

[First Reprint]  
SENATE, No. 2309

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 17, 1997

By Senators LITTELL, INVERSO, LaRossa, Lipman, Kenny  
and Ewing

1 AN ACT concerning fish and wildlife, amending various sections of  
2 Title 23 of the Revised Statutes, supplementing Title 23 of the  
3 Revised Statutes, and repealing R.S.23:3-23, R.S.23:3-24,  
4 R.S.23:3-25, and R.S.23:3-26.

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

8  
9 1. R.S.23:1-1 is amended to read as follows:  
10 23:1-1. As used in this [Title] title :

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

15 "Division," "board," or "Board of Fish and Game Commissioners"  
16 means the Division of Fish, Game and Wildlife in the Department of  
17 Environmental Protection;

18 "Council" means the Fish and Game Council in the Division of Fish,  
19 Game and Wildlife in the Department of Environmental Protection;

20 "Code" means the State Fish and Game Code;

21 "Protector" or "fish and game protector" means chief conservation  
22 officer;

23 "Assistant protector" or "assistant fish and game protector" means  
24 district conservation officer;

25 "Warden" or "fish and game warden" means assistant district  
26 conservation officer or conservation officer;

27 "Deputy warden" or "deputy fish and game warden" means deputy  
28 conservation officer;

29 "Open season" means the time during the year when fish, game,  
30 birds or animals, as the case may be, may be captured, taken, killed or

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Senate SBA committee amendments adopted December 11, 1997.

1 had in possession; and

2 "Closed season" means the time during the year when fish, game,  
3 birds or animals, as the case may be, may not be captured, taken, killed  
4 or had in possession.]

5 "Assistant protector" or "assistant fish and game protector" means  
6 district conservation officer;

7 "Closed season" means the time during the year when fish, game,  
8 birds or animals, as the case may be, may not be captured, taken, killed  
9 or had in possession;

10 "Code" means the State Fish and Game Code;

11 "Council" means the Fish and Game Council in the Division of Fish  
12 and Wildlife in the Department of Environmental Protection;

13 "Delaware river" means the waters of the Delaware river from the  
14 Pennsylvania shore to the New Jersey shore, or in the case of any  
15 tributaries or inland bays on the New Jersey side, to the mouths of  
16 those tributaries or bays;

17 "Deputy warden" or "deputy fish and game warden" means deputy  
18 conservation officer;

19 "Division," "board," or "Board of Fish and Game Commissioners"  
20 means the Division of Fish and Wildlife in the Department of  
21 Environmental Protection;

22 "Open season" means the time during the year when fish, game,  
23 birds or animals, as the case may be, may be captured, taken, killed or  
24 had in possession;

25 "Protector" or "fish and game protector" means chief conservation  
26 officer; and

27 "Warden" or "fish and game warden" means assistant district  
28 conservation officer or conservation officer.

29 (cf: P.L.1993, c.20, s.1)

30

31 2. (New section) a. The Division of Fish, Game and Wildlife is  
32 continued and constituted as the Division of Fish and Wildlife in the  
33 Department of Environmental Protection. All the functions, powers,  
34 and duties of the existing Division of Fish, Game and Wildlife and the  
35 director thereof are continued in the Division of Fish and Wildlife and  
36 the director thereof, and whenever the term "Division of Fish, Game  
37 and Wildlife" occurs or any reference is made thereto in any law,  
38 contract, or document, it shall be deemed or mean to refer to the  
39 Division of Fish and Wildlife.

40 b. The Fish and Game Council, together with all its functions,  
41 powers and duties, is continued as the Fish and Game Council in the  
42 Division of Fish and Wildlife in the Department of Environmental  
43 Protection.

44

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

46 23:3-1. a. A person shall not at any time hunt, take or attempt to

1 take, kill or pursue, with a gun or any firearm of any kind or character,  
2 or with longbow and arrow, a wild bird, animal or fowl, or take or  
3 attempt to take any skunk, mink, muskrat, or other fur-bearing animal  
4 by means of a trap, or set a trap for any fur-bearing animal, nor shall  
5 any person above the age of [14] <sup>1</sup>[15] <sup>1</sup>16<sup>1</sup> years at any time take or  
6 attempt to take fish in any of the fresh waters of this State by the  
7 method commonly known as angling with a hand line or rod and line,  
8 or with longbow and arrow, unless he has first procured a proper  
9 license.

