [shall] at any time take or
3 attempt to take fish in any of the fresh waters of this State by
4 the method commonly known as angling with a hand line or rod
5 and line, or with longbow and arrow , unless he has first procured
6 a proper license. [Nor shall any person]

7 b. A person shall not engage in hunting, fishing or trapping
8 unless the appropriate license or tag as prescribed hereunder is
9 visibly displayed in a holder in a conspicuous place on the outer
10 clothing at the time of such hunting, fishing or trapping. A
11 licensee shall exhibit his license and tag for inspection to any
12 conservation officer, deputy conservation officer, police officer
13 or other person requesting to see it.

14 c. [No] A person under 12 years of age shall not be issued a
15 trapping license.

16 [Any person found hunting, fishing or trapping without the
17 proper license tag as may be required conspicuously displayed
18 shall be liable to a penalty of \$10.00 and costs to be recovered
19 pursuant to the provisions of Title 23, chapter 10, of the Revised
20 Statutes.]

21 d. A person who is on active duty with any branch or
22 department of the armed service of the United States, shall be
23 entitled to hunt or fish upon obtaining the proper resident license
24 therefor.

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

39 f. ¹[A valid fishing license issued by the Commonwealth of
40 Pennsylvania shall constitute a proper license, as required
41 pursuant to subsection a. of this section, to fish in the waters of
42 the Delaware river within the jurisdiction of this State.

43 g.]¹ (1) Any person found hunting, fishing or trapping without
44 the proper license or tag as may be required conspicuously
45 displayed pursuant to subsection b. of this section shall be liable
46 to a penalty of \$10 and costs, to be recovered pursuant to the
47 provisions of Title 23, chapter 10, of the Revised Statutes.

48 (2) Any person who violates any provision of this section for
49 which a penalty is not otherwise expressly provided, shall be
50 liable to a penalty of not less than [\$25.00] \$50 nor more than
51 [\$100.00] \$200 for each offense.

52 (cf: P.L.1979, c.385, s.2)

53 ^{13.} (New section) A valid fishing license issued by the
54 Commonwealth of Pennsylvania shall constitute a proper license,

1 as required pursuant to subsection a. of R.S. 23:3-1, to fish in the
2 waters of the Delaware river within the jurisdiction of this State.¹

3 ¹[3.] 4.¹ R.S.23:9-1 and R.S.23:9-2 are repealed.

4 ¹[4.] 5.¹ This act shall take effect ¹[upon enactment into law
5 by the Commonwealth of Pennsylvania of legislation granting to
6 holders of valid fishing licenses issued by the State of New Jersey
7 privileges that are substantially similar to those granted by the
8 State of New Jersey pursuant to P.L. , c. (C.) (now before
9 the Legislature as this bill) to holders of valid fishing licenses
10 issued by the Commonwealth of Pennsylvania, but if the
11 Commonwealth of Pennsylvania shall have already enacted such
12 legislation, this act shall take effect]¹ immediately ¹and section
13 3 of P.L. , c. (C.)(now before the Legislature as this bill)
14 shall remain in effect as long as the Commonwealth of
15 Pennsylvania has legislation in effect granting to holders of valid
16 fishing licenses issued by the State of New Jersey privileges
17 substantially similar to those granted by the State of New Jersey
18 pursuant to section 3 of P.L. , c. (C.)(now before the
19 Legislature as this bill) to holders of valid fishing licenses issued
20 by the Commonwealth of Pennsylvania¹.

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25 Permits persons with valid Pennsylvania fishing license to fish in
26 Delaware river and increases penalty for certain fish and game
27 license violations.

1 of valid fishing licenses issued by the State of New Jersey
2 privileges that are substantially similar to those granted by the
3 State of New Jersey pursuant to P.L. , c. (C.) (now before
4 the Legislature as this bill) to holders of valid fishing licenses
5 issued by the Commonwealth of Pennsylvania, but if the
6 Commonwealth of Pennsylvania shall have already enacted such
7 legislation, this act shall take effect immediately.

