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ARTICLE 7

RELATING TO THE ENVIRONMENT

SECTION 1. Effective on July 1, 2020, section 20-1-13 of the General Laws in Chapter 20-1 entitled "General Provisions" is hereby amended to read as follows:

20-1-13. Publication and effective date of seasons and bag limits.

Notice of the director's intention to adopt regulations pursuant to § 20-1-12 and the holding of a public hearing on these regulations shall be published in at least one newspaper of general statewide circulation, not less than twenty (20) days prior to the date of the public hearing. ~~These regulations shall remain in effect not longer than one year following the date of their effectiveness.~~

SECTION 2. Effective on July 1, 2020, sections 20-2-15, 20-2-16, 20-2-17, 20-2-18, 20-2-18.1, 20-2-18.3, 20-2-30, 20-2-37 and 20-2-42 of the General Laws in Chapter 20-2 entitled "Licensing" are hereby amended to read as follows:

20-2-15. Freshwater fishing license.

_____ (a)(1) *Resident*: ~~eighteen dollars (\$18.00).~~ twenty-one dollars (\$21.00); commencing July 1, 2024, twenty-four dollars (\$24.00); commencing July 1, 2027, twenty-seven dollars (\$27.00).

(2) *Nonresident*: ~~thirty-five dollars (\$35.00).~~ thirty-eight dollars (\$38.00); commencing July 1, 2024, forty-one dollars (\$41.00); commencing July 1, 2027, forty-four dollars (\$44.00).

(3) *Nonresident tourist*: ~~sixteen dollars (\$16.00).~~ eighteen dollars (\$18.00); commencing July 1, 2024, twenty dollars (\$20.00); commencing July 1, 2027, twenty-two dollars (\$22.00). This

license shall entitle the licensee to fish in Rhode Island for three (3) consecutive days including the day of issue.

(b) Freshwater fishing licenses shall expire on the last day of February of each year.

20-2-16. Hunting License.

_____ (a)(1) *Resident*: ~~eighteen dollars (\$18.00).~~ twenty-one dollars (\$21.00); commencing July 1, 2024, twenty-four dollars (\$24.00); commencing July 1, 2027, twenty-seven dollars (\$27.00).

(2) *Nonresident*: ~~forty-five dollars (\$45.00).~~ fifty-five dollars (\$55.00); commencing July 1, 2024, sixty-five dollars (\$65.00); commencing July 1, 2027, seventy-five dollars (\$75.00).

(3) *Nonresident landowner*: a nonresident citizen of the United States and owner of real estate in Rhode Island assessed for taxation at a valuation of not less than thirty thousand dollars (\$30,000) may obtain a resident's hunting license.

(4) *Shooting preserve*: three dollars and fifty cents (\$3.50).

(5) *Nonresident three (3) day*: ~~sixteen dollars (\$16.00)~~ twenty dollars (\$20.00). This license shall entitle the licensee to hunt in Rhode Island for three (3) consecutive days as validated by the issuing agent.

1 [\(6\) Resident junior hunting license: fourteen dollars \(\\$14.00\).](#)

2 [\(7\) Nonresident junior hunting license: forty dollars \(\\$40.00\).](#)

3 (b) Hunting licenses shall expire on the last day of February of each year.

4 **20-2-17. Combination fishing and hunting license.**

5 _____The director may grant to any eligible resident applying for a combination hunting and
6 fishing license a license that shall entitle the licensee to the privileges of both hunting and fishing
7 licenses, for a fee of ~~thirty-three dollars (\$33.00)~~ [thirty-eight dollars \(\\$38.00\); commencing July 1,](#)
8 [2024, forty-three dollars \(\\$43.00\); commencing July 1, 2027, forty-eight dollars \(\\$48.00\).](#) The
9 license shall expire on the last day of February of each year.

10 **20-2-18. Deer Permits.**

11 (a)(1) Resident: ~~twelve dollars and fifty cents (\$12.50)~~ [thirteen dollars \(\\$13.00\);](#)
12 [commencing July 1, 2024, fourteen dollars \(\\$14.00\); commencing July 1, 2027, fifteen dollars](#)
13 [\(\\$15.00\).](#)

14 (2) Nonresident: ~~twenty-five~~ [twenty-six](#) dollars and fifty cents (~~\$25.50~~[\\$26.50](#));
15 [commencing July 1, 2024, twenty-seven dollars and fifty cents \(\\$27.50\); commencing July 1, 2027,](#)
16 [twenty-eight dollars and fifty cents \(\\$28.50\).](#)

17 (b) A deer permit is good only for the season in which it is issued.

