

CHAPTER 477

AN ACT concerning certain commercial fishing possession limits and supplementing P.L.1979, c.199 (C.23:2B-1 et seq.).

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

C.23:2B-24 Possession in Excess of Daily Limit Vessel License.

1. a. (1) Any person who intends to possess on a vessel in the waters of the State an amount of black sea bass or summer flounder pursuant to a valid license from another state in excess of the New Jersey daily trip limit, for the purposes of unloading the additional fish in another state, shall apply to the commissioner for a Possession In Excess of Daily Limit Vessel License for a licensed vessel, in accordance with the provisions of this section. The license shall only be valid from September 1 through April 30. The fee for the license shall be \$200.

(2) From September 1 through April 30, the holder of a Possession In Excess of Daily Limit Vessel License may transit State waters on a vessel with black sea bass or summer flounder taken pursuant to a valid license from another state, and retain them on board while unloading in New Jersey other species of fish legally possessed and permitted to be unloaded in New Jersey, provided that the person and the vessel possess the required permits and licenses for the taking and unloading of the other species of fish on the vessel.

b. Upon receipt of an application and payment of the applicable fee, the commissioner may issue to the applicant a Possession In Excess of the Daily Limit Vessel License. A license issued pursuant to this section shall be valid only for the calendar year for which it is issued, and shall be renewed on an annual basis. Any application for a Possession In Excess of Daily Limit Vessel License shall be filed with the commissioner prior to the annual deadline established thereby for application submission. Any application received by the commissioner after the deadline shall be denied.

c. The holder of a vessel license issued pursuant to this section shall have the license on board the vessel being used in the taking and possession of black sea bass or summer flounder in excess of the New Jersey daily limit at all times during the use of the vessel for that purpose, as well as the valid licenses and permits for the location where the vessel intends to land the remaining fish possessed on the vessel.

d. A person applying for a Possession In Excess of Daily Limit Vessel License shall:

(1) hold a valid license or permit for the taking of black sea bass or summer flounder which is required by the State, or a valid license from another state where the license holder shall be unloading black sea bass or summer flounder; and

(2) operate a vessel equipped with an operational Global Positioning System based vessel monitoring technology, approved by the National Marine Fisheries Service and the commissioner, which allows the tracking of a vessel's location remotely.

e. Any license fees collected pursuant to this section shall be deposited in the "Marine Fisheries Program Support Account," established pursuant to section 2 of P.L.2019, c.477 (C.23:2B-25).

f. (1) Any person possessing an amount of black sea bass or summer flounder in excess of the New Jersey daily trip limit on a vessel transiting State waters shall be a holder of a valid Possession In Excess of Daily Limit Vessel License and shall notify the department by phone or, if applicable and offered by the department, by electronic means, prior to entering State waters on the vessel of the species and quantity of fish to be unloaded and the hailing weight and intended destination of each species of fish to be sold outside of the State.

(2) The holder of a Possession In Excess of Daily Limit Vessel License shall notify the department by phone or, if applicable and offered by the department, by electronic means, of the

species and quantity of fish and time and place of unloading of the vessel in the State at least six hours in advance thereof. The unloading shall occur only between the hours of 6:00 a.m. and 6:00 p.m. After the declared species and quantity of fish is sold to the intended dealer in the State, no other fisheries products may be unloaded from the vessel without the prior approval of the department or until the seven-day period has expired as provided in paragraph (3) of this subsection.

(3) The holder of a Possession In Excess of Daily Limit Vessel License that retains black sea bass or summer flounder for further sale in another state after unloading in New Jersey may not land black sea bass or summer flounder again in New Jersey for seven days after the date on which the excess black sea bass or summer flounder is transferred to the buyer of the fish in another state. At the request of a conservation officer, a vessel shall provide records documenting the sale of the excess summer flounder and black sea bass sold to dealers in other states.

(4) A vessel that lands pursuant to this section shall unload and sell only the species and quantity of fish indicated in the notice provided to the department. A vessel shall only be permitted to unload its entire indicated catch once and shall not transfer fish to or from any other vessel prior to or after the vessel's one-time unloading.

(5) A vessel that lands pursuant to this section during the closed season for any fishery shall not be permitted to unload a closed season fish if the season opens while the vessel is in port.

g. Any person who violates the provisions of this section shall be subject to the penalties as provided in section 73 of P.L.1979, c.199 (C.23:2B-14), which may include the suspension or revocation of the Possession in Excess of Daily Limit Vessel License. If a vessel's New Jersey summer flounder or black sea bass license or permit is suspended or revoked, then the Possession In Excess of Daily Limit Vessel License shall also be suspended or revoked for the same period of time.

C.23:2B-25 "Marine Fisheries Program Support Account."

2. a. There is established within the General Fund, a separate, dedicated, and non-lapsing account to be known as the "Marine Fisheries Program Support Account." This account shall be credited with all revenues received from the issuance of Possession In Excess of Daily Limit Vessel Licenses pursuant to section 1 of P.L.2019, c.477 (C.23:2B-24).

b. The moneys in the Marine Fisheries Program Support Account shall be allocated to the Division of Fish and Wildlife, Marine Fisheries Administration within the Department of Environmental Protection, and shall be dedicated for the purposes of marine fisheries programs within the department.

3. This act shall take effect on April 1 next following the date of enactment, except the Department of Environmental Protection may take any anticipatory administrative action in advance as may be necessary for the implementation of this act.

Approved January 21, 2020.