

- 2002 -

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2000

AN ACT

RELATING TO MARINE FISHERIES

Introduced By: Senators Sosnowski, McDonald, Walaska, Bates, Felag et. al.Date Introduced: February 7, 2002Referred To: Joint Committee on the Environment

It is enacted by the General Assembly as follows:

SECTION 1. Chapter 2, Sections 20-2-1, 20-2-2, 20-2-8, 20-2-11, 20-2-13, 20-2-14, 20-2-20, 20-2-21, 20-2-22, 20-2-27.1, 20-2-28.2, 20-2-32 and 20-2-33 of the General Laws in Chapter 20-2 entitled "Licensing" are hereby amended to read as follows:

CHAPTER 2**LICENSING ~~LICENSING, PERMITTING AND TAGGING GEAR~~****20-2-1. General.**

The director may issue such licenses, permits and gear tags as required under this title for hunting, fishing, and the taking of fish, game, birds, shellfish, lobsters, or other wild animals within this state and its territorial waters, pursuant to such regulations as he or she shall deem necessary to carry out the provisions of this title. The director may, in his or her discretion, appoint responsible citizens or corporations of the state, or of adjoining states, engaged in operating sporting goods stores to act as his or her agents with authority to issue licenses, permits and gear tags in the manner and under the conditions as set forth below. Before such appointment shall occur, that citizen or corporation of the state or of adjoining states shall deliver to the director a bond with a surety company authorized to do business in the state of Rhode Island. The requirements and conditions of such bond shall be established by regulation.

20-2-2. ~~Issuance of licenses.~~ Issuance of licenses, permits and gear tags.

The clerk of any city or town and any person or corporation appointed by the director as set forth above shall, upon the application of any person entitled to receive a license, permit or gear tag under this chapter and upon payment of the license, permit or gear tag fee hereinafter specified, register that person and issue to him or her a license or permit certificate or gear tag in the form prescribed and upon a blank to be furnished by the department which certificate shall bear the name, age, occupation, place of residence, signature, and identifying description of the registrant and shall authorize him or her to fish, or shellfish, or operate a vessel requiring a permit, or conduct an activity in an area requiring a permit, or use gear required to be tagged in the pursuit of fish or shellfish, or to pursue, hunt, and kill game in the state of Rhode Island during such seasons and in such manners and according to such conditions as shall be

provided by law; provided, however, that no such clerk or appointee shall have authority to issue lobster, commercial shellfish, or commercial fishing licenses of any kind or permits or any gear tags required in the pursuit of same.

20-2-8. False statements and violations-Cancellation of license. False statements and violations-Cancellation of license, permit and gear tag.

Any person who willfully makes a false representation as to birthplace or requirements of identification or of other facts required in an application for license, permit or gear tag under this chapter, or is any wise directly or indirectly a party to such a false representation, shall be punished by a fine of not more than five hundred (\$500.00) fifty dollars (\$50.00). A license, permit or gear tag obtained by any person through such a false representation shall be null and void, and the certificate, permit or gear tag thereof shall be surrendered immediately to the director. No license, permit or gear tag shall be issued under this title to such a person for a period of one year from the date of conviction.

20-2-11. Transfer or loan of license. Transfer or loan of license, permit and gear tag.

Unless otherwise in this title provided, a license, permit or gear tag issued to a person under this chapter shall be good only for the person to whom it is issued; and any transfer or loan of the license, permit or gear tag shall be grounds for revocation or suspension of that license, permit or gear tag pursuant to 20-2-13

20-2-13. License revocation. License, permit and gear tag revocation.

The license, permit and gear tag of any person who has violated the provisions of this title or the rules and regulations issued pursuant thereto may be suspended or revoked by the director in such a manner and for such a period as the director shall determine by regulation. Any person aggrieved by an order of suspension or revocation may appeal therefrom in accordance with the provisions of the Administrative Procedures Act, chapter 35 of title 42.

20-2-14 Licenses – Expiration and deadline for renewal.

(a) 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) 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 the renewals shall be one-half (1/2) of the amount for annual renewal of the licenses as otherwise provided for in this title.

~~(c) Beginning January 1, 2003, for those commercial marine fishing licenses provided for in §§ 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) – (c)(4); 20-2-28(a) – (c); 20-2-28.1(a); 20-4-1.2(1) – (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.~~

20-2-20. Commercial shellfish licenses. Commercial fishing licenses.

~~(a) A resident older than nineteen (19) years but younger than sixty-five (65) years shall pay two hundred dollars (\$200) for a commercial license to take shellfish.~~

~~(b) A resident twenty-three (23) years or younger shall pay fifty dollars (\$50.00) for a student commercial license to take shellfish upon provision of proof of full-time student status.~~

~~(c) Commercial shellfish licenses shall expire on December 31 of each year.~~

No person shall engage in the taking, off loading and offering for sale by any manner, method, or contrivance, of any marine fin fish, shellfish, crustacean, or other invertebrate and no vessel, trap, net, dredge or other fishing gear shall be used in the taking, off loading and offering for sale of any marine fin fish, shellfish, crustacean, or other invertebrate unless a license, permit and/or gear tag has been obtained as provided in this title. All persons applying for a license shall complete on a separate form from the license application information on fishing data as requested by the director which may include identifying by percentage the marine species to be engaged with, the number of, size and type of vessels used and the number and type of gear used. The data collection form shall be kept separate from the application, shall not identify the applicant and shall be used for statistical purposes only.

(a). *<Resident Commercial Fishing License>* - application must be submitted to the director not later than March 31 of each year - three hundred dollars (\$300.00).

(b). *<Resident Commercial Student Shellfish License>* - twenty three (23) years or younger with proof of student status - fifty dollars (\$50.00).

(c). *<Resident Commercial Senior Shellfish License>* - sixty five (65) years or older ten (\$10.00).