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STATEMENT

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12 This bill would permit persons holding a valid fishing license
13 issued by the Commonwealth of Pennsylvania to fish in the
14 Delaware River as if they were licensed in New Jersey. The bill
15 clarifies that the Delaware River includes only the river waters
16 from the Pennsylvania shore to the New Jersey shore, or to the
17 mouths of any tributaries or inland bays on the New Jersey side.

18 The bill also increases the penalty for certain fish and game
19 license violations from a range of not less than \$25 nor more than
20 \$100 to a range of not less than \$50 nor more than \$200.

21 Two sections of the Revised Statutes, R.S.23:9-1 and
22 R.S.23:9-2, would be repealed. R.S.23:9-1 requires a nonresident
23 to obtain a nonresidents' and aliens' fishing license in order to
24 fish in the Delaware River. This section and its associated
25 penalty provision at R.S.23:9-2 would no longer be needed if the
26 bill is enacted into law.

27 The effective date of this bill is conditioned on comparable
28 legislation being enacted by the Commonwealth of Pennsylvania.
29 Such legislation is currently in effect.

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34 Permits persons with valid Pennsylvania fishing license to fish in
35 Delaware river and increases penalty for certain fish and game
36 license violations.

ASSEMBLY ENVIRONMENT COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE, No. 502

STATE OF NEW JERSEY

DATED: SEPTEMBER 14, 1992

The Assembly Environment Committee favorably reports Senate Bill No. 502 [1R].

This bill would permit persons holding a valid fishing license issued by the Commonwealth of Pennsylvania to fish in the Delaware River as if they were licensed in New Jersey. The bill clarifies that the Delaware River includes only the river waters from the Pennsylvania shore to the New Jersey shore, or to the mouths of any tributaries or inland bays on the New Jersey side.

The bill also increases the penalty for certain fish and game license violations from a range of not less than \$25 nor more than \$100 to a range of not less than \$50 nor more than \$200.

Two sections of the Revised Statutes, R.S.23:9-1 and R.S.23:9-2, would be repealed. R.S.23:9-1 requires a nonresident to obtain a nonresidents' and aliens' fishing license in order to fish in the Delaware River. This section and its associated penalty provision at R.S.23:9-2 would no longer be needed if the bill is enacted into law.

The Commonwealth of Pennsylvania has enacted comparable legislation.

The bill also provides that a valid fishing license issued by the Commonwealth of Pennsylvania will be honored in New Jersey as long as fishing licenses issued by New Jersey are honored by the Commonwealth of Pennsylvania.

SENATE SENIOR CITIZENS, VETERANS
AFFAIRS AND AGRICULTURE COMMITTEE

STATEMENT TO

SENATE, No. 502

with Senate Committee Amendments

STATE OF NEW JERSEY

DATED: MARCH 16, 1992

The Senate Senior Citizens, Veterans Affairs and Agriculture Committee favorably reports Senate Bill No. 502 with committee amendments.

This bill would permit persons holding a valid fishing license issued by the Commonwealth of Pennsylvania to fish in the Delaware River as if they were licensed in New Jersey. The bill clarifies that the Delaware River includes only the river waters from the Pennsylvania shore to the New Jersey shore, or to the mouths of any tributaries or inland bays on the New Jersey side.

The bill also increases the penalty for certain fish and game license violations from a range of not less than \$25 nor more than \$100 to a range of not less than \$50 nor more than \$200.

Two sections of the Revised Statutes, R.S.23:9-1 and R.S.23:9-2, would be repealed. R.S.23:9-1 requires a nonresident to obtain a nonresidents' and aliens' fishing license in order to fish in the Delaware River. This section and its associated penalty provision at R.S.23:9-2 would no longer be needed if the bill is enacted into law.

The Commonwealth of Pennsylvania has enacted comparable legislation.

The committee amended the bill to provide that a valid fishing license issued by the Commonwealth of Pennsylvania will be honored in New Jersey as long as fishing licenses issued by New Jersey are honored by the Commonwealth of Pennsylvania.