18 **20-2-18.1. Wild turkey permits.**

19 No person shall attempt to take any wild turkey without first obtaining a regular hunting
20 license and a turkey permit for the current year. Permits shall be sold at the direction of the director
21 for a fee of ~~seven dollars and fifty cents~~ [eight dollars \(\\$7.50](#)[\\$8.00\)](#) for residents and ~~twenty-one~~
22 ~~dollars and fifty cents (\$20.00~~[\\$21.50\)](#) for nonresidents. [Commencing July 1, 2024, permits shall](#)
23 [be sold for a fee of nine dollars \(\\$9.00\) for residents and twenty-three dollars \(\\$23.00\) for](#)
24 [nonresidents. Commencing July 1, 2027, permits shall be sold for a fee of ten dollars and fifty cents](#)
25 [\(\\$10.50\) for residents and twenty-four dollars and fifty cents \(\\$24.50\) for nonresidents.](#) The issuing
26 agent may retain a fee of fifty cents (\$0.50) for each permit and shall remit ~~seven dollars (\$7.00)~~
27 ~~for resident permits and nineteen dollars and fifty cents (\$19.50) for nonresident permits~~ [the](#)
28 [remainder](#) to the department. A wild turkey permit shall be good only for the season in which it is
29 issued. All monies derived [by the department](#) from the sale of wild turkey permits shall be expended
30 for turkey habitat acquisition in Rhode Island and wild turkey restoration management and
31 research.

32 **20-2-18.3. Stocked game bird permit fees and bag limits.**

33 Permits shall be sold at the direction of the director for a fee of ~~fifteen~~ [seventeen](#) dollars
34 ~~and fifty cents (\$15.50~~[\\$17.00\).](#) [Commencing July 1, 2024, the fee for a permit shall be eighteen](#)

1 dollars and fifty cents (\$18.50). Commencing July 1, 2027, the fee for a permit shall be twenty-one
2 dollars (\$21.00). The issuing agent will retain a fee of fifty cents (\$0.50) for each permit and shall
3 remit ~~fifteen dollars (\$15.00)~~ the remainder to the department. The permit will allow the person to
4 harvest a daily bag and season limit as described in regulations promulgated by the director. All
5 monies derived by the department from the sale of stocked game bird permits shall be expended
6 for stocking game birds and wildlife habitat acquisition in Rhode Island.

7 **20-2-30. Fur trapping and licenses.**

8 (a)(1) Fur trapper – Resident: ~~ten~~ fifteen dollars (~~\$10.00~~\$15.00); commencing July 1, 2024,
9 twenty dollars (\$20.00); commencing July 1, 2027, twenty-five dollars (\$25.00).

10 (2) Fur trapper – Nonresident: ~~thirty~~ fifty dollars (~~\$30.00~~\$50.00); commencing July 1,
11 2024, seventy-five dollars (\$75.00); commencing July 1, 2027, one hundred dollars (\$100.00).

12 (b) Fur trapper and fur licenses expire on the last day of March of each year.

13 **20-2-37. Waterfowl stamp fees.**

14 (a) Stamps shall be sold at the direction of the director for a fee of ~~seven~~ eight dollars ~~and~~
15 ~~fifty cents (\$7.50)~~\$8.00. Commencing July 1, 2024, the fee for a stamp shall be nine dollars (\$9.00).
16 Commencing July 1, 2027, the fee for a stamp shall be ten dollars (\$10.00). The issuing agent may
17 retain a fee of fifty cents (\$.50) and shall remit ~~seven dollars (\$7.00)~~ the remainder of each fee to
18 the department. The director shall establish a uniform sale price for all categories of by-products.

19 (b) [Deleted by P.L. 2002, ch. 65, art. 13, § 16.]