(d). *<Non Resident Commercial Fishing License>* - does not allow for the taking of lobster or shellfish or the offloading and selling of a quota species without a permit or the use of fixed gear including but not limited to traps, pots, and gill nets; application must be submitted to the director not later than March 31 of each year - six hundred dollars (\$600.00).

(e). *<Non Resident Noncommercial Shellfish License>* - over the age of twelve (12) years - two hundred dollars (\$200.00).

(f). *<Non Resident Noncommercial Limited Shellfish License>* - over the age of twelve (12) years for a period of fourteen (14) days with a limit of one license per person per calendar year - twenty five dollars (\$ 25.00).

(g). *<Non Resident Noncommercial Landowner Shellfish License>* - as defined in 20-1-3(a)(3) who owns residential real estate in Rhode Island assessed for taxation at a valuation of not less than thirty thousand dollars (\$30,000.00) and is current in the property tax obligation - twenty five dollars (\$25.00).

20-2-21. Shellfish dredging license – Fees. Commercial off loading and sellers license.

~~A resident of this state shall pay an annual fee of two hundred dollars (\$200) for a license to take quahaugs, mussels, and surf clams by dredges hauled by power boat.~~

No person shall engage in the off loading or offering for sale any marine fin fish, shellfish, crustacean, or other invertebrate taken outside of Rhode Island waters unless a license has been obtained as provided in this title. All persons applying for a license shall complete on a separate form from the license application information on fishing data as requested by the director which may include identifying by percentage the marine species to be engaged with, the size and type of vessels used and the type of gear used. The separate data collection form shall not identify the applicant and shall be used for statistical purposes only.

<Commercial Off Loading and Sellers License> - off loading of shellfish from fishing vessels may include surf clams, blue mussels, ocean quahaugs, and sea scallops from federal waters only; does not allow for the non resident offloading and selling of a quota species without a permit; quota species permit holders must possess a valid RI resident or non resident commercial fishing license - one hundred dollars (\$100.00).

20-2-22. Non-resident's noncommercial shellfish license Commercial dealers license.

~~(a). Every non resident over the age of twelve (12) years may obtain a non resident, noncommercial annual shellfish license for a fee of two hundred dollars (\$200).~~

~~(b). A non resident may obtain one noncommercial limited license per calendar year covering fourteen (14) days, including the date of issue, for eleven dollars (\$11.00).~~

~~(c). A non resident must obtain a shellfish landing license, for a fee of two hundred dollars (\$200), to land shellfish (surf clams, blue mussels, ocean quahaugs, sea scallops) harvested outside Rhode Island waters.~~

~~(d). A nonresident landowner, as defined in § 20-1-3(a)(3), who owns residential real estate in Rhode Island assessed for taxation at a valuation of not less than thirty thousand dollars (\$30,000) may, with proof of residential property ownership in the form of a current tax bill from a town or city hall showing that the nonresident landowner is current in his or her property tax obligation, obtain an annual, noncommercial, nonresident shellfish license for a fee of twenty five dollars (\$25.00).~~

No person shall engage in the buying, trading, bartering or selling any marine fin fish, shellfish, crustacean, or other invertebrate unless a license has been obtained as provided in this title.

(a). <Resident Dealers License> - with check off for shell fish one hundred dollars (\$100.00); with check off for lobsters and crustacean one hundred dollars (\$100.00); with check off for fin fish or other invertebrate one hundred dollars (\$100.00).

(b). <Non Resident Dealers License> - with check off for shell fish two hundred dollars (\$200.00); with check off for lobsters and crustacean two hundred dollars (\$200.00); with check off for fin fish or other invertebrate 200 hundred dollars (\$200.00).

20-2-27.1. Rhode Island party and charter boat license. Rhode Island party and charter boat permit.

(a). All party and charter boats carrying recreational passengers to take or attempt to take marine fish upon the navigable state and coastal waters of Rhode Island shall be required to obtain a Rhode Island <Party and Charter Boat Permit> license. The licenses permits shall be issued by the department on a biennial basis for a fee of twenty-five dollars (\$25) per vessel. All licensed permitted party and charter boats shall be required to display a party and charter boat decal provided by the department. To obtain a license permit, the owner of a qualified vessel must submit:

- (1). A current copy of the operator's U.S.C.G. license to carry passengers for hire;
- (2). A current copy of the vessel's "Certificate of Documentation" certifying that the vessel is documented "Coastwise," or if the vessel is under five (5) net tons, a copy of the vessel's state registration;
- (3). Proof that the operator and crew are currently enrolled in a random drug testing program that complies with the federal government's 46CFR "Drug Testing Program" regulations; and
- (4). A signed license permit application form certifying that the vessel is and will be operated in compliance with all state and federal safety regulations for the vessel.

(b). Rhode Island party and charter boat license permit shall expire on the last day of February every other year, with the first expiration date being in February 2001.

20-2-28.2. Deposit of fees. Deposit of fees.

In any fiscal year monies generated from license, permit and tag fees provided for in 20-2-20 to 20-2-28.1 inclusive, over and above the sum of two hundred thousand dollars (\$200,000) shall be deposited with the general treasurer and appropriated to the department of environmental management. The state controller is hereby authorized and directed to draw his or her orders upon the general treasurer for payment of such sum or sums as may be necessary from time to time upon receipt by him or her of duly authenticated vouchers presented by the director of environmental management. The monies received under this section are to be used only for the following specific purposes:

- (A) For protection and propagation of marine fish, lobsters, and shellfish;
- (B) For additional enforcement of the marine fishery regulations;
- (C) For transplanting shellfish from closed areas;

- (D) For fishing port development and construction;
- (E) For staff support of, and expenses incurred by, the marine fisheries council;
- (F) For lease and purchase of land or acquisition of conservation easements.

