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**S T A T E O F R H O D E I S L A N D**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2001**

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**A N A C T**

**RELATING TO FISH AND WILDLIFE**

**Introduced By:** Representative Caprio

**Date Introduced:** June 22, 2001

**Referred To:** Joint Committee on Environment & Energy

It is enacted by the General Assembly as follows:

SECTION 1. Sections 20-2-1.1, 20-2-14, 20-2-27 and 20-2-28 of the General Laws in Chapter 20-2 entitled "Licensing" are hereby amended to read as follows:

**20-2-1.1. Commercial fishing license moratorium.** -- (a) The commercial marine fishing licenses as provided for in sections 20-2-20(a), (b); 20-2-21; 20-2-24(a); 20-2-25; 20-2-26; 20-2-26.1(a), (b); 20-2-27(a), (b), (c)(1), (2), (3), (4); 20-2-28(a), (b), (c); and 20-2-28.1(a); 20-4-1.2(1), (2), (3), (4); 20-5-1; 20-5-2; and 20-5-3 shall be issued for renewal only. No new licenses applicable to these sections shall be issued between July 1, ~~2000~~ 2001, and June 30, ~~2001~~ 2002. In order to obtain a license applicable to these sections between July 1, ~~2000~~ 2001, and June 30, ~~2001~~ 2002, an individual must provide proof that he or she possessed a valid Rhode Island commercial fishing license ~~prior~~ subsequent to July 1, 2000, and submit a license application to the department environmental management ~~prior to August 15, 2000. After August 15, 2000, an individual qualified to obtain a license pursuant to this section shall be afforded the right to appeal to the department to obtain a license pursuant to applicable department regulations. The department shall issue a public notice announcing the license renewal window, within seven (7) days following passage of this bill [July 6, 2000].~~ The moratorium shall provide time for a continued study of the commercial marine fishing licensing program to insure viable sustainable fisheries the sustainable viability and use of marine fisheries and for a recommendation to the general assembly, in accordance with chapter 20-3.1.

(b) Notwithstanding the provisions of subsection (a), an existing license may only be transferred to an immediate family member upon approval by the director. An immediate family member for the purposes of this subsection is defined as the spouse, mother, father, brother, sister, or child of the transferor.

**20-2-14. Licenses - Expiration. -- 20-2-14. Licenses - Expiration and deadline for renewal. --** (a) Unless Beginning January 1, 2003, unless otherwise specified in this title, all licenses issued under this title shall be annual and shall expire on December 31 of every year.

~~(b) Notwithstanding the provisions of subsection (a) of this section, all commercial fishing licenses issued under sections 20-2-20(a), 20-2-20(b), 20-2-21, 20-2-24(a), 20-2-25, 20-2-26, 20-2-26.1(a), 20-2-27(a), 20-2-27(b), 20-2-27(c), 20-2-28(a) and 20-2-28.1(a) shall be annual and shall expire on June 30 of every year. The fee for any of these commercial fishing licenses issued under this section between January 1, 1999 and June 30, 1999, which is to expire on June 30, 1999, shall be one-half (1/2) of the amount otherwise provided in this title. All marine fisheries licenses that are subject to renewal July 1, 2002, may be renewed for a six (6) month period ending December 31, 2002. The fee for such renewals shall be one-half (1/2) of the amount for annual renewal of such licenses as otherwise provided for in this title.~~

(c) Beginning January 1, 2003, for those commercial marine fishing licenses provided for in sections 20-2-20(a), (b); 20-2-21; 20-2-24(a); 20-2-25; 20-2-26; 20-2-26.1(a), (b); 20-2-27(a), (b), (c)(1), (2), (3), (4); 20-2-28(a), (b), (c); 20-2-28.1(a); 20-4-1.2(1), (2), (3), (4); 20-5-1; 20-5-2; and 20-5-3, the following provisions shall apply: (1) unless otherwise specified in this title, an individual qualified to obtain a license must submit an application to the department of environmental management no later than February 28 of each year, license applications shall be deemed valid if submitted to the department prior to the close of regular office hours on February 28, or if postmarked by February 28; (2) unless otherwise specified in this title, no new or renewed licenses shall be issued after February 28 of each year, unless an applicant has submitted an application by the February 28 deadline required by this section; and (3) the department shall notify all license holders, in writing, regarding the December 31 expiration and the February 28 renewal deadline no later than November 1 of each year.