20 **20-2-42. Trout conservation stamp fee.**

21 Stamps shall be sold at the direction of the director for a fee of five dollars and fifty cents
22 (\$5.50). Commencing July 1, 2024, the fee for a stamp shall be six dollars (\$6.00). Commencing
23 July 1, 2027, the fee for a stamp shall be six dollars and fifty cents (\$6.50). The issuing agent may
24 retain a fee of fifty cents (\$.50) for each stamp sold and shall remit ~~five dollars (\$5.00)~~ the
25 remainder of each fee to the department. The director shall establish uniform sale prices for all
26 categories of by-products.

27 SECTION 3. Section 20-2-27.1 of the General Laws in Chapter 20-2 entitled “Licensing.”
28 is hereby amended to read as follows:

29 **20-2-27.1. Rhode Island party and charter ~~boat~~ vessel license.**

30 (a) All party and charter ~~boats~~ vessels carrying recreational passengers to take or attempt
31 to take marine ~~fish~~ species upon the navigable state and coastal waters of Rhode Island shall be
32 required to obtain a Rhode Island party and charter ~~boat~~ vessel license. ~~The licenses shall be issued~~
33 ~~by the department on a biennial basis for a fee of twenty five dollars (\$25) per vessel. The annual~~
34 fee shall be one hundred dollars (\$100) for a resident of Rhode Island and shall be three hundred

1 dollars (\$300) for a nonresident. All licensed party and charter ~~boats~~ vessels shall be required to
2 display a party and charter ~~boat~~ vessel decal provided by the department. To obtain a license, the
3 owner of a qualified vessel must submit:

4 (1) A current copy of the operator's United States Coast Guard license to carry passengers
5 for hire;

6 (2) A current copy of the vessel's " of Documentation" certifying that the vessel is
7 documented "Coastwise," or if the vessel is under five (5) net tons, a copy of the vessel's state
8 registration;

9 (3) Proof that the operator and crew are currently enrolled in a random drug testing program
10 that complies with the federal government's 46 C.F.R. § 16.101 et seq. "Drug Testing Program"
11 regulations; and

12 (4) A signed license application form certifying that the vessel is, and will be, operated in
13 compliance with all state and federal safety regulations for the vessel.

14 (b) Rhode Island party and charter ~~boat~~ vessel licenses shall expire on the last day of
15 ~~February~~ December every ~~other~~ year, ~~with the first expiration date being in February 2001.~~

16 SECTION 4. Sections 20-2.1-3, 20-2.1-4, 20-2.1-7 and 20-2.1-8 of the General Laws in
17 Chapter 20-2.1 entitled "Commercial Fishing Licenses" are hereby amended to read as follows:

18 **20-2.1-3. Definitions.**

19 For the purposes of this chapter the following terms shall mean:

20 ~~(1) "Basic harvest and gear levels" means fishery specific harvest and/or gear levels,~~
21 ~~established and regularly updated by the department by rule, that, in a manner consistent with the~~
22 ~~state or federally sanctioned management plans or programs that may be in effect, and to the extent~~
23 ~~possible given those plans and programs, provide a maximum level of participation for commercial~~
24 ~~fishing license holders in accordance with applicable endorsements.~~

25 (1) "Activity Standard" means a level of fishing participation used to establish criteria for
26 the issuance of new licenses.

27 (2) "Commercial fisherman" means a natural person licensed to ~~who~~ catches, harvests, or
28 takes ~~finfish, crustaceans, or shellfish~~ marine species from the marine waters for sale.

29 (3) "Council" means the marine fisheries council established by chapter 3 of this title.

30 (4) "Crustaceans" means lobsters, crabs, shrimp, and for purposes of this chapter it also
31 includes horseshoe crabs.

32 (5) "Director" means the director of the department of environmental management.

33 ~~(6) "Endorsement" means the designation of a fishery in which a license holder may~~
34 ~~participate either basic or full harvest and gear levels. Endorsement categories and levels shall be~~

1 ~~established annually by the department by rule, based on the status of the various fisheries, the~~
2 ~~levels of participation of existing license holders, and the provisions of applicable management~~
3 ~~plans or programs. At a minimum, endorsement categories and endorsement opportunities shall~~
4 ~~include, but may not be limited to: non lobster crustacean; lobster; non quahaug shellfish; quahaug;~~
5 ~~non restricted finfish; and restricted finfish. Endorsements, when available, shall be issued in~~
6 ~~accordance with applicable qualifying criteria.~~

7 (6) "Family member" means a spouse, mother, father, brother, sister, child, or grandchild
8 of the holder or transferor of a commercial fishing license.