20-2-32. ~~Inspections condition of license.~~ Inspections condition of license, permit and gear tag.

All persons granted a license, permit or gear tag under the provisions of this chapter are deemed to have consented to the reasonable inspection of any boat, vessel, net, rake, bullrake, tong, dredge, trap, pot, vehicle, structure, or other contrivance used regularly for the keeping or storage of fish, shellfish, crustaceans, or any game bag firearms, creel, box, locker, basket, crate, blind, stand, or hunting, fishing, or trapping paraphernalia used in conjunction with the licensed, permitted or gear tagged activity by persons duly authorized by the director.

20-2-33. ~~Altering and counterfeiting a license.~~ Altering and counterfeiting a license, permit or gear tag.

Every person who falsely makes, alters, forges, or counterfeits, or who causes to be made, altered, forged, or counterfeited, a license, permit or gear tag issued under this title or purporting to be a license, permit or gear tag issued under this title, or who shall have in his or her possession such a false, altered, forged, or counterfeit license, permit or gear tag, is guilty of a misdemeanor and is subject to the penalties prescribed in § 20-1-16.

SECTION 2. Sections 20-2-1.1, 20-2-23, 20-2-24, 20-2-25, 20-2-26, 20-2-26.1, 20-2-27, 20-2-28 and 20-2-28.1 of the General Laws in Chapter 20-2 entitled "Licensing" are hereby repealed:

20-2-1.1 Commercial fishing license moratorium.—(a) ~~The commercial marine fishing licenses as provided for in §§ 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) (c)(4); 20-2-28(a) (c); 20-2-28.1(a); 20-4-1.2(1) (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, 2001, and June 30, 2002. In order to obtain a license applicable to these sections between July 1, 2001, and June 30, 2002, an individual must provide proof that he or she possessed a valid Rhode Island commercial fishing license subsequent to July 1, 2000, and submit a license application to the department environmental management. The moratorium shall provide time for a continued study of the commercial marine fishing licensing program to insure the sustainable viability and use of marine fisheries and for a recommendation to the general assembly, in accordance with chapter 3.1 of title 20.~~

(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.~~

20-2-23. Shellfish buyer's license.

~~The annual fee for a shellfish buyer's license is two hundred dollars (\$200).~~

20-2-24. Lobster license.

~~*Commercial:* two hundred dollars (\$200). The license is issued only to a legal resident of the state who is the operator of a Rhode Island registered vessel.~~

~~*Non-commercial pot:* forty dollars (\$40.00). The license is issued only to a legal resident of the state of Rhode Island.~~

~~*Non-commercial divers:* forty dollars (\$40.00). The license is issued only to a legal resident of the state of Rhode Island.~~

~~*Sellers:* two hundred dollars (\$200).~~

~~*Rhode Island lobster dealer:* two hundred dollars (\$200).~~

20-2-25. Scallop license.

~~*Commercial:* two hundred dollars (\$200). The license is only issued to a resident of this state and shall be valid only for the reason for which issued.~~

~~20-2-26. Fish trap license.~~

~~Two hundred dollars (\$200) per license and twenty dollars (\$20.00) per trap location in accordance with the provisions of chapter 5 of this title.~~

~~20-2-26.1. Gill net licenses.~~

~~Each resident of the state is eligible to obtain a license to utilize gill nets upon payment of an annual fee of two hundred dollars (\$200) subject to rules and regulations established by the marine fisheries council.~~

~~Each resident who holds a multi-purpose commercial marine license, as provided in § 20-2-28.1, or a commercial vessel or vessel operator's license, as provided in § 20-2-27(e), is also eligible to apply for a commercial gill net permit in accordance with the provisions of this section. The annual recording fee for commercial gill netting is twenty dollars (\$20.00) and shall be paid in addition to the fees payable under §§ 20-2-27(e) and 20-2-28.1.~~

~~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.~~

~~(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.~~

~~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 twenty dollars (\$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.~~

~~20-2-28.1. Multi-purpose license - Fees.~~

~~Each resident of this state is eligible to obtain a multi-purpose commercial marine license to participate in all commercial marine fisheries licensed subject to this chapter upon payment of an annual fee of three hundred dollars (\$300).~~

~~*Multi-purpose Rhode Island dealers licenses.* This license allows persons to deal all marine products in the state of Rhode Island, three hundred dollars (\$300).~~

~~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 10 of this title, 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 3. Chapter 20-3.1 entitled “Marine Fisheries Modernization Act of 2002” is hereby repealed in its entirety.

**CHAPTER 3.1
MARINE FISHERIES MODERNIZATION ACT OR 2002**

SECTION 4. Sections 20-4-1, 20-4-5 and 20-4-13 of the General Laws in Chapter 20-4 entitled “Commercial Fisheries” are hereby amended to read as follows:

20-4-1. Commercial fishing.

No person shall engage in the taking for sale by any manner, method, or contrivance, of any marine finfish, shellfish, crustacean, or other invertebrate; and no vessel, boat, trap, seine, or other fishing gear shall be used in the taking for sale of any marine finfish, shellfish, crustacean, or other invertebrate unless a license, permit and gear tag has been obtained as provided in this title.

20-4-1.2. Resident or non-resident commercial landing permit, Non-resident offloading and sale of quota species

~~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.~~

For any marine specie(s) that has been allocated to the state of Rhode Island through a quota system established by the Atlantic States Marine Fisheries Commission or the National Marine Fisheries Service, no non-resident and no vessel registered or documented outside the State of Rhode Island and owned by a non-resident shall offload and offer for sale any marine specie(s) against the quota allocated to the State of Rhode Island, unless as otherwise specified in section 20-4-1.3. of this chapter.

20-4-5. Report of commercial fisheries.

