

CHAPTER 72

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

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

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

License to take menhaden, prohibited takings.

23:3-51. a. A person intending to take menhaden with purse or shirred nets in any waters in the jurisdiction of this State, including the waters of the Atlantic ocean, within three nautical miles of the coast line of this State, shall apply to the commissioner for a license therefor. The commissioner, upon receipt of the application and payment of the fee required pursuant to R.S.23:3-52, may, at the commissioner's discretion and as prescribed pursuant to sections 2 and 3 of P.L.2010, c.72, issue to the applicant a license to take menhaden, except as prohibited in subsection b. of this section. The license shall be void after December 31 next succeeding its issuance.

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

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

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

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

C.23:3-51.1 Rules, regulations for taking of menhaden.

3. The commissioner shall regulate the taking of menhaden, including the issuance and transfer of licenses for the taking of menhaden as prescribed pursuant to section 2 of P.L.2010, c.72, by rule or regulation adopted pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

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

Approved September 9, 2010.