9 ~~(7) "February 28" means the twenty-eighth (28th) day in the month of February or the next~~
10 ~~business day if February 28 falls on a Saturday or Sunday for the purpose of application submittals~~
11 ~~and renewal deadlines.~~

12 ~~(8) "Finfish" means cold-blooded aquatic vertebrates with fins, including fish, sharks,~~
13 ~~rays, skates, and eels and also includes, for the purposes of this chapter, squid.~~

14 ~~(9) "Fisheries sectors" means and comprises crustaceans, finfish, shellfish, as defined in~~
15 ~~this section, each of which shall singularly be considered a fishery sector.~~

16 (9) "Fishery Endorsement" means the authorization for a license holder to participate in a
17 designated fishery sector at a limited or unlimited level.

18 ~~(10) "Full harvest and gear levels" means fishery specific harvest and/or gear levels,~~
19 ~~established and regularly updated by the department by rule, that, in a manner consistent with the~~
20 ~~state or federally sanctioned management plans or programs that may be in effect, and to the extent~~
21 ~~possible given those plans and programs, provide a maximum level of participation for principal~~
22 ~~effort license holders in accordance with applicable endorsements and for all multi-purpose license~~
23 ~~holders.~~

24 ~~(11) "Grace period" means sixty (60) calendar days commencing the last day of February~~
25 ~~28, as defined herein, and shall only apply to renewals of licenses from the immediately preceding~~
26 ~~year; provided, that for calendar year 2004 the grace period shall be ninety (90) calendar days~~
27 ~~commencing February 29, 2004.~~

28 ~~(12) "Medical hardship" means a significant medical condition that ~~prevents a license~~~~
29 ~~applicant from meeting the application requirements renders an active licensed person unable to~~
30 ~~fish for a period in excess of fourteen (14) days, either as a result of the physical loss of function~~
31 ~~or impairment of a body part or parts, or debilitating pain. Demonstration of the medical hardship~~
32 ~~shall be in the form of a diagnosis and prognosis signed by a medical doctor (M.D. or O.D.).~~

1 (12) "Medical Incapacity" means death or injury that renders an active license holder
2 permanently unable to actively fish. Demonstration of medical incapacity shall be in the form of a
3 death, or a diagnosis and prognosis signed by a medical doctor (M.D. or O.D.).

4 (13) "Other Endorsement" means the authorization for a license holder or vessel to
5 participate in a designated activity.

6 ~~(13)~~¹⁴ "Shellfish" means quahogs, clams, mussels, scallops, oysters, conches, and
7 mollusks in general other than squid.

8 ~~(14)~~¹⁵ "Student commercial fisherman" means a resident, twenty-three (23) years of age
9 or younger, licensed pursuant to this chapter, who is a full-time student.

10 **20-2.1-4. Licenses— General provisions governing licenses issued.**

11 (a) ~~*Licenses and vessel declarations required*~~ Applicability. It shall be unlawful for any
12 person in Rhode Island or the waters of the state: (1) To ~~take, catch,~~ harvest, possess, or to hold, or
13 transport for sale in Rhode Island any marine ~~finfish, crustacean, or shellfish~~ species without a
14 license issued under the provisions of this title, provided, however, that marine ~~finfish, crustaceans,~~
15 ~~or shellfish~~ species may be transported by a duly licensed dealer if the marine ~~finfish, crustaceans,~~
16 ~~or shellfish~~ species have previously been sold by a duly licensed person; or (2) To engage in
17 commercial fishing from a vessel unless the vessel has been declared a commercial fishing vessel
18 as provided in § 20-2.1-5~~(23)~~ and has a decal affixed to it or is displaying a plate.

19 (b) *Validation of license*. No license issued under this chapter shall be valid until signed by
20 the licensee in his or her own handwriting.

21 (c) *Transfer or loan of license*. Unless otherwise provided for in this title, a license issued
22 to a person under this chapter shall be good only for the person to whom it is issued and any transfer
23 or loan of the license shall be grounds for revocation or suspension of that license pursuant to § 20-
24 2-13.