The owner and/or operator of every boat and/or operator of any device licensed pursuant to this title for the taking or landing of marine organisms for commercial purposes in the state of Rhode Island, or any person issued a license by the director for such purposes, and any dealer of marine organisms licensed

pursuant to this title shall, upon request of the department, make either a telephone report, or a written report, or both. Written reports shall be made on forms furnished by the department of environmental management and shall include catch and effort data and any other fishery data which may be required by the director. The reports shall not be made public and shall be kept only for statistical purposes. Failure to comply with the reporting requirements set out in this section or knowingly or willfully making a false report is prohibited. The license, ~~or permit, or gear tag~~ of any person found in violation of this section or regulation duly promulgated thereto may be suspended for a period not to exceed sixty (60) days for each offense. No application for a license renewal shall be accepted from a person whose license or permit is currently under suspension or whose reports have not been submitted. Catch reports must be submitted at a time and in a format specified by the director; provided, however, that any such reporting requirements shall not be unreasonable and shall not create an undue burden.

20-4-13. Commercial gill net fishery – License or permit required. Commercial gill net fishery - Gear tag required.

It shall be unlawful for any person to set, haul, and/or maintain a commercial gill net in the public waters of the state without first obtaining a license ~~or permit~~ and a <Commercial Gill Net Gear Tag> as provided in this title § 20-2-26.1. The gear tag shall be permanently attached to the conference the of the head rope and the up and down line and shall be purchased for a fee of five dollars (\$5.00). Any person violating the provisions of this section shall, upon conviction, be punished by a fine not exceeding five hundred dollars (\$500) or imprisoned for not more than one year, or both.

SECTION 5. Sections 20-4-1, 20-4-5 and 20-4-13 of the General Laws in Chapter 20-4 entitled “Commercial Fisheries” are hereby amended by adding thereto the following section:

20-4-1. 3. Non-resident commercial fishing permit for quota species

The director shall establish a non-resident permit program and may issue a <Non Resident Commercial Quota Species Permit> to the holder of a valid RI non-resident commercial fishing license and the licensee’s named vessel for the offloading and sale of any marine species against the quota that has been specifically allocated to the state of Rhode Island through a quota system by the Atlantic States Marine Fisheries Commission or the National Marine Fishery Service. Any RI licensed non resident commercial fisherman may apply for a non-resident permit for a quota species and shall prove to the satisfaction of the director that said applicant contributed to the establishment of that specific species quota allocated to the state of Rhode Island through historical participation in that fishery by legal landings properly recorded in the State of Rhode Island. The following provisions shall apply to a non-resident commercial quota species permit:

- a. A permit holder may replace the named vessel provided that the replacement vessel and the named vessel are owned by the same person.
- b. Only one vessel upgrade shall be allowed for each permit holder. Any changes in the characteristics of the replacement vessel shall not exceed a ten (10) percent increase in length, gross registered tonnage (GRT), net tonnage (NT), and/or a twenty (20) percent increase in horsepower (HP) when compared to the vessel replaced.
- c. Permits shall not be combined to create a larger vessel.
- d. A permit shall not be pledged, mortgaged, leased, encumbered in any way, transferred to any other person, attached, distrained, sold on execution of judgement, nor shall any property right be created.

SECTION 6. Sections 20-5-1, 20-5-2, 20-5-3, 20-5-4, 20-5-5, 20-5-6, 20-5-7, 20-5-8, 20-5-9, 20-5-10, 20-5-11, 20-5-12, 20-5-13, 20-5-14, 20-5-15, 20-5-16, 20-5-18 and 20-5-21 of the General Laws in Chapter 20-5 entitled “Fish Traps” are hereby amended to read as follows:

20-5-1. Fish traps – License required. Fish traps - Fish trap permit required.

It shall be unlawful for any person to set a fish trap in the public waters of the state without first obtaining a license <Fish Trap Permit> as provided in this chapter. For the purposes of this chapter, "fish trap" means stub and floating traps, weirs, pounds, nets, or any other equivalent contrivance or thing set on, in or anchored to the bottom or shore used for the purpose of catching fish.

~~20-5-2. Persons to whom licenses issuable.~~ Persons to whom permits issuable.

The department of environmental management may issue ~~licenses~~ permits duly signed and under its seal to set or erect and maintain fish traps, as provided in this chapter, to any resident of this state or to any corporations incorporated in the state, upon payment of a ~~license permit~~ fee of one hundred dollars (\$100) per ~~license permit~~ and ~~ten dollars (\$10.00)~~ twenty dollars (\$20.00) per trap location for the ~~license permit~~ period prescribed by § 20-5-9 for each ~~license permit~~.

~~20-5-3. Application for license.~~ Application for permit.

(a) Any person desiring a ~~license permit~~ for a location for erecting a fish trap shall make application in writing to the department of environmental management in any form and giving any information that the department may require.

(b) Each application for a location for a fish trap shall fix definitely the position of the desired location with reference to prominent points on shore and shall also show the dimensions of the trap and of the leader to be set in the desired location, and any other details the department may require.

20-5-4. Distance between traps - Length of trap leader.

Except as provided in § 20-5-5 no ~~license permit~~ shall be granted for the erection within the public waters of the state of a fish trap any part of which is less than three thousand feet (3,000') distant from an adjoining trap, measured parallel with the general coastline at such point as determined by the department of environmental management, or for a greater length of trap and leader than two hundred eighty (280) fathoms; provided, that the department of environmental management may grant a ~~license permit~~ for the erection of a fish trap within a lesser distance of three thousand feet (3,000') from an adjoining trap if the parties interested agree in writing to a lesser distance.

20-5-5. Restricted locations off Rhode Island and Sakonnet River.

