

23: 5-9

LEGISLATIVE HISTORY CHECKLIST

NJSA: 23:5-9; 23:5-24.2 (Lobster - restricts catch in NJ)

LAWS OF: 1983

CHAPTER: 366

Bill No: A3916

Sponsor(s): Van Wagner and Villane

Date Introduced: September 6, 1983

Committee: Assembly: -----

Senate: -----

Amended during passage: No Substituted for S3572 (not attached since identical to A3916; Senate committee statement to S3572 attached)

Date of Passage: Assembly: September 15, 1983

Senate: September 15, 1983

Date of Approval: October 19, 1983

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly No

Senate No

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

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DISTRICT OF COLUMBIA

ASSEMBLY, No. 3916

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 6, 1983

By Assemblymen VAN WAGNER and VILLANE

AN ACT concerning lobsters and amending R. S. 23:5-9 and P. L.
1941, c. 211.

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

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

2 23:5-9.a. No person shall take from the salt waters of this State
3 by any means, import, export, have in his possession, buy, sell or
4 offer to buy or sell, any lobster *of the genus Homarus americanus,*
5 which [in length shall be less than three and one-eighth inches]
6 *when measured from the rear end of the eye socket along a line*
7 *parallel to the center line of the body shell to the rear end of the*
8 *body shell*, or any spawning lobster] *is less than: two and three-*
9 *quarters inches in length, from the effective date of this amendatory*
10 *act through December 31, 1983; two and seven-eighths inches in*
11 *length, from January 1, 1984 through December 31, 1984; three*
12 *inches in length, from January 1, 1985 through December 31, 1985;*
13 *three and one-eighth inches in length, from January 1, 1986 through*
14 *December 31, 1986; three and three-sixteenths inches in length,*
15 *from January 1, 1987 and every year thereafter.*

16 b. *No person shall take from the salt waters of this State by any*
17 *means, import, export, have in his possession, buy, sell or offer to*
18 *buy or sell, any lobster of the genus Homarus americanus, which*
19 *is damaged or mutilated to the extent that its length cannot be*
20 *determined under subsection a. of this section; except that this*
21 *subsection shall not apply to: (1) any detached lobster claws, if*
22 *these are together with detached lobster tails of the type exempted*

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 printed in italics thus is new matter.

23 *under subparagraph (2) of this subsection and the number of these*
 24 *detached lobster claws does not exceed twice the number of these*
 25 *detached lobster tails; or (2) any detached lobster tail which is*
 26 *composed of six abdominal segments and the fan of the tail, if the*
 27 *sixth abdominal segment, when measured along its dorsal center*
 28 *line with the tail flexed, is no less than: seven-eighths inch in*
 29 *length, from the effective date of this act through December 31,*
 30 *1983; twenty-nine-thirty-seconds inch in length, from January 1,*
 31 *1984 through December 31, 1984; fifteen-sixteenths inch in length,*
 32 *from January 1, 1985 through December 31, 1985; one inch in*
 33 *length, from January 1, 1986 through December 31, 1986; one and*
 34 *one-sixteenths inches in length, from January 1, 1987 and every*
 35 *year thereafter.*

36 *c. No person shall take from the salt waters of this State by any*
 37 *means, import, export, have in his possession, buy, sell or offer to*
 38 *buy or sell, any lobster of the genus *Homarus americanus*, with*
 39 *eggs attached, or from which the eggs have been removed.*

40 *d. This section shall not apply to the taking or possession of*
 41 *lobsters bearing a tag that has been issued or affixed by the De-*
 42 *partment of Environmental Protection or by any other state or*
 43 *federal agency with which the department cooperates in a research*
 44 *project.*

1 2. Section 2 of P. L. 1941, c. 211 (C. 23:5-24.2) is amended to
 2 read as follows:

3 2. A person intending to take fish with a net in the waters afore-
 4 said shall, except as hereinafter provided, apply to the commis-
 5 sioner for a license therefor, and the commissioner upon receipt
 6 of the application and the fee hereinafter prescribed may in his
 7 discretion issue licenses for the taking of fish with nets as follows:

8 (a) Haul seines, the mesh of which shall not be smaller than two
 9 and three-quarter inches stretched, and not to exceed 70 fathoms
 10 in length, whether singly or attached, for all species, except those
 11 specifically protected. November 1 to April 30. Fee, \$25.00.

12 (b) Fykes, the length of which including leaders, shall not ex-
 13 ceed 30 fathoms and no part of net or leaders to be larger than
 14 three inches stretched mesh, for all species, except those specifically
 15 protected. November 1 to April 30. Fee, \$30.00.