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

17 c. A person under 12 years of age shall not be issued a trapping  
18 license.

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

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

35 f. (1) Any person found hunting, fishing or trapping without the  
36 proper license or tag as may be required conspicuously displayed  
37 pursuant to subsection b. of this section shall be liable to a penalty of  
38 \$10 and costs, to be recovered pursuant to the provisions of Title 23,  
39 chapter 10, of the Revised Statutes.

40 (2) Any person who violates any provision of this section for which  
41 a penalty is not otherwise expressly provided, shall be liable to a  
42 penalty of not less than \$50 nor more than \$200 for each offense.

43 (cf: P.L.1993, c.20, s.2)

44

45 4. Section 9 of P.L.1986, c.198 (C.23:3-1c) is amended to read  
46 as follows:

1 9. The [Division of Fish, Game and Wildlife] division is  
 2 authorized to charge a \$2.00 nonrefundable application fee, in addition  
 3 to any other permit or license fees authorized by law, for each permit  
 4 or license, as follows:

5		
6	[ Duplicate hunting and fishing .....	\$2.00
7	Falconry .....	2.00
8	Beaver .....	2.00
9	Otter .....	2.00
10	Turkey .....	2.00
11	Special season deer .....	2.00
12	Rifle .....	2.00
13	Semi-wild hunting preserve .....	2.00
14	Commercial fishing preserve .....	2.00
15	Commercial shooting preserve .....	2.00
16	Senior citizen fishing (over 70 years of age) .....	2.00
17	Senior citizen clamming .....	2.00
18	Field trial .....	2.00
19	Horseback riding on wildlife management area .....	2.00
20	Daily use permit for wildlife management area .....	2.00
21	Clubhouse rental .....	2.00
22	Fire on wildlife management area .....	2.00
23	Fish stocking by clubs .....	2.00
24	Lake lowering .....	2.00
25	Alewife (for bait) .....	2.00
26	Carp and suckers .....	2.00
27	Fish basket for eels, catfish, carp, and suckers .....	2.00
28	Game animals and game birds:	
29	Individual hobby .....	2.00
30	Scientific holding .....	2.00
31	Zoological .....	2.00
32	Propagation and sale .....	2.00
33	Animal exhibitor .....	2.00
34	Animal theatrical agency .....	2.00
35	Fur farming .....	2.00
36	Salvage--recover carcass .....	2.00
37	Special purpose .....	2.00
38	Scientific collecting--fish .....	2.00
39	Crab pot (recreational) .....	2.00
40	Crab pot (commercial) .....	2.00
41	Menhaden netting .....	2.00
42	Food fish netting .....	2.00
43	Commercial fish netting .....	2.00]

44

45 duplicate hunting and fishing; falconry; beaver; otter; turkey; coyote;46 special season Canada goose; special season deer; rifle; semi-wild

1 hunting preserve; commercial fishing preserve; commercial shooting  
2 preserve; senior citizen fishing; senior citizen clamming; field trial;  
3 horseback riding on wildlife management area; daily use permit for  
4 wildlife management area; clubhouse rental; fire on wildlife  
5 management area; fish stocking by clubs; lake lowering; alewife (for  
6 bait); carp and suckers; fish basket for eels, catfish, carp, and suckers;  
7 game animals and game birds - individual hobby, scientific holding,  
8 zoological, propagation and sale, animal exhibitor, animal theatrical  
9 agency, and fur farming; salvage - recover carcass; special purpose;  
10 scientific collecting - fish; crab pot (recreational); crab pot  
11 (commercial); menhaden netting; food fish netting; and commercial  
12 fish netting.

13 The amounts remitted to the State Treasury for these application  
14 fees shall be deposited to the credit of the ["Hunters' and Anglers'  
15 License Fund."] "hunters' and anglers' license fund."  
16 (cf: P.L.1986, c.198, s.9)

17

18 5. (New section) For the purpose of meeting the costs of  
19 complying with information collection activities mandated by the  
20 United States Fish and Wildlife Service Migratory Bird Harvest  
21 Information Program, the division is authorized to charge a fee of  
22 \$2.00 to any person who hunts migratory birds, which fee shall be in  
23 addition to any other fees charged for licenses, permits, or stamps  
24 required by law to hunt migratory birds.