No ~~license permit~~ shall be granted for the erection of a fish trap within that portion of the public waters of the state southerly of the island of Rhode Island, designated by the engineer's office of the department of the army as available fishing areas, lying easterly of Brenton's Reef and southerly of a line drawn from Coggeshall's Point to Sakonnet Light, except as follows:

~~Licenses~~ Permits may be granted for the erection of traps:

(1) Southeasterly from Seal Rock, so-called, in a line on range of White Church in Saunderstown over Seal Rock to the offshore limits of the outer area designated by the engineer's office of the department of the army; provided, that all traps on this line shall be of equal length including leaders and shall be so limited in length that permits for eight (8) traps may be granted;

(2) Southeasterly from Flat Rock, so-called, on the easterly side of Coggeshall's Point, in a line to the offshore limits of the inner or "summer" area designated by the engineer's office of the department of the army;

(3) In a line from the westerly side of Price's Neck, so-called, southwesterly for a distance not exceeding one thousand five hundred feet (1,500'); provided, that not more than two (2) traps shall be ~~licensed~~ permitted in this line;

(4) In a line from the easterly side of Price's Neck, so-called, southeasterly for a distance not exceeding three thousand three hundred feet (3,300');

(5) Southeasterly from Coggeshall's Point in a line to the eastern limits of the outer area designated by the engineer's office of the department of the army;

(6) Southerly from Cormorant Rock, so-called, in a line for a distance of not exceeding seven thousand feet (7,000');

(7) For two (2) traps only on the line constituting the offshore limits of the outer area designated by the engineer's office of the department of the army at a point five thousand feet (5,000') east-southeasterly of the southeastern end of the line from Seal Rock described in subdivision (1);

(8) For two (2) traps only beginning at a point ten thousand feet (10,000') east-southeasterly of the southeastern end of the line from Seal Rock described in subdivision (1);

provided, that the traps and leaders described in subdivisions (7) and (8) shall extend parallel with the Seal Rock line. The provisions of § 20-5-4 shall not apply to ~~licenses~~ permits for the erection of traps

granted under this section with the exception of the provision in § 20-5-4 that no license permit shall be granted for a greater length of trap and leader than two hundred eighty (280) fathoms, which provision shall apply to this section.

20-5-6. Continuity of traps.

(a) No more than two (2) traps shall be set together in any continuous string of line, and there shall be a space of one hundred fifty (150) fathoms between two traps set within which no trap, leader or other twine shall be placed.

(b) No more than three (3) traps shall be set, erected, or maintained by the holder of any license permit issued hereunder in a manner to be consecutively arranged in any one of the lines described in § 20-5-5; provided, that this subsection shall not be deemed to limit the total number of traps that may be set, erected, or maintained in a line by a holder.

20-5-8. Preference of prior occupants in licensing.

The director of environmental management shall, where there are two (2) or more applicants for licenses permits for the same location or for locations that are less than three thousand feet (3,000') apart, determine which applicant has continuously during the fishing season occupied the location for the longer period of years; and the application who shall establish a priority of location shall, if otherwise properly qualified, be entitled to receive a license permit for the location.

~~20-5-9. Expiration and renewal of licenses.~~ Expiration and renewal of permits.

(a) All licenses permits issued under this chapter shall be for a three-year period or for that portion thereof expiring on the last day of December of each third year thereafter.

(b) On termination of any license permit, the department may renew the license permit by issuing a new license permit in place of the license permit, provided application for renewal is made within ten (10) days before the termination in a manner similar to that required for application for a license permit in § 20-5-3. Failure to apply for renewal shall operate to leave the location available for an application by any other person.

~~20-5-10. Exclusive right of licensee - Assignment of license.~~ Exclusive right of permittee - Assignment of permit.

(a) The holder of any license permit, or the holder's heirs, executors, administrators, successors, or assigns shall have the exclusive right to fish the location by means of a fish trap, provided that the site is and has been actively fished.

(b) Any holder of a license permit may, with the approval of the director of environmental management, transfer the license permit to any suitable person. This approval shall be endorsed on the license permit in order to become effective.

20-5-11. Inspection of traps.

The director of environmental management shall cause an inspection or inspections of the fish traps licensed permitted to be made at a proper time or times in each year for the purpose of determining whether the traps are located in accordance with the license permit for these traps and whether the licensee permittee is observing the rules and regulations fixed by the director.

~~20-5-12. Suspension or revocation of license.~~ Suspension or revocation of permit.

If, upon inspection, it appears that any trap is improperly located or it is otherwise being used in violation of the rules and regulations fixed by the director, the director of environmental management shall immediately cause notice to be given to the holder of any license permit; and if those facts are established at a hearing, the director may suspend or revoke the license permit.

~~20-5-13. Report as to traps placed - Failure to occupy location - Removal of license from state.~~ Report as to traps placed - Failure to occupy location - Removal of permit from state.

On or before the tenth day of January in each year every person holding a ~~license~~ permit pursuant to this chapter shall notify the department of environmental management in writing, under oath, what traps were placed under the ~~license~~ permit during the preceding calendar year. Failure to furnish this information makes the ~~license~~ permit null and void after that date. Failure to place a complete fish trap on a ~~licensed~~ permitted location for a part of one calendar year may, in the discretion of the director of environmental management, make the ~~license~~ permit for the fish trap null and void; and the location will then become available for any suitable applicant. A ~~license~~ permit for a fish trap location becomes null and void upon the removal of the holder from the state.

20-5-14. Removal of trap on cessation of use - Closed season - Damaged or dilapidated traps.

Upon ceasing to use any fish trap as authorized, that structure shall at once be removed by the owner at the owner's expense and to the satisfaction of the director of environmental management. Failure to remove it shall be considered sufficient grounds for prosecution of the owner for maintaining a public nuisance or for revocation of the fish trap ~~license~~ permit. Unless otherwise specified by regulations adopted by the marine fisheries council, all fish traps authorized in this chapter shall be completely removed by or before the last day of December of each year; and no fish trap shall be reset before the first day of the following March. All submerged or broken stakes must be promptly removed. Any fish trap damaged or allowed to get into a dilapidated condition will be regarded as abandoned unless promptly removed or rebuilt. Failure to do this will subject the owner to prosecution and forfeiture of the trap.