25 (d) *Reporting and inspections condition of license*. All persons granted a license under the
26 provisions of this chapter are deemed to have consented to the reporting requirements applicable
27 to commercial fishing actively that are established pursuant to this title and to the reasonable
28 inspection of any ~~boat,~~ vessel, net, rake, bullrake, tong, dredge, trap, pot, vehicle, structure, or other
29 contrivance used regularly for the keeping or storage of ~~fish, shellfish or crustaceans~~ marine
30 species, and any creel, box, locker, basket, crate, blind, fishing, or paraphernalia used in
31 conjunction with the licensed activity by persons duly authorized by the director. The provisions
32 of § 20-1-8(a)(7)(ii) shall apply to these inspections.

33 (e) *Possession, inspection, and display of license*. Every person holding a license issued
34 under this chapter shall have that license in his or her possession at all times while engaged in the

1 licensed activity and shall present the license for inspection on demand by any authorized person.
2 Any person who shall refuse to present a license on demand shall be liable to the same punishment
3 as if that person were fishing without a license.

4 (f) *Application for license.* Every person entitled to a license under this chapter shall file
5 an application with the director, or the director's authorized agent, properly sworn to, stating the
6 name, age, occupation, place of residence, mailing address, weight, height, and color of hair and
7 eyes of the applicant for whom the license is wanted and providing any other information that may
8 be required pursuant to rule in order to effectuate the purposes of this chapter, and pay the fees as
9 provided in this chapter. All licenses issued under this chapter shall be valid only for the calendar
10 year of issuance, unless otherwise specified in this chapter or in the rules and regulations adopted
11 pursuant to this chapter. If the person will be either the owner or the operator as provided in § 20-
12 2.1-5(~~57~~) of a commercial fishing vessel, the person shall declare, on the application for each
13 commercial fishing vessel, the vessel name, length, horsepower, state registration number or coast
14 guard documentation number, federal permit number, ~~if any, gear type(s), the principal fishery or~~
15 ~~fisheries~~, and average projected crew size.

16 (g) *Application deadline, grace period for renewals, and limitation on appeals after the*
17 *deadlines.* For commercial marine fishing licenses provided for in §§ 20-2.1-5 and 20-2.1-6, the
18 following provisions shall apply:

19 (1) Unless otherwise specified in this chapter, an individual qualified to obtain a license
20 must submit an application to the department of environmental management no later than the last
21 day of February ~~28 of each year~~; license application shall be deemed valid if submitted to the
22 department prior to the close of regular office hours on the last day of February ~~28~~ or if postmarked
23 by the last day of February ~~28~~;

24 (2) Unless otherwise specified in this title, no new or renewed licenses shall be issued after
25 the last day of February ~~28~~ of each year, unless an applicant has submitted an application by the
26 ~~February 28~~ deadline required by this section;

27 (3) The department shall notify all license holders, in writing, regarding the December 31
28 expiration and the ~~February 28~~ renewal deadline no later than November 1 of each year;

29 (4) For renewals of existing commercial marine fishing licenses that expire on December
30 31 of the immediately preceding year, there shall be a sixty-day (60) grace period from the renewal
31 deadline ~~of February 28~~; licenses issued during the grace period shall be subject to a late fee in the
32 amount of two-hundred dollars (\$200) in addition to all other applicable fees;

33 (5) Except as provided for in subsection (g)(4) or § 20-2.1-5(1)(~~iv~~iii)(A), the department
34 shall not accept any applications submitted after the last day of February ~~28~~; and

1 (6) There shall be no right to request ~~reconsideration by the commercial fishing license~~
2 ~~review board or~~ an appeal to the department of environmental management's administrative
3 adjudication division (AAD) for the rejection of any new license applications submitted after the
4 last day of February ~~28~~, or any license renewal applications submitted after the sixty-day (60) grace
5 period; ~~except in~~ In the case of a documented ~~medical hardship as defined herein~~ medical condition
6 that prevents a license applicant from meeting the application requirements, the license applicant
7 has no more than one year after the expiration of a license to appeal to AAD. Demonstration of
8 such medical condition shall be in the form of a diagnosis and prognosis signed by a medical doctor
9 (M.D. or O.D.).