25

26 6. Section 11 of P.L.1982, c.180 (C.23:3-1.1) is amended to read  
27 as follows:

28 11. a. The [Division of Fish, Game and Wildlife] division shall  
29 issue a special license combining the resident's firearm hunting license,  
30 the resident's bow and arrow license and the resident's fishing license  
31 as provided under R.S.23:3-4 into one license to be designated as the  
32 "All Around Sportsman License."

33 b. The "All Around Sportsman License" shall authorize its holder  
34 to hunt with a shotgun or bow and arrow and to angle or attempt to  
35 take fish in the fresh waters of this State at the time, and in the  
36 manner, provided by law and the State Fish and Game Code, except  
37 that this license shall not authorize its holder to take trout from the  
38 fresh waters of the State.

39 c. A resident of this State above the age of 16 years may procure  
40 the "All Around Sportsman License" from the [Division of Fish, Game  
41 and Wildlife] division at Trenton or from its agents as designated by  
42 the division. It shall not be valid unless it contains the signature of the  
43 owner written in ink. Each license issued under this section shall  
44 expire on December 31 next following its issuance.

45 d. The division shall determine the form of the "All Around  
46 Sportsman License." The fee for this license shall be [~~\$54.50~~] \$75.00

1 and an issuance fee of [~~\$0.50~~] \$0.75 , or as adjusted by the Fish and  
2 Game Council pursuant to section 12 of P.L.1982, c.180 (C.23:3-1a).  
3 The amounts remitted to the State Treasury from the collection of this  
4 fee shall be deposited to the credit of the "hunters' and anglers' license  
5 fund."

6 (cf: P.L.1991, c.286, s.2)

7

8 7. R.S.23:3-2 is amended to read as follows:

9 23:3-2. Except as provided in [section 23:3-3 of this title]  
10 R.S.23:3-3 , no license to hunt, pursue or kill with a gun or any  
11 firearm any game bird, wild animal or fowl in this state, shall be issued  
12 to a person under [~~fourteen~~] 16 years of age. An applicant for license  
13 who misrepresents his age shall be liable to a penalty of twenty dollars.  
14 (cf: R.S.23:3-2)

15

16 8. R.S.23:3-3 is amended to read as follows:

17 23:3-3. The division may, in its discretion, issue a youth hunting  
18 license to a citizen of the United States above 10 years and <sup>1</sup>[~~below~~]  
19 under<sup>1</sup> [~~14~~] 16 years of age, who has successfully completed a course  
20 in gun or bow and arrow safety, as the case may be, as required in  
21 accordance with this title [.] . Persons above 10 years and <sup>1</sup>[~~below~~  
22 under<sup>1</sup> 14 years of age may obtain the license only <sup>1</sup>[~~when applied for~~  
23 by his] with the permission of a<sup>1</sup> parent or legal guardian [, authorizing  
24 him] . The license shall authorize a licensee above 10 years and  
25 <sup>1</sup>[~~below~~] under<sup>1</sup> 14 years of age to hunt only when accompanied by a  
26 holder, above 21 years of age, of a regular resident's or nonresident's  
27 firearm or bow and arrow license, as the case may be. This license  
28 shall be void after December 31 [~~next succeeding its issuance. The fee~~  
29 ~~for this license shall be \$2.75, or as adjusted by the Fish and Game~~  
30 ~~Council pursuant to section 12 of P.L.1982, c.180 (C.23:3-1a). These~~  
31 ~~fees shall be remitted to the State Treasurer, and placed to the credit~~  
32 ~~of the "hunters' and anglers' license fund," and be disbursed by the~~  
33 ~~State Treasurer on vouchers certified by the division]~~ of the year in  
34 which the licensee becomes 16 years of age .

