

ASSEMBLY, No. 900

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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District 9 (Atlantic, Burlington and Ocean)

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District 9 (Atlantic, Burlington and Ocean)

SYNOPSIS

Requires assessment of bay scallop resource, and authorizes DEP to establish a bay scallop fishery.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning the harvesting of scallops, amending R.S.50:2-
2 10, and supplementing Title 50 of the Revised Statutes.

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

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7 1. R.S.50:2-10 is amended to read as follows:

8 50:2-10. No boat, or vessel, propelled wholly or in part by
9 steam, naphtha, gasoline, electricity or any other mechanical motive
10 power, shall engage in the catching or taking of shellfish from any
11 of the natural beds, under the tidal waters of this State, while so
12 mechanically propelled, except as otherwise specifically provided
13 in R.S.50:3-6 **【and】**, R.S.50:4-2 , and section 2 of
14 P.L. , c. (C.) (pending before the Legislature as this bill).
15 (cf: P.L.2007, c.338, s.37)

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17 2. (New section) The Department of Environmental Protection
18 shall undertake, in consultation with the Shell Fisheries Council, an
19 assessment of the bay scallop (*Argopecten irradians*) resource in the
20 State. If as a result of this assessment, the department determines,
21 in consultation with the Shell Fisheries Council, that there is a
22 sufficient resource to support the establishment of a bay scallop
23 fishery, the department shall adopt, pursuant to the "Administrative
24 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and
25 regulations providing for the taking and management of bay
26 scallops in the State, which rules and regulations may provide for
27 the mechanical harvest of bay scallops if determined to be
28 appropriate.

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30 3. This act shall take effect immediately.

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STATEMENT

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35 This bill would require the Department of Environmental
36 Protection (DEP) to undertake, in consultation with the
37 Shellfisheries Council, an assessment of the bay scallop resource in
38 the State. If as a result of this assessment, the department
39 determines, in consultation with the Shellfisheries Council, that
40 there is a sufficient resource to support the establishment of a bay
41 scallop fishery, the DEP shall adopt, pursuant to the
42 "Administrative Procedure Act," rules and regulations providing for
43 the taking and management of bay scallops in the State, which rules
44 and regulations may provide for the mechanical harvest of bay
45 scallops if determined to be appropriate.

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

Matter underlined thus is new matter.

A900 GOVE, RUMPF

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1 Existing law at R.S.50:2-10 generally prohibits the taking of
2 shellfish through mechanical means, and there is not a bay scallop
3 fishery in the State. This bill would require an assessment of the
4 bay scallop resource to be undertaken and allow for the
5 management of a bay scallop fishery through rules and regulations
6 adopted by the DEP.