**20-2-27. Commercial fishing licenses. --** (a) Rod and reel (for sale of finfish lawfully taken by rod and reel or diving)- two hundred dollars (\$200) for residents of the state; four hundred dollars (\$400) for nonresidents of the state.

(b) Individual (for named individual only, lawfully taking fish for sale with use of nets or other means without use of boat)- two hundred dollars (\$200) for residents of the state; four hundred dollars (\$400) for nonresidents of the state.

(c) Commercial vessel or vessel operators engaged in a commercial fishery, excepting those vessels or operators of vessels covered by section 20-2-24 (lobster fishery), sections 20-2-20 and 20-2-21 (shellfishery), or section 20-2-28 (non-resident otter trawl):

(1) Vessels up to fifty feet (50') in total length: two hundred dollars (\$200) for residents of the state; four hundred dollars (\$400) for nonresidents of the state;

(2) Vessels from fifty feet (50') to ninety-nine feet (99') in total length: two hundred fifty dollars (\$250) for residents of the state; five hundred dollars (\$500) for nonresidents of the state;

(3) Vessels from ninety-nine feet (99') or more in total length: twenty dollars (\$20.00) per lineal foot or any part thereof of the registered length of the vessel for residents of the state; forty dollars (\$40.00) per lineal foot or any part thereof of the registered length of the vessel for nonresidents of the state;

(4) Miscellaneous pot fishery, vessels not licensed in any of the above categories engaged in commercial scup, crab, eel or conch pot fishery: two hundred dollars (\$200). This license is issued only to a legal resident of the state of Rhode Island.

(d) Rhode Island finfish dealer- two hundred dollars (\$200).

**20-2-28. Non-resident otter, beam, or pair trawl -- Landing license. -- 20-2-28. Non-resident otter, beam, or pair trawl. --**

~~(a)~~ Any resident of a state which accords to residents of Rhode Island reciprocal commercial fishing privileges may obtain a license for the setting of an otter, beam, or pair trawl or other mechanical trawling device in those areas of the state's waters where such a device is allowed upon application therefor and payment of a fee computed on the basis of ~~ten~~ twenty dollars ~~(\$10.00)~~ (\$20.00) per lineal foot, or part thereof, of the registered length of the vessel to be licensed, as indicated on its document, certificate of award, register, enrollment, or license issued by the United States collector of customs. This license is non-transferable and is issued annually for the fee specified on the first day of January in each year and expires on the succeeding December 31st. If it appears in the public interest, the director may suspend or cancel this license on ten (10) days' notice in writing to the holder thereof.

~~(b) Non-resident finfish landing license. -- To land finfish harvested outside Rhode Island waters, two hundred dollars (\$200).~~

~~(c) Non-resident miscellaneous landing license. -- To land all other seafood products not specified under any other provisions of this chapter, two hundred dollars (\$200).~~

SECTION 2. Section 20-4-1.2 of the General Laws in Chapter 20-4 entitled "Commercial Fisheries" is hereby amended to read as follows:

**20-4-1.2. Resident or non-resident commercial landing permit. --** Each resident or non-resident may obtain a license to sell seafood products legally harvested outside Rhode Island waters upon payment of the following fees:

(1) Resident or non-resident finfish landing license- for the sale of finfish caught by any means, two hundred dollars (\$200) for residents of the state; four hundred dollars (\$400) for nonresidents of the state.

(2) Resident or non-resident shellfish landing license- (includes process product), two hundred dollars (\$200) for residents of the state; four hundred dollars (\$400) for nonresidents of the state. This license allows the holder to land shellfish (surf clams, blue mussels, ocean quahaugs, sea scallops) legally harvested in federal water.

(3) Resident or non-resident miscellaneous landing license- includes all other seafood products not specified under any other provision of this chapter, two hundred dollars (\$200) for residents of the state; four hundred dollars (\$400) for nonresidents of the state.