35 (cf: P.L.1991, c.286, s.3)

36

37 9. R.S.23:3-4 is amended to read as follows:

38 23:3-4. The licenses issued under this article shall be as follows:

39 a. A license issued to a person above [~~14~~] <sup>1</sup>[~~15~~] 16<sup>1</sup> years of age,  
40 who has an actual and bona fide domicile in this State at the time of  
41 the application for the license and who has had an actual and bona fide  
42 domicile in this State for at least six months immediately prior thereto  
43 [, provided that for a resident's trapping license the person shall be  
44 above 12 years of age] <sup>1</sup> . provided that for a resident's trapping license  
45 the person shall be above 12 years of age<sup>1</sup> . These licenses shall be [of  
46 five kinds and] designated as the resident's firearm hunting license, the

1 resident's bow and arrow license, the resident's trapping license, and  
2 the resident's fishing license [and the resident's family fishing license.  
3 The Fish and Game Council in the Division of Fish, Game and Wildlife  
4 of the Department of Environmental Protection shall have the  
5 authority to adopt and promulgate regulations for family fishing  
6 licenses] .

7 (1) The resident's firearm hunting license shall authorize its holder  
8 to hunt with hounds and firearms only, and a fee of [\$19.50] <sup>1</sup>[\$27.00]  
9 \$26.50<sup>1</sup> and an issuance fee of [\$0.50] \$0.75 shall be charged therefor,  
10 except that [a person 14 or 15 years of age and] a person above the  
11 age of 65 years shall be charged a fee of [\$9.25] \$14.50 and an  
12 issuance fee of [\$0.50] \$0.75 .

13 (2) The resident's bow and arrow license shall authorize its holder  
14 to hunt with bow and arrow only, and a fee of [\$23.50] \$30.50 and an  
15 issuance fee of [\$0.50] \$0.75 shall be charged therefor, except that [a  
16 person 14 or 15 years of age and] a person above the age of 65 years  
17 shall be charged a fee of [\$10.50] \$15.50 and an issuance fee of  
18 [\$0.50] \$0.75 .

19 (3) The resident's trapping license shall authorize its holder to trap  
20 only, and a fee of \$31.50 and an issuance fee of [\$0.50] \$0.75 shall be  
21 charged therefor [, except that a person 12, 13, 14 or 15 years of age  
22 shall be charged a fee of \$13.25 and an issuance fee of \$0.50] <sup>1</sup>. except  
23 that a person above 12 years and under 16 years of age shall be  
24 charged no fee<sup>1</sup> .

25 (4) The resident's fishing license shall authorize its holder to fish  
26 only, and a fee of [\$14.50] \$21.50 and an issuance fee of [\$0.50]  
27 \$0.75 shall be charged therefor, except that (a) in any case where the  
28 applicant is <sup>1</sup>above<sup>1</sup> 70 <sup>1</sup>[or more]<sup>1</sup> years of age and is otherwise  
29 qualified, no [fee, except an application fee pursuant to section 9 of  
30 P.L.1986, c.198 (C.23:3-1c), shall be charged, and a person 14 or 15  
31 years of age] license shall be required, and (b) a person above [the age  
32 of] 65 years and <sup>1</sup>[below] under<sup>1</sup> 70 years of age shall be charged a fee  
33 of [\$6.50] \$11.50 and an issuance fee of [\$0.50] \$0.75 .

34 [The resident's family fishing license shall authorize the parents or  
35 guardians and their children, foster children or wards between the ages  
36 of 14 and 18, named therein, to fish only. The fee for the parent's  
37 license permitting fishing only by the father or mother, or both, or the  
38 guardian shall be \$24.50 and an issuance fee of \$0.50; and each child,  
39 foster child or ward named therein shall be required to have and shall  
40 be issued an individual supplementary license as a member of such  
41 family, at a fee of \$1.50 and an issuance fee of \$0.50. The license  
42 shall be invalid from the date of its issuance when issued to a person  
43 not entitled thereto.]

44 (5) Any [person, a] resident of this State [,] who is afflicted with  
45 total blindness, upon application to the [Division of Fish, Game and  
46 Wildlife] division , shall be entitled to a resident's fishing license

1 without fee or charge.