10 (h) *Lost or destroyed licenses and duplicate licenses.* Whoever loses, or by a mistake or
11 accident destroys his or her of a commercial marine fisheries license, may, upon application to
12 the department accompanied by an affidavit fully setting forth the circumstances of the loss, receive
13 a duplicate ~~license~~ for the remainder of the year covered by the original , for a fee of ten dollars
14 (\$10.00) for each duplicate license.

15 (i) *Revocation of licenses.*

16 (1) *License revocation.* The license of any person who has violated the provisions of this
17 chapter; or rules adopted pursuant to the provisions of this chapter; or rules and regulations that
18 pertain to commercial fishing and reporting issued pursuant to this title, may be suspended or
19 revoked by the director as the director shall determine by regulation. Any person aggrieved by an
20 order of suspension or revocation may appeal this order in accordance with the provisions of the
21 Administrative Procedures Act, chapter 35 of title 42.

22 (2) *False statements and violations; cancellation of license.* Any person who willfully
23 makes a false representation as to birthplace or requirements of identification or of other facts
24 required in an application for license under this chapter or is otherwise directly or indirectly a party
25 to a false representation, shall be punished by a fine of not more than fifty dollars (\$50.00). A
26 license obtained by any person through a false representation shall be null and void and the license
27 shall be surrendered immediately to the director. No license shall be issued under this title to this
28 person for a period of one year from the date of imposition of a penalty under this section.

29 (3) *False, altered, forged, or counterfeit licenses.* Every person who falsely makes, alters,
30 forges, or counterfeits, or who causes to be made, altered, forged, or counterfeited, a license issued
31 under this chapter or title, or purporting to be a license issued under this chapter or title, or who
32 shall have in his or her possession such a license knowing it to be false, altered, forged, or
33 counterfeit, is guilty of a misdemeanor and is subject to the penalties prescribed in § 20-1-16.

1 (j) *Expiration.* Unless otherwise specified in this title, all licenses issued under this chapter
2 shall be annual and shall expire on December 31 of each year. It shall be unlawful for any person
3 to fish commercially in Rhode Island waters on an expired license; and the application and grace
4 periods set forth in subsections (g)(1) and (g)(4) above shall not extend the validity of any expired
5 license.

6 (k) *Notice of change of address.* Whenever any person holding any commercial fishing
7 license shall move from the address named in his or her last application, that person shall, within
8 ten (10) days subsequent to moving, notify the office of boat registration and licensing of his or her
9 former and current address.

10 **20-2.1-7. Landing permits and fees.**

11 ~~Landing permits shall be issued as provided for in chapter 4 of this title. In addition, a~~
12 ~~nonresident must obtain a landing permit, for a fee of two hundred dollars (\$200), to off load or~~
13 ~~land species harvested outside Rhode Island waters. The landing permit shall be valid for the~~
14 ~~calendar year in which it was issued. The department shall adopt any rules and procedures that may~~
15 ~~be necessary for the timely issuance of landing permits in order to facilitate the off loading and sale~~
16 ~~of non-quota species harvested outside state waters.~~

17 (a) All residents or nonresidents, with the exception of persons or vessels with qualifying
18 Rhode Island fishing licenses, who have charge of a vessel carrying seafood products legally
19 harvested outside Rhode Island waters shall obtain a permit to land, sell or offer for sale seafood
20 products in Rhode Island. The permit shall be issued by the department upon proof that the
21 applicant holds a valid state or federal commercial fishing license.

22 (1) Resident landing permit: for the landing, sale or offering for sale of marine species
23 (including process product), caught by any means: the fee shall be three hundred dollars (\$ 300).

24 (2) Nonresident landing permit: for the landing, sale or offering for sale of marine species
25 (including process product), caught by any means, excluding restricted species as defined by rule.
26 The fee shall be six hundred dollars (\$600).

27 (3) Nonresident exempted landing permits.