20-5-15. Seizure of abandoned or unlawful traps - Destruction or sale.

The department may take possession of any abandoned fish trap and appurtenances; or any fish trap and appurtenances placed in a location for which no ~~license~~ permit has been obtained; or any fish trap and appurtenances for which a ~~license~~ permit location has been obtained but which the owner of the fish trap and appurtenances may willfully maintain in a wrong position or location; and may destroy the fish trap and appurtenances or may dispose of them at public auction to the highest bidder, first giving notice of the time and place of sale by publishing the notice at least three (3) times a week for two (2) successive weeks in a newspaper of general circulation with power to adjourn the sale from time to time, giving like notice of the adjournment; and make and execute to the purchaser at the sale a good and sufficient conveyance of all right, title, and interest in and to the fish trap and appurtenances; and to receive the proceeds of the sale and pay the proceeds into the treasury of the state; and the state controller shall draw orders upon the general treasurer for the payment of all expenses of taking possession and disposing of a fish trap and any appurtenances, upon receipt by him or her of proper vouchers, approved by the director of environmental management, and the general treasurer shall pay the orders out of moneys appropriated for that purpose.

20-5-16. Rules and regulations.

The director of environmental management, with the concurrence of the marine fisheries council, may adopt and amend any rules and regulations in reference to fish traps, ~~licensed~~ permitted under this chapter, that may appear to him or her necessary for the public safety and for the proper execution of this chapter.

20-5-18. Willful injury to traps.

Any person who willfully or maliciously cuts, removes, displaces, tampers with, or in any way damages any trap, leader, or pound set by virtue of the ~~license~~ permit provided for by this chapter shall be imprisoned not exceeding two (2) years or fined not exceeding one thousand dollars (\$1,000), or both.

20-5-21. Fish traps near Conanicut Island unlawful.

It shall be unlawful to place any fish trap, as defined in this chapter, in the public waters of this state within one mile of the shore of the Island of Conanicut, and no ~~license~~ permit for this purpose shall be granted.

SECTION 7. Sections 20-6-4, 20-6-7, 20-6-8, 20-6-12 and 20-6-13 of the General Laws in Chapter 20-6 entitled "Shellfish" are hereby amended to read as follows:

20-6-4. Registration of boats and display of numbers. Permitting of dredge boats.

No boat shall be used in the taking of quahaugs, surf clams, skimmers or mussels by dredge ~~or the commercial taking of scallops~~ unless upon application and the payment of a fee of twenty-five dollars (\$25.00), that boat has been registered with issued a <Dredge Boat Permit> by the director of environmental management. ~~Each registered boat shall be issued a certificate of registration and assigned a number, and this number shall be displayed on a flat surface in a conspicuous place upon the port side while the boat is engaged in taking quahaugs or scallops.~~

20-6-7. Use of dredges.

Except as hereinafter provided in this title and unless otherwise specified by regulation of the marine fisheries council, no person shall take any oysters, bay quahaugs, mussels, scallops, surf clams, skimmers or soft-shell clams from the waters of this state by dredges, rakes, or other apparatus operated by mechanical power or hauled by power boats. ~~No person shall cast, haul, or have overboard any dredges while taking oysters, bay quahaugs, or soft shell clams from the free and common fisheries of this state, nor shall any licensed boat be used for taking oysters, soft shell clams, or bay quahaugs with dredges, except as provided in this section;~~

(a). ~~Scallops - provided, that~~ any person having a license issued under this title for the taking of scallops may use a dredge or dredges, not exceeding six (6) in number nor exceeding twenty-eight inches (28") each in width, and the bag used shall not be more than thirty-six inches (36") in length. Every single dredge shall be towed and hauled aboard the boat individually for that purpose; provided further, that the licensee shall immediately return all oysters, soft-shell clams, mussels and ~~or~~ bay quahaugs caught by the licensee to the waters from which they were taken. Each boat while dredging for scallops shall be limited to the catch limit established for one licensee.

(b). Mussels - any person having a license issued under this title for the taking of mussels and any boat permitted pursuant to § 20-6-4 may take mussels ~~any licensed boat may be used in dredging for mussels by the licensee of that boat, the licensee having first obtained a permit from the director of environmental management allowing the licensee so to do;~~ provided the licensee, while dredging for mussels ~~under the permit granted the licensee by the director,~~ shall immediately return all oysters, scallops, soft shell clams, surf clams, skimmers and ~~or~~ bay quahaugs caught by the licensee ~~him or her~~ to the waters from which they were taken. The fact of any licensed person being found with oysters, scallops, soft shell clams, surf clams, skimmers or bay quahaugs in his or her possession while dredging for mussels shall be prima facie evidence that person was fishing in violation of the provisions of this chapter and shall be subject to the penalties and fines imposed by this chapter.

(c). Surf clams, skimmers and ocean quahaugs - any person having a license issued under this title for the taking of surf clams, skimmers and ocean quahaugs and any boat permitted pursuant to § 20-6-4 may take surf clams, skimmers and ocean quahaugs provided the licensee ~~any resident dredging for surf clams or skimmers~~ shall not be in violation of this section if that dredging is done southerly of the coastline of Little Compton, southerly of a line extending from Church point, in the town of Little Compton, to Flint point on Aquidneck Island, southerly of the coastline of Aquidneck Island, southerly of a line extending from Castle Hill point on Aquidneck Island, to southwest point of Conanicut Island to Bonnet point, Narragansett, easterly of the coastline of the town of Narragansett, southerly of the coastline of the towns of Narragansett, South Kingstown, and Charlestown, and westerly to the Connecticut line. For the purpose of this section, "coastline" refers to the land facing the open sea. Each permitted boat used shall be limited to the catch limit established for one licensee.