2 b. A license issued to a person above [14] <sup>1</sup>[15] 16<sup>1</sup> years of age  
3 not entitled to a resident's license, authorizing him to trap or to hunt  
4 , except that a nonresident's two-day small game firearm hunting  
5 license shall not permit the taking, hunting, or killing of deer or turkey  
6 . These licenses shall be designated as the nonresident's firearm  
7 hunting license, the nonresident's bow and arrow license, the  
8 nonresident's trapping license, and the nonresident's two-day small  
9 game firearm hunting license [, except that a nonresident's two-day  
10 small game firearm hunting license shall not permit the taking, hunting  
11 or killing of deer] .

12 (1) The fees for the nonresident's firearm hunting license and the  
13 nonresident's bow and arrow license shall each be [\$99.50] \$134.50  
14 and an issuance fee of [\$0.50] \$0.75 .

15 (2) The [fees] fee for the nonresident's trapping license shall be  
16 [\$149.50] \$199.50 and an issuance fee of [\$0.50] \$0.75 .

17 (3) The fee for a nonresident's two-day small game firearm hunting  
18 license shall be [\$24.50] \$35.50 and an issuance fee of [\$0.50] \$0.75.

19 c. A license issued to a person above [14] <sup>1</sup>[15] 16<sup>1</sup> years of age  
20 not entitled to a resident's license, authorizing him to fish only. These  
21 licenses shall be designated as the nonresident's annual fishing license  
22 , the nonresident's two-day fishing license, valid for a period of two  
23 consecutive days, and the nonresident's seven-day vacation fishing  
24 license, valid for a period of seven consecutive days. [The fees for  
25 these licenses shall be \$22.50 for the annual fishing license, together  
26 with an issuance fee of \$0.50, and \$14.50 and an issuance fee of \$0.50  
27 for the seven-day vacation fishing license.]

28 (1) The fee for the nonresident's annual fishing license shall be  
29 <sup>1</sup>[\$30.00] \$33.00<sup>1</sup> and an issuance fee of \$0.75.

30 (2) The fee for the nonresident's two-day fishing license shall be  
31 \$8.00 and an issuance fee of \$0.75.

32 (3) The fee for the nonresident's seven-day fishing license shall be  
33 \$18.50 and an issuance fee of \$0.75.

34 e. Every license issued hereunder shall be void after December 31  
35 next succeeding its issuance, except the one-day hunting license, which  
36 shall expire on the date of issuance; the nonresident's seven-day fishing  
37 license, which is valid only for seven consecutive days after date of  
38 issuance; the nonresident's two-day fishing license, which shall expire  
39 on the day after the date of issuance; and the nonresident's two-day  
40 small game firearm hunting license, which shall expire on the day after  
41 the date of issuance.

42 <sup>1</sup>Any license issued hereunder to a person under 16 years of age  
43 shall be void after December 31 of the year in which the licensee  
44 becomes 16 years of age.<sup>1</sup>

45 The fees for licenses set forth in this section may be adjusted by the  
46 Fish and Game Council pursuant to section 12 of P.L.1982, c.180

1 (C.23:3-1a).

2 (cf: P.L.1991, c.286, s.4)

3

4 10. Section 2 of P.L.1951, c.226 (C.23:3-4.1) is amended to read  
5 as follows:

6 2. The division may, in its discretion, issue a license to a person  
7 above the age of [14] <sup>1</sup>[15] 16<sup>1</sup> years authorizing him to hunt for one  
8 day only in areas licensed under subsections b. and d. of R.S.23:3-29,  
9 or at a shoot to kill field trial which is being held under a proper  
10 permit from the division. The fee for this license shall be [\$6.50]  
11 \$11.50 , or as adjusted by the Fish and Game Council pursuant to  
12 section 12 of P.L.1982, c.180 (C.23:3-1a), and an issuance fee of  
13 [~~\$0.50 shall be charged therefor~~] \$0.75 . The fees collected hereunder  
14 shall be remitted to the State Treasurer, and placed to the credit of the  
15 "hunters' and anglers' license fund," and be disbursed by the State  
16 Treasurer on vouchers certified to by the division.

17 (cf: P.L.1991, c.286, s.5)

18

19 11. Section 5 of P.L.1954, c.57 (C.23:3-4.6) is amended to read as  
20 follows:

21 5. This act shall also apply to the issuance of [juvenile] youth  
22 hunting licenses under [section 23:3-3 of the Revised Statutes]  
23 R.S.23:3-3 , and all applicants for such licenses shall be required to  
24 first complete the gun safety course.