28 (i) A new landing permit shall not be issued to any nonresident to off-load, land, offer for
29 sale, or sell any restricted marine species, the definition of which shall be established by the
30 department by rule and shall take into account species for which a quota has been allocated to the
31 state of Rhode Island by the Atlantic States Marine Fisheries Council or the National Marine
32 Fisheries service, unless:

33 (A) the landing shall be counted against the quota of the state where the vessel making the
34 landing is registered or documented; or

1 (B) the state where the vessel making the landing is registered or documented issues new
2 landing permits to Rhode Island residents to land against that state's quota for the same species. For
3 purposes of this section, the renewal of any nonresident landing permit shall be considered a new
4 nonresident landing permit unless the applicant can show, to the satisfaction of the director, historic
5 participation in the fishery and landings of the species; and any change or upgrade of a vessel
6 twenty percent (20%) or greater in length, displacement, or horsepower above the named vessel
7 shall be considered a new landing permit. Issuance of a landing permit shall not be deemed to create
8 a property right that can be sold, transferred, or encumbered; landing permits shall be surrendered
9 to the state upon their non-renewal or forfeiture, and the acquisition of a named vessel by a
10 nonresident who does not already have a landing permit shall not entitle the nonresident to a landing
11 permit unless a new landing permit can be issued as allowed in this section.

12 (4) Fee: The fee shall be six hundred dollars (\$600).

13 (b) Landing permits shall be valid for the calendar year in which they are issued.

14 (c) The department shall adopt any rules and procedures that may be necessary for the
15 timely issuance of these permits in order to facilitate the off-loading and sale of seafood products,
16 except restricted finfish, harvested outside Rhode Island waters.

17 (d) Notwithstanding the provisions of this section, a commercial vessel with seafood
18 products on board may, without a landing permit, enter Rhode Island waters and be secured to a
19 shoreside facility for purposes other than landing, selling, or offering for sale the seafood products
20 on board if the person having charge of the vessel obtains permission from the department's division
21 of law enforcement prior to securing the vessel to the shoreside facility.

22 **20-2.1-8 Dealers' licenses and fees.**

23 ~~In accordance with §§ 20-4-1.1, 20-6-24, and 20-7-5.1, the following dealers' licenses shall~~
24 ~~be issued by the department:~~

25 (a) No person, partnership, firm, association, or corporation shall barter or trade in marine
26 species taken by persons licensed under this chapter unless a license so to do has been obtained
27 from the director of environmental management.

28 (b) Any licensee operating under the provisions of this section shall purchase marine
29 species from licensed persons only and shall purchase or possess only those lobsters legally taken
30 or possessed.

31 (c) The director shall issue and enforce rules and regulations and orders governing bartering
32 and trading in marine species by licensed persons of marine species and licensed dealers, and other
33 persons, partnerships, firms, associations, or corporations.

34 (d) License types and fees:

1 (1) ~~Multi-purpose Rhode Island~~ *dealer's license*. This license shall allow the ~~holder~~ dealer
2 to ~~deal~~ purchase or sell all marine products in the state of Rhode Island. The license shall be valid
3 for the calendar year in which it is issued. The ~~cost of the license fee~~ shall be ~~three hundred four~~
4 hundred and fifty dollars (~~\$300~~ 450).

5 (2) *Finfish dealer's license*. This license shall allow the ~~holder~~ dealer to ~~deal~~ purchase or
6 sell all finfish products in the state of Rhode Island. The license shall be valid for the calendar year
7 in which it is issued. The ~~cost of the license fee~~ shall be ~~two hundred~~ three hundred dollars (~~\$200~~
8 300).

9 (3) *Shellfish dealer's license*. This license shall allow the ~~holder~~ dealer to ~~deal~~ purchase or
10 sell all shellfish products in the state of Rhode Island. The license shall be valid for the calendar
11 year in which it is issued. The ~~cost of the license fee~~ shall be ~~two hundred~~ three hundred dollars
12 (~~\$200~~ 300).

13 (4) *Crustacean dealer license*. This license shall allow the dealer to purchase all crustacean
14 products in the state of Rhode Island. The license shall be valid for the calendar year in which it is
15 issued. The fee shall be three hundred dollars (\$300).

16 (e) *Seafood dealers license – suspension or revocation*. The director may suspend, revoke,
17 or deny the license of a seafood dealer or fisher of marine species for the violation of any provision
18 of this title or the rules, regulations, or orders adopted or issued pursuant to this title.

19 (f) Any person aggrieved by the decisions of the director may appeal the decision pursuant
20 to the provisions of the Administrative Procedures Act, chapter 35 of title 42.

