

[Second 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:

¹ Senate SBA committee amendments adopted December 11, 1997.

² Senate floor amendments adopted December 18, 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] ¹[15] ¹16¹ 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 as
46 follows:

1 9. The [Division of Fish, Game and Wildlife] division is authorized
 2 to charge a \$2.00 nonrefundable application fee, in addition to any
 3 other permit or license fees authorized by law, for each permit or
 4 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 ¹~~[below]~~
19 under¹ [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 ¹[below]
22 under¹ 14 years of age may obtain the license only ¹[when applied for
23 by his] with the permission of a¹ parent or legal guardian [, authorizing
24 him] . The license shall authorize a licensee above 10 years and
25 ¹[below] under¹ 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]~~ ¹~~[15]~~ 16¹ 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]¹, provided that for a resident's trapping license
45 the person shall be above 12 years of age¹. 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] ¹[\$27.00]
9 \$26.50¹ 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] ¹. except
23 that a person above 12 years and under 16 years of age shall be
24 charged no fee¹.

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 ¹above¹ 70 ¹[or more]¹ 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 ¹[below] under¹ 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] ¹[15] 16¹ 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 license
5 shall not permit the taking, hunting, or killing of deer or turkey .
6 These licenses shall be designated as the nonresident's firearm hunting
7 license, the nonresident's bow and arrow license, the nonresident's
8 trapping license, and the nonresident's two-day small game firearm
9 hunting license[, except that a nonresident's two-day small game
10 firearm hunting license shall not permit the taking, hunting or killing
11 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] ¹[15] 16¹ 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 ¹[\$30.00] \$33.00¹ 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 ¹Any 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.¹

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] ¹[15] 16¹ 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 by
27 the Fish and Game Council pursuant to section 12 of P.L.1982, c.180
28 (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. ²a.² When the Fish and Game Council has established a season
39 for deer of either sex and has fixed a certain number of [~~licenses~~]
40 permits to be issued for ²[such] that² harvest, the division is authorized
41 to charge a fee of [~~\$18.00~~] \$26.00, or as adjusted by the Fish and
42 Game Council pursuant to section 12 of P.L.1982, c.180 (C.23:3-1a),
43 except that a person under 16 years of age shall be charged a fee of
44 \$10.00, for each [~~license~~] permit so issued, which fee shall be in
45 addition to any other fees authorized by law.

46 ²b. (1)² No such fee charged pursuant to subsection a. of this

1 section² shall be required of² [the occupant of a farm in this State, who
2 actually resides thereon, or the members of his immediate family who
3 also reside thereon] a qualified farmer or the spouse or children of that
4 farmer who reside in the farmer's household² , provided ²[such] that
5 the² person or persons are otherwise authorized to participate in
6 ²[such] the² limited harvest.

7 The exemption ²[of] provided under² this ²[section] subsection:
8 (a)² shall not apply to a person residing on the farm or in a tenant
9 house thereon who is not ²[a member of the occupant's family] the
10 spouse or a child of the qualified farmer² , nor to ²[a servant] an
11 employee² of the ²[occupant] qualified farmer; and (b) shall be limited
12 to one permit each for the qualified farmer who owns or leases a farm
13 on which the farmer resides as described in subparagraph (a) of
14 paragraph (4) of this subsection, and the spouse and children of that
15 farmer. In the case of a qualified farmer or farmers who owns or
16 leases a farm or farms, but does not reside thereon, permits shall be
17 limited to a total of five, one each for the qualified farmer or farmers
18 and their spouses and children, for the property described in
19 subparagraph (b) of paragraph (4) of this subsection.

20 If the qualified farmer's acreage is located in multiple deer
21 management zones, the qualified farmer shall choose one deer
22 management zone for which the qualified farmer and the spouse and
23 children of that farmer may obtain permits pursuant to this subsection.

