

23 : 3 - 29, 32, 37

May 7, 1971

LEGISLATIVE NOTES ON R.S. 23:3-29

23:3-32

23:3-37

(Changes certain dates for the releasing game of game in a licensed game preserve; effective January 1, 1971).

L. 1970, Chapter 186 - S389

Introduced January 20 by Sears, Maraziti.

Not amended during passage.

No statement.

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SENATE, No. 389

STATE OF NEW JERSEY

INTRODUCED JANUARY 20, 1970

By Senators SEARS and MARIZITI

Referred to Committee on Agriculture, Conservation and Natural
Resources

AN ACT concerning licensed game preserves and amending sections
23:3-29, 23:3-32 and 23:3-37 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Section 23:3-29 of the Revised Statutes is amended to read
2 as follows:

3 23:3-29. A person desiring to engage in the business of raising
4 and selling game birds or game animals, or both, in a wholly in-
5 closed preserve of which he is the owner or lessee, or to have in
6 captivity game birds or game animals, shall immediately apply in
7 writing to the division for a license to do so. The license fee shall
8 be \$5.00 per annum for each of the above purposes. A person desir-
9 ing to propagate pheasants, partridge, wild turkey or quail, or any
10 of them, in a semiwild state on lands of which he is the owner or
11 lessee, shall apply in writing to the division for a license to do so.
12 The license fee shall be \$25.00 per annum.

13 The division, when it appears that the application is made in
14 good faith, shall, upon the payment of the fee for each license,
15 issue to the applicant such of the following license or licenses
16 as may be applied for:

17 a. Propagating license permitting the licensee to propagate
18 game birds or game animals, or both, in the wholly inclosed pre-
19 serve the location of which is stated in the license and the applica-
20 tion therefor, and to sell such propagated game birds or game ani-
21 mals, or both, and ship them from the State alive at any time and
22 to kill the same and sell the carcasses for food subject to the condi-
23 tions prescribed by sections 23:3-28 to 23:3-39 of this Title;

24 b. License to propagate pheasants, partridge, wild turkey or
25 quail, or any of them, in a semiwild state on lands of which the

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

26 applicant is the owner or lessee, when the applicant shall have
 27 [produced evidence satisfactory to the division that he has re-
 28 leased, or already has, on land described in the application and
 29 license, of the species for which he desires to be licensed, at least
 30 10 female and 2 male pheasants or at least 6 female and 6 male quail,
 31 or partridge or such total number of pheasants, partridge and quail,
 32 to each 100 acres of land, or a proportionate number of such birds
 33 for less than 100 acres, prior to May 1 in the calendar year for
 34 which the license is to be issued] *released during the month of Oc-*
 35 *tober, in the presence of the conservation officer, of the species for*
 36 *which the applicant desires to be licensed, one bird for each 5 acres*
 37 *of land described in the application and license;*

38 c. License to keep game birds and animals in captivity; or

39 d. A person desiring to operate a "commercial pheasant, wild
 40 turkey, quail and partridge-shooting preserve" on lands of which
 41 he is the owner or bona fide lessee [may] shall apply in writing
 42 to the division for a license so to do. The license fee shall be
 43 \$100.00 per annum and the form of the application and license shall
 44 be determined by the division.

45 The division may, upon payment of the fee, issue to the applicant
 46 such a license when it appears that:

47 (1) The operation of such shooting preserve shall not conflict
 48 with a prior reasonable public interest; and

49 (2) The applicant shall produce evidence satisfactory to the divi-
 50 sion that he has released on lands described in the application and
 51 license, *of the species for which he desires to be licensed*, a total of
 52 at least 10 female and 2 male pheasants or 6 female and 6 male
 53 quail or partridge for the first 100 acres of land or portion thereof,
 54 or a proportionate number of birds for any acreage in excess of
 55 the first 100 acres, prior to May 1 in the [calendar] year for which
 56 the license is to be issued; and

57 (3) The applicant shall have produced evidence satisfactory to
 58 the division that he will raise or purchase for liberation and lib-
 59 erate on the shooting preserve a total of at least 500 pheasants,
 60 quail and partridge or combination thereof between September 1 of
 61 the year for which the license was issued and the following March
 62 15.

1 2. Section 23:3-32 of the Revised Statutes is amended to read
 2 as follows:

3 23:3-32. No pheasants, wild turkeys, partridge or quail propa-
 4 gated in a semiwild state shall be sold. No such pheasants, wild
 5 turkeys, partridge or quail shall be possessed or transported out-
 6 side of licensed areas unless each bird shall have been tagged with