(4) Multi-purpose resident or non-resident landing license.. - This license allows a resident or non-resident to land and sell all marine products in the state of Rhode Island, three hundred dollars (\$300) for residents of the state; six hundred dollars (\$600) for nonresidents of the state.

SECTION 3. Chapter 20-2 of the General Laws entitled "Licensing" is hereby amended by adding thereto the following section:

**20-2-27.2. Commercial aquaculture license.** -- There is hereby established a commercial aquaculture license for the purpose of facilitating the development of commercial aquaculture in the state. Any person, corporation or business entity, chartered under the laws of this state, who is granted a permit for the conduct of aquaculture by the coastal resources management council in accordance with chapter 20-10, shall obtain a commercial aquaculture license to harvest, possess, or sell aquaculture products in the state to licensed fish and shellfish dealers. The license shall be issued by the department on a calendar year basis for an annual fee of two hundred dollars (\$200).

SECTION 4. Section 20-10-12 of the General Laws in Chapter 20-10 entitled "Aquaculture" is hereby amended to read as follows:

**20-10-12. Permits for possession, importation, and transportation of species used in aquaculture** -- (a) The director is authorized and empowered to grant permits for and establish rules and regulations governing the taking, possession, sale, importation, and transportation of animal or plant species utilized in aquaculture; provided, however, that in the case of bivalves, no approval shall be given for the sale, possession, use, storage, or transportation of those species for human consumption without the written approval and permission of the director of health.

(b) Any person who possesses, imports, or transports any animal or plant species as delineated in subsection (a) without a permit issued by the director shall be guilty of a misdemeanor and subject to imprisonment of not more than one year or a fine not exceeding five hundred dollars (\$500), or both. The animal or plant species possessed, imported, or transported by that person may be forfeited to the state.

(c) In accordance with rules and regulations established under this section, permits issued by the director may provide for specific exemptions, notwithstanding other provisions of law, from quotas, catch or bag limits, seasons, minimum size limits and other such restrictions on commercial fishing as the director, in consultation with the council, may determine to be inappropriate to commercial aquaculture.

SECTION 5. Title 20 of the General Laws entitled "Fish and Wildlife" is hereby amended by adding thereto the following chapter:

CHAPTER 3.1  
MARINE FISHERIES MANAGEMENT MODERNIZATION

**20-3.1-1. Short title.** -- This chapter shall be known and may be cited as the "Rhode Island Marine Fisheries Management Modernization Act of 2001."

**20-3.1-2. Legislative findings.** -- The general assembly finds and declares that:

(1) Marine fisheries have been important to the way of life of people in Rhode Island throughout its history;

(2) Marine fisheries resources are seriously depleted in many respects, and this condition adversely affects commercial and recreational fishing;

(3) There is a public interest in taking action to secure the sustainable viability and use of marine fisheries;

(4) Sustainability can often be enhanced or achieved through effective control of effort and mortality in marine fisheries;

(5) Rhode Island has actively managed its marine fisheries for more than one hundred fifty (150) years, and these management efforts have been responsive to the conditions of the fisheries, knowledge of the fisheries, and socio-economic conditions and values;

(6) Marine fisheries management methods currently used in Rhode Island are not adequate to achieve desired levels of sustainability of certain species of the state's marine fisheries and their commercial and recreational use;

(7) Moratoria in commercial fisheries, which have been used in 1995-1998 and 2000-present to address concerns about over fishing, are at best an interim measure;

(8) There is a need to comprehensively upgrade and restructure Rhode Island's marine fisheries management structure and improve information and data collection systems; and

(9) The Coastal Institute of the University of Rhode Island, with voluntary involvement of a broad range of fishing interests during the winter-spring 2001, produced an analysis

of commercial fishing issues that can serve as a basis for commencing the process of restructuring marine fisheries management.

**20-3.1-3. Purposes.** -- The purposes of this chapter are to:

(1) Commence the process of restructuring marine fisheries management in Rhode Island by: (i) taking initial steps in redesigning fisheries licensure and fees; (ii) establishing expectation for modernization of data collection and analysis by the department; and (iii) authorizing studies to be undertaken that are critical to the development of fisheries management structures needed to secure the sustainability of fisheries and the viability of commercial and recreational fishing;

(2) Provide a one (1) year period, through an extension of the moratorium on commercial fishing licenses, for the development of effective fisheries management structures.