24 (2) An application for a permit issued to a qualified farmer or the
25 spouse or a child of that farmer pursuant to this subsection shall be
26 made on a form supplied by the division and shall include, in the case
27 of leased land, a copy of all leases authorizing the agricultural and
28 hunting uses of the land.

29 (3) Permits issued pursuant to this subsection shall be valid only
30 for the property described in subparagraphs (a) or (b), as appropriate,
31 of paragraph (4) of this subsection.

32 (4) For purposes of this subsection, "qualified farmer" means a
33 person who:

34 (a) owns or leases a farm on which that person resides that: (i) is
35 at least six acres in area; (ii) produces a gross annual income of at least
36 \$500; and (iii) is valued, assessed and taxed as land actively devoted
37 to agricultural or horticultural use pursuant to the "Farmland
38 Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.); or

39 (b) owns or leases a farm on which that person does not reside,
40 provided that: (i) the person actively farms at least 30 acres, which
41 may be noncontiguous but each parcel thereof shall be at least five
42 acres in area; and (ii) the farm, or each parcel in the case of
43 noncontiguous parcels, is valued, assessed and taxed as land actively
44 devoted to agricultural or horticultural use pursuant to the "Farmland
45 Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.).

46 c. The division may adopt, pursuant to the "Administrative

1 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), such rules and
2 regulations as may be necessary to implement the provisions of this
3 section².

4
5 17. Section 1 of P.L.1952, c.328 (C.23:3-57) is amended to read
6 as follows:

7 1. No person, above the age of [14] ¹[15] 16¹ years or under the
8 age of 70 years , shall [,] take or attempt to take trout in any of the
9 fresh waters of this State, unless he has first procured, as hereinafter
10 provided, a special trout stamp, in addition to the license required by
11 article 1 of chapter 3 of Title 23 of the Revised Statutes and unless at
12 the time of fishing he has the license and stamp affixed to [said] that
13 license on his person, and exhibits the same for inspection to any
14 warden, deputy warden, police officer or other person requesting to
15 see them.

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

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

22
23 18. Section 3 of P.L.1952, c.328 (C.23:3-59) is amended to read
24 as follows:

25 3. The fee for this stamp shall be [~~\$7.00~~] \$10.50 for residents and
26 [~~\$14.00~~] \$20.00 for nonresidents, or as adjusted by the Fish and Game
27 Council pursuant to section 12 of P.L.1982, c.180 (C.23:3-1a). The
28 amounts remitted to the State Treasury for stamps issued under this
29 law shall be placed to the credit of the "hunters' and anglers' license
30 [fund" mentioned in R.S.23:3-12.] fund."

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

32
33 19. Section 1 of P.L.1975, c.117 (C.23:3-61.1) is amended to read
34 as follows:

35 1. No person ¹above the age of¹ 16 years ¹[of age or older]¹ shall
36 at any time hunt for, pursue, kill, take or attempt to take with a
37 firearm or bow and arrow, or have in possession, any pheasant or quail
38 while present in such division wildlife management areas as may be
39 designated in the Fish and Game Code unless such person is the holder
40 of a valid youth hunting license issued pursuant to R.S.23:3-3 or has
41 first procured in addition to a hunting license a valid "special pheasant
42 and quail stamp."

43 This special pheasant and quail "stamp" shall be in the possession
44 of the hunter at all times while engaged in hunting pheasant or quail in
45 such division wildlife management areas as may be designated in the
46 Fish and Game Code and the hunter shall exhibit the special stamp for

1 inspection to any conservation officer, deputy conservation officer or
2 police officer requesting to see the stamp.

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

4

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

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

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

13

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

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

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

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

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

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

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

45

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

1 repealed.

2

3 23. This act shall take effect immediately.

4

5

6

7

8 Revises various hunting, trapping, and fishing license fees and related
9 provisions, and changes name of Division of Fish, Game and Wildlife
10 to Division of Fish and Wildlife.