

In summary, the Director of the Division of Planning and Development administers the powers, functions and duties of the Division under the direction and supervision of the Commissioner of Conservation and Economic Development, including the function of conducting surveys and of establishing bulkhead and pierhead lines pursuant to R.S. 12:3-17. In those instances, when a riparian grant or lease fixes a bulkhead or pierhead line, the concurring approval of the Director of the Division of Planning and Development, as the successor to the powers of the former Board of Commerce and Navigation, is requisite and should be endorsed on the riparian instrument.

Very truly yours,

GROVER C. RICHMAN, JR.  
*Attorney General*

By: DAVID D. FURMAN  
*Deputy Attorney General*

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DECEMBER 19, 1956

HONORABLE CARL HOLDERMAN  
*Commissioner of Labor and Industry*  
20 West Front Street  
Trenton, New Jersey

MEMORANDUM OPINION—P-36

DEAR COMMISSIONER HOLDERMAN:

You have inquired whether the "Rules and Regulations for Storing, Handling, Transportation and Utilization of Liquefied Petroleum Gases," adopted by the Division of State Police on January 2, 1951, are applicable to refineries.

These regulations were promulgated pursuant to the New Jersey liquefied petroleum gas law, L. 1950, c. 139; N.J.S.A. 21:1B-1 et seq.

Section 2 of that law (N.J.S.A. 21:1B-2) provides in part as follows:

"The Division of State Police shall make, promulgate and enforce regulations setting forth minimum general standards covering the design, construction, location, installation and operation of equipment for storing, handling, transporting by motor vehicle, tank truck, tank trailer, and utilizing liquefied petroleum gases and specifying the odorization of said gases and the degree thereof."

The State Police regulations referred to above, state (Section 1.2):

"*New and existing installations.* These regulations apply to all new liquefied petroleum gas equipment, systems and installations; existing installations may be required to comply with these regulations if satisfactory evidence is reported that any existing liquefied petroleum gas equipment system or installation is unsafe, provided however, that all existing equipment shall be maintained in conformity with these regulations."

The regulations further provide (Section 3.0):

"All liquefied petroleum gas equipment shall be installed and maintained

in a safe operating condition and in conformity with these regulations."

From the foregoing it appears that the regulations apply generally to all liquefied petroleum gas equipment, vessels and systems, including those located at refineries.

It is noted that refineries are excluded from certain provisions of the regulations. Thus, they are excluded from the requirement of Section 4 which calls for the submission to the State of plans and specifications for a proposed installation. Likewise, refineries are excepted from the requirements set forth in Section 5 of the regulations with reference to permits for operation. This exception is conditioned, however, upon compliance with the balance of the regulations under the supervision of the Bureau of Engineering and Safety. Thus, Section 5.0, subparagraph d, provides :

"excepting from these requirements new or existing vessels, equipment, systems or modifications thereto in *any* factory, mill, workshop, place where goods are manufactured, printery, newspaper plant, public utility generating station, *refinery*, mine or quarry which *shall conform to these regulations* under the supervision of the Bureau of Engineering and Safety of the Department of Labor and Industry." (Italics ours)

Except to the extent noted above it is our conclusion that refineries in this state are subject to the State Police liquefied petroleum gas regulations adopted on January 2, 1951.

Very truly yours,

GROVER C. RICHMAN, JR.  
*Attorney General*

By: THOMAS L. FRANKLIN  
*Deputy Attorney General*

TLF:lc

JANUARY 9, 1956

MR. REUBEN C. STROUSE, *Chairman*  
*Hunterdon County Board of Elections*  
Flemington, New Jersey

FORMAL OPINION, 1956—No. 1

DEAR MR. STROUSE:

You request our opinion as to whether your County Board of Elections should count and canvass absentee ballots voted in school elections.

Chapter 211 of the Laws of 1953 is known and may be cited as the "Absentee Voting Law (1953)"—N.J.S.A. 19:57-1 et seq., P.L. 1953, c. 211, p. 1577.

The Absentee Voting Law by section 3 provides :

"3. The following persons shall be entitled to vote by absentee ballot in any election to be held in this State in the manner hereinafter provided."

The statute then defines a "military service voter" and a "civilian absentee voter", and the manner of obtaining ballots.