25 (cf: P.L.1971, c.381, s.3)

26

27 12. Section 8 of P.L.1986, c.198 (C.23:3-4.11) is amended to read  
28 as follows:

29 8. All persons in possession of a muzzleloader rifle or other rifle  
30 while hunting or trapping shall have in their possession, in addition to  
31 the appropriate and valid firearm hunting license or trapping license,  
32 an appropriate and valid rifle permit. The [Division of Fish, Game and  
33 Wildlife] division is authorized to charge a fee of [\$11.00] \$17.00 for  
34 each permit issued , except that a person under 16 years of age shall  
35 be charged a fee of \$8.00 . A rifle permit issued hereunder shall be  
36 valid for a period not to exceed two years. The amount remitted to  
37 the State Treasury for rifle permits shall be deposited to the credit of  
38 the "hunters' and anglers' license fund."

39 The fee for a permit issued pursuant to this section may be adjusted  
40 by the Fish and Game Council pursuant to section 12 of P.L.1982,  
41 c.180 (C.23:3-1a).

42 (cf: P.L.1991, c.286, s.6)

43 13. Section 5 of P.L.1957, c.195 (C.23:3-7.5) is amended to read  
44 as follows:

45 5. This act shall also apply to the issuance of [juvenile] youth  
46 hunting licenses under [section 23:3-3 of the Revised Statutes]

1 R.S.23:3-3 , and all applicants for such licenses shall be required to  
2 first complete the bow and arrow safety and proficiency course.  
3 (cf: P.L.1971, c.381, s.5)

4  
5 14. Section 7 of P.L.1986, c.198 (C.23:3-27.1) is amended to read  
6 as follows:

7 7. Whenever an open season is prescribed for wild turkey by the  
8 State Fish and Game Code, the [Division of Fish, Game and Wildlife]  
9 division is authorized to charge a fee of [~~\$13.00~~] \$19.00 , or as  
10 adjusted by the Fish and Game Council pursuant to section 12 of  
11 P.L.1982, c.180 (C.23:3-1a), except that a person under 16 years of  
12 age shall be charged a fee of \$10.00. for each permit issued. This  
13 permit shall be void at the close of the prescribed open season. The  
14 amounts remitted to the State Treasury for wild turkey permits shall  
15 be deposited to the credit of the "hunters' and anglers' license fund."  
16 (cf: P.L.1991, c.286, s.8)

17  
18 15. R.S.23:3-29 is amended to read as follows:

19 23:3-29. A person desiring to engage in the business of raising and  
20 selling game birds or game animals, or both, in a wholly enclosed area  
21 of which he is the owner or lessee, or to have in captivity game birds  
22 or game animals, shall apply in writing to the division for a license to  
23 do so. The license fee shall be [~~\$5.00 per annum~~] \$10.00 per year for  
24 each of the above purposes.

25 A person desiring to propagate pheasant, partridge, or quail, or any  
26 of them, in a semiwild state on lands of which he is the owner or  
27 lessee, shall apply in writing to the division for a license to do so. The  
28 license fee shall be [~~\$50.00 per annum~~] \$75.00 per year . No two or  
29 more noncontiguous tracts of land shall be covered under the same  
30 license.

31 The division, when it appears that the application is made in good  
32 faith, and is in the public interest, may, upon the payment of the fee for  
33 each license, issue to the applicant such of the following license or  
34 licenses as may be applied for:

35 a. Propagating license permitting the licensee to propagate game  
36 birds or game animals, or both, in the wholly enclosed area, the  
37 location of which is stated in the license and the application therefor,  
38 and to sell such propagated game birds or game animals, or both, and  
39 ship them from the State alive at any time and to kill the same and sell  
40 the carcasses for food subject to the conditions prescribed by  
41 R.S.23:3-28 to 23:3-39, inclusive;

42 b. License to propagate pheasant, partridge, or quail, or any of  
43 them, in a semiwild state on lands of which the applicant is the owner  
44 or lessee, when the applicant shall have produced evidence satisfactory  
45 to the division that he will raise, or purchase for liberation, and liberate  
46 on the semiwild preserve at least one pheasant, quail, partridge or