**20-3.1-4. Definitions.** -- For the purposes of this chapter, the following terms shall have the following meaning:

(1) "Council" shall mean the marine fisheries council established pursuant to chapter 20-3.

(2) "Department" shall mean the department of environmental management.

(3) "Director" shall mean the director of the department of environmental management.

**20-3.1-5. Interim management measure.** -- In order to provide a period of time in order to accomplish the purposes and requirements of this chapter and to provide for an orderly transition to such other management system as may be enacted by the general assembly or adopted by rule by the council or department, the moratorium established pursuant to section 20-2-1.1 shall remain in effect until June 30, 2002.

**20-3.1-6. Information systems and data collection.** -- The department, in consultation with the council, shall develop and implement for license renewals for the year beginning January 1, 2003, an electronic license system for commercial fishing licenses, which licensing system shall have the capacity to incorporate data on landings by species and effort and shall provide for electronic license renewal. The licensing system shall be designed so that appropriate confidentiality for individual license holders is maintained and data analysis for fisheries management purposes is facilitated.

**20-3.1-7. Studies and analyses.** -- The department, with the advice and involvement of the council, the University of Rhode Island Coastal Institute and commercial and recreational fishing interests, shall undertake the following studies and analyses that shall evaluate the full reasonable range of options for improving fisheries management in Rhode Island. The process for undertaking these studies and analyses and developing legislative options for consideration by the general assembly shall be open, inclusive, and participatory, and shall fairly and appropriately involve the range of fishing interests and

give fair and balanced consideration to the interests of year round, seasonal, and recreational fishers, full and part-time fishers, aquaculturists, and persons who may wish to participate in fishing in the future.

(1) Principles for fisheries management. The department shall, by October 1, 2001, recommend goals and principles to guide the development and implementation of a restructured marine fisheries management system.

(2) Commercial fisheries. The department shall, by January 1, 2002, recommend options for commercial fishing licenses that address license eligibility, provide for new entrants into fisheries in the state, and establish an analytic basis for and a method to manage fisheries by effort, as well as by quota for catch by species.

(3) Recreational fisheries. The department is authorized to propose a licensing system for recreational fisheries for the purposes of: (i) obtaining reliable data about the level and effects of recreational fishing in the state; (ii) improving the quality and extent of recreational fishing opportunities in Rhode Island; and (iii) providing revenue to be used solely and exclusively for the purposes of managing recreational fisheries and enhancing recreational fishing opportunities. Said licensing system shall not be effective either before April 1, 2003, or without general assembly approval and shall be put into effect by rule after a finding by the director, following such general assembly approval, that the system is fair, enforceable and accomplishes the purposes of this chapter.

(4) Commercial aquaculture. The department shall, by January 1, 2002, develop proposed rules and recommend statutory changes for the purposes of fostering the expansion and competitiveness of commercial aquaculture, which rules shall treat commercial aquaculture as a separate and distinct activity from commercial fishing.

(5) Comprehensive. The department shall develop a plan, by January 1, 2002, to coordinate Rhode Island licensing requirements with federal licensing requirements and licensing requirements in other states that minimizes conflicts and confusion in licensing and reporting, provides for consistent data collection and analysis, and supports regional management efforts that maintain or enhance the stewardship and productivity of fisheries resources.

**20-3.1-8. Reporting.** -- The department, with the advice of the council, shall report annually by March 15 of each year through March 15, 2004, on the status and condition of fisheries in Rhode Island and the effectiveness of management programs to accomplish the purposes of this chapter.

**20-3.1-9. Severability.** -- If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not effect other provisions or applications of the chapter, which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

SECTION 6. This act shall take effect July 1, 2001.

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LC03476/SUB A/002  
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**EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO FISH AND WILDLIFE**

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This act would restructure marine management in Rhode Island by redesigning fisheries licensure and fees and authorizing studies important in the development of fisheries management structures.

This act would take effect July 1, 2001.

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As always, your [comments](#) concerning this page are welcomed and appreciated.

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