SENATE, No. 912

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JANUARY 27, 2020

Sponsored by:
Senator CHRISTOPHER J. CONNORS
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

As introduced.

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

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

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

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

(cf: P.L.2007, c.338, s.37)

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

3. This act shall take effect immediately.

STATEMENT

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

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