(d). Quahaugs - any boat permitted pursuant to § 20-6-4 used in dredging for bay quahaugs shall be operated only by the person to whom that boat was permitted provided that person is duly licensed for the activity engaged in. Each permitted boat used shall be limited to the catch limit established for one licensee.

20-6-8. Opening areas for quahaug dredging.

Pursuant to good conservation practices, the marine fisheries council shall be authorized to open areas of the public waters of the state for taking quahaugs under license by a permitted ~~registered~~ boat, by dredges, rakes, or other apparatus operated by mechanical power or hauled by power boats, and shall be authorized to close those areas at any time there is a danger of depletion of quahaugs or when flagrant violations of this chapter occur.

20-6-12. Maximum take for dredged quahaugs.

Any person licensed to take quahaugs by dredge, rake, or other apparatus operated by power or hauled by a permitted power boat may take and possess, between sunrise and sunset of any one day, thirty (30) bushels of quahaugs, unless a different amount is specified by regulation of the marine fisheries council. Any person taking more than the prescribed quantity shall be fined, upon conviction, not more than one hundred dollars (\$100) for each bushel exceeding the prescribed quantity, or be imprisoned not exceeding thirty (30) days, or both.

20-6-13. General penalties for violations - Impoundment of boats.

Any person who, without a license or a dredge boat permit, takes quahaugs, mussels, surf clams, or skimmers by dredge, or any person who violates any suspension of the director of environmental management made with respect to quahaug, mussel, surf clam, or skimmer dredging or who violates any provisions of this chapter for which a penalty is not otherwise provided, shall upon conviction for the first offense be fined two hundred fifty dollars (\$250) and the director may seize, hold, and impound at the owner's expense, in one of three (3) commercial shipyards submitting the lowest bid, for a period of not less than thirty (30) days nor more than sixty (60) days, any power boat used in the violation of this section together with its dredges, rakes, and equipment. Any person convicted of a subsequent violation or violations of the provisions of this section shall be imprisoned for thirty (30) days and the director of environmental management may seize, hold, and impound at the owner's expense, in a commercial shipyard for a period of not less than ninety (90) nor more than one hundred twenty (120) days, any power boat used in the violation of this chapter together with its dredges, rakes, and equipment.

SECTION 8. Sections 20-6-5, 20-6-7, 20-6-6 and 20-6-19 of the General Laws in Chapter 20-6 are hereby repealed:

~~20-6-5. Registered boat operated only by licensee.~~

~~Each boat registered pursuant to § 20-6-4 shall be operated only by the person to whom that boat was registered, provided that person is duly licensed for the activity engaged in. Each registered boat used shall be limited, no matter how many persons are on board, to the catch limit established for one licensee.~~

~~20-6-6. Registration of boat used in taking of molluscan shellfish.~~

~~Each boat used in the commercial taking of oysters, soft shell clams, surf clams, mussels, or quahaugs, other than by dredging, shall be registered with the director of environmental management. Upon registration, and the payment of a fee of two dollars (\$2.00), the boat shall be issued a registration number to be displayed on the boat while engaged in shellfishing.~~

~~20-6-19. Number, size, and handling of dredges.~~

~~Unless otherwise specified by regulation of the marine fisheries council, no person engaged in the taking of scallops shall use more than six (6) single dredges, the blades of which shall not be more than twenty eight inches (28") in width, and the bag used shall not be more than thirty six inches (36") in length. Every single dredge shall be towed and hauled aboard the registered boat individually.~~

SECTION 9. Sections 20-7-1, 20-7-2, 20-7-3, 20-7-4 and 20-7-11.1 of the General Laws in Chapter 20-7 entitled "Lobsters" are hereby amended to read as follows:

20-7-1. License required for taking of lobsters. Lobster trap tags.

~~No person either as principal, agent, or servant shall at any time catch or take any lobster from any of the waters in the jurisdiction of this state, or place, set, keep, maintain, supervise, lift, raise, or draw in or from any of those waters or cause to be placed, set, kept, maintained, supervised, lifted, raised, or drawn in or from any of those waters any pot or other contrivance, designed or adapted for the catching or taking of lobsters unless licensed to do so.~~

No person shall set, place, keep or maintain in the waters of this state any traps, pots, or other contrivance designed to catch or take lobsters without having a valid state lobster trap tag permanently attached to the trap bridge or central cross member. Lobster trap tags shall be issued by the director only to Rhode Island residents and federal lobster permitted vessels own by a Rhode Island resident and shall not be transferable to another person or another federal lobster permitted vessel. Tags shall be consecutively numbered and of a truck seal design and each tag shall display the letters (RI), the letters (EEZ) if authorized for use in federal waters, a number that can be crossed referenced to identify the holder, the letter (R) for non-commercial holders, and the letter (C) for commercial license holders. Monies generated from tagging fees shall be deposited in accordance with RIGL 20-2-28.2 and shall be used to support the lobster management program.

20-7-2. Taking of lobsters by commercial fishing vessels. Commercial lobster trap tags.

~~No operator of a Rhode Island registered boat engaged in trawling for fin fish in Rhode Island territorial waters may retain and sell any lobsters taken, unless that operator has a commercial lobster license.~~

(a). Any person having a license issued under this title for the taking of lobsters for commercial purposes may purchase **<Commercial Lobster Trap Tags>** in lots of one hundred (100) consecutively numbered tags by applying to the director and paying a fee of twenty dollars (\$20.00). No person shall purchase or possess more tags than the maximum number of traps authorized by marine fisheries council regulation.

