

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] 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, which when measured from the rear end of the eye socket
13 along a line parallel to the center line of the body shell to the rear end
14 of the body shell is less than [: two and three-quarters inches in
15 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] Except as provided pursuant to subsection e. of this
23 section, a person shall not take from the [salt] marine waters of this
24 State by any means, import, export, have in his possession, buy, sell or
25 offer to buy or sell, any lobster of the genus and species Homarus
26 americanus, which is damaged or mutilated to the extent that its length
27 cannot be determined under subsection a. of this section; except that
28 this subsection shall not apply to: (1) any detached lobster claws, if
29 these are together with detached lobster tails of the type exempted
30 under subparagraph (2) of this subsection and the number of these
31 detached lobster claws does not exceed twice the number of these
32 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

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 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

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.

1

2

3 Revises minimum size restrictions for taking of lobster.