1 combination thereof for each acre of land to be licensed or at least 200  
2 pheasant, quail or partridge or combination thereof between November  
3 1 of the year for which the license is issued and the following February  
4 28;

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

6 d. License to operate a "commercial pheasant, mallard, quail and  
7 partridge-shooting preserve," as defined pursuant to R.S.23:3-28, on  
8 lands owned or leased by the applicant, who shall apply in writing to  
9 the division for a license to do so. The license fee shall be [~~\$200.00~~  
10 ~~per annum~~] \$320.00 per year for the first tract of land and \$165 per  
11 ~~[annum]~~ year for each additional tract of land, each of which shall be  
12 at least 50 acres in size, and the form of the application and license  
13 shall be determined by the division. Two or more noncontiguous  
14 tracts of land owned or leased, or operated as a commercial pheasant,  
15 mallard, quail and partridge-shooting preserve by the same person  
16 shall be covered under the same license.

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

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

21 (2) The applicant shall have produced evidence satisfactory to the  
22 division that he will raise or purchase for liberation and liberate on the  
23 shooting preserve a total of at least 500 pheasant, mallard, quail and  
24 partridge or combination thereof between September 1 of the year for  
25 which the license was issued and the following May 1.

26 e. The fees for licenses set forth in this section may be adjusted  
27 by the Fish and Game Council pursuant to section 12 of P.L.1982,  
28 c.180 (C.23:3-1a).

29 f. The division shall coordinate the dates of issuance and renewal  
30 of the licenses to propagate game birds with the dates of issuance and  
31 renewal of licenses to operate commercial pheasant, mallard, quail and  
32 partridge-shooting preserves, and to the extent practicable, shall issue  
33 and renew these licenses under one license.

34 (cf: P.L.1995, c.370, s.2)

35

36 16. Section 1 of P.L.1959, c.37 (C.23:3-56.1) is amended to read  
37 as follows:

38 1. When the Fish and Game Council has established a season for  
39 deer of either sex and has fixed a certain number of [~~licenses~~] permits  
40 to be issued for such harvest, the division is authorized to charge a fee  
41 of [~~\$18.00~~] \$26.00 , or as adjusted by the Fish and Game Council  
42 pursuant to section 12 of P.L.1982, c.180 (C.23:3-1a), except that a  
43 person under 16 years of age shall be charged a fee of \$10.00, for each  
44 [~~license~~] permit so issued, which fee shall be in addition to any other  
45 fees authorized by law. No such fee shall be required of the occupant  
46 of a farm in this State, who actually resides thereon, or the members

1 of his immediate family who also reside thereon, provided such person  
2 or persons are otherwise authorized to participate in such limited  
3 harvest. The exemption of this section shall not apply to a person  
4 residing on the farm or in a tenant house thereon who is not a member  
5 of the occupant's family, nor to a servant of the occupant.

6 (cf: P.L.1991, c.286, s.9)

7

8 17. Section 1 of P.L.1952, c.328 (C.23:3-57) is amended to read  
9 as follows:

10 1. No person, above the age of [14] <sup>1</sup>[15] 16<sup>1</sup> years or under the  
11 age of 70 years, shall [,] take or attempt to take trout in any of the  
12 fresh waters of this State, unless he has first procured, as hereinafter  
13 provided, a special trout stamp, in addition to the license required by  
14 article 1 of chapter 3 of Title 23 of the Revised Statutes and unless at  
15 the time of fishing he has the license and stamp affixed to [said] that  
16 license on his person, and exhibits the same for inspection to any  
17 warden, deputy warden, police officer or other person requesting to  
18 see them.

19 The stamp issued under this act shall be designated as the "special  
20 trout fishing stamp" and shall authorize its holder to take trout at the  
21 time and in the manner provided by law, or by the Fish and Game  
22 Code, and shall be invalid unless it contains the name of the licensee  
23 written in ink.

24 (cf: P.L.1971, c.309, s.1)

25

26 18. Section 3 of P.L.1952, c.328 (C.23:3-59) is amended to read  
27 as follows:

28 3. The fee for this stamp shall be [\$7.00] \$10.50 for residents and  
29 \$14.00 \$20.00 for nonresidents, or as adjusted by the Fish and Game  
30 Council pursuant to section 12 of P.L.1982, c.180 (C.23:3-1a). The  
31 amounts remitted to the State Treasury for stamps issued under this  
32 law shall be placed to the credit of the "hunters' and anglers' license  
33 [fund" mentioned in R.S.23:3-12.] fund."

