

SENATE, No. 1140

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED FEBRUARY 4, 2010

Sponsored by:

Senator JEFF VAN DREW

District 1 (Cape May, Atlantic and Cumberland)

Co-Sponsored by:

Senator Beach

SYNOPSIS

Revises statute concerning licenses to take menhaden.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/11/2010)

1 AN ACT concerning the taking of menhaden, amending R.S.23:3-51
2 and supplementing Title 23 of the Revised Statutes.

3

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

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7 1. R.S.23:3-51 is amended to read as follows:

8 23:3-51. a. A person intending to take menhaden with purse or
9 shirred nets in any waters in the jurisdiction of this State, including
10 the waters of the Atlantic ocean, within three nautical miles of the
11 coast line of this State, shall apply to the commissioner for a license
12 therefor. The commissioner, upon receipt of the application and
13 payment of the fee required pursuant to R.S.23:3-52, may, at the
14 commissioner's discretion and as prescribed pursuant to sections 2
15 and 3 of P.L. _____, c. (pending before the Legislature as this bill) ,
16 issue to the applicant a license to take menhaden, except as
17 prohibited in subsection b. of this section. The license shall be void
18 after December 31 next succeeding its issuance.

19 b. Notwithstanding the provisions of subsection a. of this
20 section or any other law, or any rule or regulation adopted pursuant
21 thereto, to the contrary, the commissioner shall not issue a license
22 for the taking of menhaden, and no person may take menhaden, in
23 State coastal waters, including Delaware, Great, Raritan, and Sandy
24 Hook bays, for the purpose of reduction, including conversion to
25 fish meal, oil, and other components.

26 c. This act shall not affect the taking of menhaden in State
27 coastal waters for the use as bait for commercial or recreational
28 purposes.

29 (cf: P.L.2001, c.359, s.1)

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31 2. (New section) a. The commissioner may only issue a license
32 for a person to take menhaden with purse or shirred nets to a person
33 that possessed a valid license for at least one of the years between
34 2002 and 2009, inclusive. Commencing in 2011 and thereafter, the
35 commissioner may only issue a license pursuant to this section to a
36 person who possessed a valid license for at least one of the years
37 between 2002 and 2009 and a valid license in the preceding year.

38 b. An owner of a vessel qualifying for a license pursuant to
39 subsection a. of this subsection may replace the vessel provided that
40 the new vessel is not greater than 10 percent larger in vessel length,
41 gross registered tonnage or net tonnage, and not more than 20
42 percent greater in horsepower, than the vessel that qualified for a
43 license in 2010, provided however, that in no case shall a vessel
44 used to take menhaden with purse or shirred nets be greater than 90

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 feet in length, and provided that the original vessel is retired from
2 the menhaden fishery.

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4 3. (New section) The commissioner shall regulate the taking of
5 menhaden, including the issuance and transfer of licenses for the
6 taking of menhaden as prescribed pursuant to section 2 of
7 P.L. , c. (pending before the Legislature as this bill), by rule or
8 regulation adopted pursuant to the “Administrative Procedure Act,”
9 P.L.1968, c.410 (C.52:14B-1 et seq.).

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11 4. This act shall take effect immediately, and section 2 shall
12 expire upon the adoption of the rules and regulations required
13 pursuant to section 3 of this act.

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STATEMENT

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18 This bill provides that the Commissioner of Environmental
19 Protection may only issue a license for a person to take menhaden
20 with purse or shirred nets if that person possessed a valid license for
21 at least one of the years between 2002 through and including 2009,
22 and commencing in 2011, the commissioner may only issue a
23 license to a person to take menhaden who (1) possessed a valid
24 license for at least one of the years between 2002 through and
25 including 2009, and (2) possessed a valid license in the preceding
26 year.

27 The bill also provides criteria for the replacement and retiring of
28 vessels used to take menhaden with purse or shirred nets.

29 Lastly, the bill provides that the Commissioner of Environmental
30 Protection shall regulate the taking of menhaden, including the
31 issuance and transfer of licenses for the taking of menhaden, by rule
32 or regulation adopted pursuant to the “Administrative Procedure
33 Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), and upon adoption by
34 the commissioner of these rules and regulations, the provisions of
35 section 2 of the bill would expire.