16 (c) Special fyke for flounder only, the length of the net not to
 17 exceed 30 fathoms and the mesh of which shall not be less than
 18 four inches stretched. October 1 to April 30. Fee, \$4.00.

19 (d) Miniature fykes or pots for the taking of catfish, suckers
 20 and eels, the same not to exceed 16 inches in diameter in the marine
 21 waters of this State except the Delaware bay. March 15 to Decem-
 22 ber 15. Fee, \$1.00 per pot or fyke.

23 (e) Run around net the smallest mesh of which shall be two and
24 three-quarter inches stretched and the length of which net shall
25 not exceed 200 fathoms, for all species, except those specifically
26 protected. March 15 to December 15. Fee, \$20.00. This net shall
27 be used in the Atlantic ocean and the Delaware bay and its tribu-
28 taries only. The limit shall be one run around net per boat.

29 (f) Shad nets, either drifting, staked or anchored, the smallest
30 mesh of which shall be five inches stretched, for all species, except
31 those specifically protected. February 1 to May 15. Fee, \$20.00.
32 These nets shall be used in the Atlantic ocean and the Delaware
33 bay and its tributaries. Staked or anchored nets may be used in
34 Raritan bay and Sandy Hook bay.

35 (g) Bait seines, over 50 feet long and not exceeding 150 feet.
36 Fee, \$3.00.

37 (h) Bait seines, not more than 50 feet long and cast nets, not more
38 than 20 feet in diameter, may be used without application for or
39 granting of license.

40 (i) Dip nets, not to exceed 24 inches in diameter, may be used
41 for the taking of herring for live bait without application for or
42 granting of license.

43 (j) Drifting gill net, the smallest mesh of which shall be two and
44 three-quarter inches stretched and the length of which net shall
45 not exceed 200 fathoms and staked and anchored gill nets, the
46 smallest mesh of which shall be two and three-quarter inches
47 stretched and the length of which shall not exceed 30 fathoms, for
48 all species, except shad and those specifically protected. Fee,
49 \$20.00 for the drifting gill net and \$3.00 for the staked or anchored
50 gill net. These nets shall be used in the Atlantic ocean and the
51 Delaware bay and its tributaries only. March 1 to December 15
52 for the Atlantic ocean and Delaware bay. March 1 to May 15 and
53 July 15 to December 15 for the tributaries of the Delaware bay.

54 (k) Pound net, the smallest mesh of which shall be two inches
55 stretched for all species except those specifically protected. Febru-
56 ary 15 to May 15. Fee, \$100.00. These nets shall be used in the
57 Delaware bay only, except as otherwise provided by law.

58 (l) Wire pound net which does not extend into the Delaware
59 bay more than 300 feet from the mean low water mark or 300 feet
60 from the outside of the flats which fall bare at low water, which
61 may be set and used in the Delaware bay only. March 1 to Decem-
62 ber 31. Fee, \$25.00.

63 (m) Parallel nets, the mesh of which shall not be smaller than
64 three and one-half inches stretched. September 1 to May 31.

65 (n) *Lobster or fish pots, for the taking of all species except*

66 *those specifically protected, shall be used in the Atlantic ocean,*
67 *Delaware bay, Raritan bay and Sandy Hook bay only and shall be*
68 *marked for identification in the manner prescribed by the com-*
69 *missioner. The commissioner may require that lobster or fish pots*
70 *shall be designed to include escape vents.*

71 The commissioner may adopt any rules and regulations which
72 he deems necessary to carry out the purposes of this section.

1 3. This act shall take effect 90 days after enactment.

STATEMENT

This bill places certain restrictions on the taking from the salt waters of this State by any means, importing, exporting, possessing, buying, selling or offering to buy or sell of any lobster of the genus *Homarus americanus* and authorizes the use of lobster or fish pots for the taking of lobster in certain salt waters of this State.

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A3916(1983)

SENATE ENERGY AND ENVIRONMENT COMMITTEE

STATEMENT TO

SENATE, No. 3572

STATE OF NEW JERSEY

DATED: SEPTEMBER 15, 1983

Senate Bill No. 3572 imposes restrictions on taking, importing, buying or selling of lobsters in New Jersey. Specifically, this bill provides that between 1983 and 1987 the minimum size for taking lobsters shall be increased from $2\frac{3}{4}$ inches to $3\frac{3}{16}$ inches. This bill would also provide that damaged lobsters may not be taken if their length cannot be determined, with certain exceptions. This bill also prohibits the taking of lobsters with eggs attached, and further provides that lobster pots shall be used only in the Atlantic ocean, Delaware bay, Raritan bay, and Sandy Hook bay.

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