(b). In the event of loss of lobster gear tags for individual license holders or federal lobster permitted vessels, tag loss shall be reported immediately to the division of enforcement and /or US Coast Guard. Application for replacement tags resulting from tag loss shall be made on official forms provided by the director to the division of fish and wildlife and the division of enforcement. The forms shall be reviewed by the division of fish and wildlife and the division of enforcement regarding the number of replacement tags which may be authorized to be issued. Any person unsatisfied by a decision of the divisions may request a hearing before the department of environmental management, administrative adjudication division. Old or damaged tags may be replaced by purchasing new tags on a one-for-one basis in lots of one hundred (100) to allow for necessary gear replacement and maintenance.

(d). In the event of area-wide catastrophic loss of lobster trap tags for industry, the director may invoke emergency measures to suspend trap tag regulations for a time period not to exceed two months. The director may authorize an entirely new allotment of tags to be issued. Replacement tags shall be distinguished from original tags and original tags will not be valid once replacement tags are placed in traps. Replacement tags shall be attached to traps in state waters within ten (10) days of issuance and in federal waters within twenty (20) days of issuance.

20-7-3. Noncommercial Lobster license. Non commercial lobster trap tag.

~~A holder of a noncommercial lobster license may set, place, or maintain in the water at any one time not more than five (5) lobster pots or traps. A resident may purchase annually five (5) **<Non Commercial Lobster Trap Tags>** for a fee of forty dollars (\$40.00). No person shall take more than eight (8) lobsters in any one day unless a license has been obtained as provided in this title. A holder of a non commercial lobster trap tag licensee shall not offer for sale or sell lobsters.~~

20-7-4. Diver's lobster license. Diver's lobster gear tag.

No person while using an under water breathing apparatus shall take any lobsters without first having obtained annually a <Diver's Lobster Gear Tag> for a fee of forty dollars (\$40.00). The gear tag shall be permanently attached to the regulator or the breathing apparatus and shall be good only for the person to whom it is issued. A holder of a diver's license No person shall take no more than eight (8) lobsters in any one day unless a license has been obtained as provided in this title. It shall be unlawful for any diver to use a spear, gig, gaff, or other penetrating device to harvest lobsters or while diving to set, open or tend lobster pots. It shall be unlawful for lobsters taken by recreational divers to be sold or offered for sale.

20-7-11.1 Lobster pots—Tagging—Advisory committee. Lobster pots- Color scheme required.

(a) Each and every pot, trap, or other device used for the taking of lobsters or crabs in any of the waters of this state shall bear a color scheme on the attached buoy. Each applicant for a lobster license shall state the color scheme that he or she desires to use. These colors, unless disapproved by the director of environmental management, shall be stated in the license, and all buoys used by the licensee shall be marked accordingly. Each licensee shall cause his or her color scheme to be displayed on any lobster boat used by the licensee in the waters of this state. Those colors shall be painted on the port and starboard sides of the hull in a section not less than one foot (1') square, or a clearly painted buoy shall be set at the highest point on the boat excluding the mast and be visible for three hundred sixty degrees (360°). The buoy or colors must be prominently displayed on the vessel at all times that lobster gear fished under that license is in the water.

(b) No person shall place, set, lift, raise, unduly disturb, draw in, or transfer any pot, trap, or other device used for the taking of lobsters unless the color scheme of the attached buoy is the same as the color scheme that is on file with the license application and displayed on the boat used by that person, or unless that person is duly licensed and possesses written permission from the rightful owner of the pot, trap, or other device.

~~(c) The Rhode Island marine fisheries council has the authority to promulgate regulations requiring the tagging of lobster traps. The director of the department of environmental management is authorized to promulgate regulations which establish a fee for official state lobster trap tags. Any fee collected by the department will be retained by the agency subject to § 20-2-28.2 to be used for the exclusive purpose of producing and distributing the trap tags and, if necessary, supporting other lobster fishery management measures, including enforcement of the trap tag program; provided, however, that: (1) the department shall not establish a fee to cover any cost other than the cost of trap tags without first obtaining a recommendation from an advisory committee in accordance with subsection (d); and (2) the department shall report to the general assembly regarding the need for the fee to cover any additional cost in accordance with subsection (d).~~

~~(d) The department shall create an advisory committee composed of five (5) members of the lobster industry that utilize trap tags. The director or his or her designee will serve on the committee and act as chairperson. The committee will formulate recommendations on the expenditure of the funds derived from the tagging program. The department shall prepare an annual report for submittal to the general assembly which summarizes the status of the lobster management and trap tag program, management actions, program needs, and catch and effort data, and which provides an itemized listing of all program expenses. This report shall be available to the public and provided to each commercial fishing organization in the state.~~

SECTION 10. Sections 20-7-5 of the General Laws in Chapter 20-7 entitled "Lobsters" is hereby repealed:

20-7-5. Seller's license.

~~Any person having charge of a vessel carrying lobsters who lands in the state of Rhode Island and who is not licensed under any of the provisions of this chapter shall be required to have a seller's license. Any person violating the provisions of this section shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or imprisoned not exceeding thirty (30) days, or both.~~

SECTION 11. Section 20-10- 3.2. of the General Laws in Chapter 20-10 entitled “Aquaculture” is hereby amended by adding the following section:

20-10-3.2. Commercial marine aquaculture sales permit.

No person or business entity shall offer for sale any marine species raised in Rhode Island waters through aquaculture methods without having first obtained a <Commercial Marine Aquaculture Sales Permit> from the director. All persons applying for a sales permit shall pay a fee of one hundred dollars \$100.00.

SECTION 12. This act shall take effect upon passage.

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO MARINE FISHERIES

This act simplifies the marine licensing program by consolidating numbers of licenses, updating the fee structure and providing for better data collection. This act authorizes the director to issue permits and gear tags for specifically regulated commercial fishing activities and collect fees for same. This act modernizes the Rhode Island marine fisheries licensing system.

This act would take effect upon passage.