34 (cf: P.L.1991, c.286, s.10)

35

36 19. Section 1 of P.L.1975, c.117 (C.23:3-61.1) is amended to read  
37 as follows:

38 1. No person <sup>1</sup>above the age of 16 years <sup>1</sup>[of age or older]<sup>1</sup> shall  
39 at any time hunt for, pursue, kill, take or attempt to take with a  
40 firearm or bow and arrow, or have in possession, any pheasant or quail  
41 while present in such division wildlife management areas as may be  
42 designated in the Fish and Game Code unless such person is the holder  
43 of a valid youth hunting license issued pursuant to R.S.23:3-3 or has  
44 first procured in addition to a hunting license a valid "special pheasant  
45 and quail stamp."

46 This special pheasant and quail "stamp" shall be in the possession

1 of the hunter at all times while engaged in hunting pheasant or quail in  
2 such division wildlife management areas as may be designated in the  
3 Fish and Game Code and the hunter shall exhibit the special stamp for  
4 inspection to any conservation officer, deputy conservation officer or  
5 police officer requesting to see the stamp.

6 (cf: P.L.1975, c.117, s.1)

7

8 20. Section 3 of P.L.1975, c.117 (C.23:3-61.3) is amended to read  
9 as follows:

10 3. The fee for this stamp shall be [~~\$20.00~~] \$50.00, or as adjusted  
11 by the Fish and Game Council pursuant to section 12 of P.L.1982,  
12 c.180 (C.23:3-1a). The amounts remitted to the State Treasury for  
13 special pheasant and quail stamps shall be deposited to the credit of  
14 the "hunters' and anglers' license fund."

15 (cf: P.L.1991, c.286, s.11)

16

17 21. Section 2 of P.L.1970, c.247 (C.23:3-63) is amended to read  
18 as follows:

19 2. (a) The division may, in its discretion, after application on  
20 forms furnished by it, issue to an owner of such fishing preserve  
21 waters a fishing preserve license permitting the holder thereof to  
22 manage such fishing preserve waters and to possess, propagate and  
23 rear, and to take or permit others to take therefrom, fish therein legally  
24 propagated or acquired. Such license shall expire on December 31 in  
25 the year it was issued unless previously revoked. A separate license  
26 is required for each body of water defined herein as fishing preserve  
27 waters. Two or more ponds under one ownership, supplied by one  
28 common water source and located on one continuous parcel of land,  
29 shall be considered as one body of water requiring one license.

30 (b) The license so issued shall: contain the name of the town and  
31 county in which such fishing preserve waters are located; specify the  
32 species of fish authorized to be stocked therein; authorize the licensee  
33 to stock, propagate, raise and release such fish in such licensed fishing  
34 preserve waters and to buy, sell or otherwise traffic in fish taken  
35 therefrom; specify the manner of tagging fish taken from the licensed  
36 waters; specify the means of acquisition of fish stocked therein.

37 (c) The license may also: authorize the licensee to control  
38 undesirable protected fish, wildlife and insects and specify means of  
39 control of same; specify such other restrictions and controls for the  
40 management of fishing preserve waters as in the judgment of the  
41 division may be deemed advisable for proper fish management.

42 (d) The fee for the license shall be [~~\$150.00~~] \$228.00 per year, or  
43 as adjusted by the Fish and Game Council pursuant to section 12 of  
44 P.L.1982, c.180 (C.23:3-1a), payable at the time application is made.

45 (e) The division may for cause, revoke or suspend the license of  
46 any licensee.

1 (cf: P.L.1982, c.180, s.9)

2

3 22. R.S.23:3-23, R.S.23:3-24, R.S.23:3-25, and R.S.23:3-26 are  
4 repealed.

5

6 23. This act shall take effect immediately.

7

8

9

10

11 Revises various hunting, trapping, and fishing license fees and related  
12 provisions, and changes name of Division of Fish, Game and Wildlife  
13 to Division of Fish and Wildlife.