7 the special tag prescribed by sections 23:3-28 to 23:3-39 of this
8 Title. Except as to the additional tags hereinafter provided for,
9 no licensee raising pheasants, partridge or quail in a semiwild
10 state shall procure from the division during any year of operation
11 more tags to be affixed to the dead bodies of pheasants, partridge
12 or quail propagated in a semiwild state than [4 times the number
13 of] *the number equal to 4/5 of the number of* pheasants, partridge
14 or quail released [prior to May 1] *during the month of October*
15 in each year. Additional tags may be provided to any licensee in
16 [number equal to 4/5 of the number of] *the same ratio for any*
17 birds released [after May 1 in each year] *subsequent to October*
18 *in the license year.* The tags shall be of a special kind provided for
19 the purpose. The number of birds taken in any year, either alive
20 or dead, on lands on which preasants, wild turkeys, partridge or
21 quail are propagated in a semiwild state shall not exceed the num-
22 ber of tags obtained from the division. Pheasants, wild turkeys,
23 and partridge propagated in a semiwild state may be taken by
24 shooting only from 9:00 A. M. on November 10 or such opening
25 date as may otherwise be prescribed by the State Fish and Game
26 Code to January 20, except where the licensee shall have produced
27 evidence satisfactory to the division that he has liberated on the
28 land during the year covered by his license, or that he has in his
29 possession on the land or in some other designated place or places
30 and will liberate on the land prior to February 28 a total of at
31 least 100 pheasants and partridge or combination thereof for any
32 acreage up to 100 acres and at least one pheasant or partridge
33 for each additional acre, *in addition to those birds released during*
34 *the month of October,* in which case the licensee or any person or
35 persons authorized by him so to do may take pheasants, wild
36 turkeys and partridge by shooting from 9:00 A. M. on November
37 10 or such opening date as may otherwise be prescribed by the
38 State Fish and Game Code to the next following February 28, both
39 inclusive, and during any further period, not exceeding 31 days,
40 which the Commissioner of Conservation and Economic Develop-
41 ment may, from time to time, designate for that purpose upon the
42 recommendation of the Director of the Division of Fish and Game
43 of the Department of Conservation and Economic Development
44 on the land described in his license. The number of pheasants,
45 wild turkeys, *quail,* and partridge so taken by shooting shall not
46 exceed $\frac{1}{2}$ of the total number of pheasants, wild turkeys, *quail,* and
47 partridge liberated on said land during the year covered by such
48 license. Section 23:4-24 of this Title relating to hunting on Sunday
49 shall not apply to any person authorized to shoot pheasants, wild

50 turkeys, quail, and partridge under sections 23:3-28 to 23:3-39 of
51 this Title. Quail propagated in a semiwild state may be taken by
52 shooting only from 9:00 A. M. on November 10 or such opening
53 date as may otherwise be prescribed by the State Fish and Game
54 Code to the next following February 28, both days inclusive, and
55 during any further period, not exceeding 31 days, which the Com-
56 missioner of Conservation and Economic Development may, from
57 time to time, designate for that purpose upon the recommendation
58 of the Director of the Division of Fish and Game of the Depart-
59 ment of Conservation and Economic Development. No pheasants,
60 wild turkeys, partridge or quail propagated in a semiwild state
61 shall be trapped without the written permission of the division.

62 Under a "commercial pheasant, wild turkey, quail and partridge-
63 shooting preserve" license, pheasants, wild turkeys, quail and
64 partridge may be taken by shooting only on lands described in the
65 application and license, without regard to sex and daily bag limit,
66 by fully licensed hunters authorized by the licensee to shoot on
67 said land between September 1 and the following March 15, both
68 dates inclusive and during any further period, not exceeding 31
69 days, which the Commissioner of Conservation and Economic
70 Development may, from time to time, designate for that purpose
71 upon the recommendation of the Director of the Division of Fish
72 and Game of the Department of Conservation and Economic
73 Development.

74 [All pheasants, wild turkeys, quail and partridge liberated on
75 a "commercial pheasant, wild turkey, quail and partridge-shooting
76 preserve" for which a license has been issued shall first be banded
77 with a leg band which shall bear upon it a symbol identifying the
78 shooting preserve, and a description of said band and symbol shall
79 be set forth in the application for license.] No pheasants, wild
80 turkeys, quail or partridge shall be possessed or transported
81 outside the licensed area, unless each bird shall have been tagged
82 with a suitable tag or seal supplied by the division, and no licensee
83 shall receive from the division, during any year of operation, more
84 tags to be affixed to the bodies of pheasants, quail and partridge
85 than 4 times the number of female pheasants, quail and partridge
86 released prior to May 1 in each year, in addition to one tag for
87 each pheasant, wild turkey, quail and partridge liberated during
88 the shooting period hereinbefore specified.

1 3. Section 23:3-37 of the Revised Statutes is amended to read
2 as follows:

3 23:3-37. Each holder of a propagating license shall keep the
4 license prominently displayed at the place of business specified

5 therein, and shall keep accurate written records which shall include
6 the total number of each species of game birds or animals possessed
7 on the date of application for the license, the number of each
8 species subsequently propagated or acquired by purchase or gift,
9 and the name and address of each person or corporation from
10 whom or to whom game birds or animals were purchased or sold
11 alive or sold for food, and the date of each transaction. *The holder*
12 *of a semiwild or commercial shooting preserve shall keep such*
13 *records as may be prescribed by the division.* These records shall
14 be kept permanently on the premises stated in the license and shall
15 be open for inspection by any duly authorized representative of
16 the [board] *division* at all reasonable times. Each holder of a
17 propagating license shall send a certified copy of these records for
18 the previous [calendar] *license* year to the [board] *division* not
19 later than [January 15] *March 31*. The [board] *division* shall
20 furnish the forms on which these records are to be kept.

1 4. This act shall take effect January 1, 1971.