SENATE, No. 4085

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED NOVEMBER 8, 2021

Sponsored by:
Senator NILSA I. CRUZ-PEREZ
District 5 (Camden and Gloucester)

SYNOPSIS

Exempts commercial shellfish producers from prohibition on taking shellfish on Sunday.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning the taking of shellfish on Sunday, amending R.S.50:2-11, 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.50:2-11 is amended to read as follows:

50:2-11. No person shall dredge upon, or throw, cast , or drag an oyster dredge or any other instrument or appliance used for catching shellfish, or assist in so doing, or collect shellfish by any means, upon any of the lands lying under the tidal waters of this State before sunrise or after sunset, or at any time on Sunday, except that clams may be taken from the waters of the Raritan Bay, Sandy Hook Bay, Shrewsbury River , or Navesink River on Sunday, and except as provided in section 2 of P.L. , c. (C.) (pending before the Legislature as this bill). The **[**department**]** Department of Environmental Protection, in consultation with the **[**council**]** Shellfisheries Council, may adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations for the harvest of oysters on Sunday during specific times, in specific areas, and using specific methods of harvest. The maintenance of leases, limited to the moving and planting of shell, oyster , and clam seed , and the use of bagless oyster scrapes, shall be permitted on Sunday.
(cf: P.L.2007, c.338, s.39)

2. (New section) a. A commercial shellfish producer is exempt from the restriction on the collecting and catching of shellfish on Sunday pursuant to R.S.50:2-11, except that shellfish shall not be taken before sunrise or after sunset on Sunday. A commercial shellfish producer is required to adhere to any rules and regulations for the harvest of oysters adopted by the Department of Environmental Protection, in consultation with the Shellfisheries Council, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

b. As used in this section, "commercial shellfish producer" means a person or entity directly engaged with shellfish aquaculture or directly engaged in the taking of wild shellfish, for commercial purposes.

3. This act shall take effect immediately.

STATEMENT

This bill exempts a commercial shellfish producer from the prohibition on the taking of shellfish on Sunday. Under the bill, the taking of shellfish on any day of the week by a commercial shellfish

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.

producer, excluding before sunrise and after sunset, would be allowed subject to the rules and regulations adopted by the Department of Environmental Protection, in consultation with the Shellfisheries Council.