21 (g) The director is authorized to enter and inspect the business premises, appurtenant
22 structures, vehicles, or vessels of any seafood dealer and to inspect the records maintained by a
23 seafood dealer for the purpose of determining compliance with the provisions of this section and
24 any rules, regulations, or orders issued under this section, and no person shall interfere with,
25 obstruct the entrance, or inspection of the director or the director's agents of those business
26 premises, appurtenant structures, vehicles or vessels.

27 (h) Any violation of the provisions of this section or any rule, regulation, or order adopted
28 under this section shall be subject to penalties prescribed in § 20-1-16.

29 SECTION 5. Effective on July 1, 2021, 20-2.1-5 and 20-2.1-6 of the General Laws in
30 Chapter 20-2.1 entitled “Commercial Fishing Licenses” are hereby amended to read as follows:

31 **20-2.1-5. Resident licenses, endorsements and fees.**

32 The director shall establish, as a minimum, the following types of licenses and
33 endorsements set forth in this section. In addition, the director may establish any other classes and

1 types of licenses and endorsements, consistent with the provisions of this chapter and with adopted
2 management plans that may be necessary to accomplish the purposes of this chapter:

3 (1) *Types of licenses.*

4 (i) ~~*Standard resident commercial*~~ *Commercial fishing license.* Rhode Island residents shall
5 be eligible to obtain a standard resident commercial fishing license; the license shall allow the
6 holder to engage in commercial fishing in fisheries sectors, ~~per~~ dictated by the fishery
7 endorsement(s) associated with the license at basic harvest and gear levels. Fishery endorsements
8 shall be established by the department consistent with fishery management plans developed
9 pursuant to this chapter. ~~The annual fee for a commercial fishing license shall be fifty dollars~~
10 ~~(\$50.00) and twenty five dollars (\$25.00) for each endorsement at the basic harvest and gear levels.~~

11 ~~(ii) *Principal effort license.* Duly licensed persons, in a fishery as of December 31 of the~~
12 ~~immediately preceding year, shall be eligible to obtain a principal effort license for the fishery~~
13 ~~sector for which they were licensed on December 31 of the immediately preceding year, which~~
14 ~~principal effort license shall allow its holder to fish in a fishery sector at the full harvest and gear~~
15 ~~levels. The annual fee for a principal effort license shall be one hundred fifty dollars (\$150).~~
16 ~~Principal effort license holders, in addition to the fishery sector of their principal effort, shall be~~
17 ~~eligible to obtain endorsements for the other fishery sectors at the full harvest and gear levels, if~~
18 ~~and when those endorsements are made available; the annual fee for each other fishery sector~~
19 ~~endorsement shall be seventy five dollars (\$75.00). Principal effort license holders shall also be~~
20 ~~eligible to obtain a commercial fishing license with endorsements, except for fisheries in which the~~
21 ~~license holder can fish at the full harvest and gear levels.~~

22 (iii) *Multi-purpose license.* All multi-purpose license holders as of December 31 of the
23 immediately preceding year shall be eligible to obtain a multi-purpose license that shall allow the
24 holder to engage in commercial fishing in all fisheries sectors ~~at the full harvest and gear levels.~~ ~~At~~
25 ~~the time of application for a multi purpose license and each annual renewal of it, the applicant shall~~
26 ~~make a non binding declaration of which fishing sectors the applicant intends to place significant~~
27 ~~fishing effort during the period covered by the license. The annual fee for multi purpose license~~
28 ~~shall be three hundred dollars (\$300).~~

29 ~~(iv) *Special licenses.*~~

30 (Aiii) *Student shellfish license.* A resident twenty-three (23) years or younger shall pay
31 fifty dollars (\$50.00) for a student commercial license to take shellfish upon provision of proof of
32 full-time student status. An individual qualified to obtain a license must submit an application to
33 the department of environmental management no later than June 30 of each year; a license

1 application shall be deemed valid if submitted to the department prior to the close of regular office
2 hours on June 30 or if postmarked by June 30.

3 (Biv) Over sixty-five (65) shellfish license. A resident sixty-five (65) years of age and over
4 shall be eligible for a shellfish license to shellfish commercially and there shall be no fee for this
5 license.

6 (v) Multipurpose vessel license. Any multipurpose license holder shall be eligible to obtain
7 a multipurpose vessel license that shall allow the vessel owner to designate any operator to engage
8 in commercial fishing for all marine species aboard their owned vessel, provided the vessel owner
9 has consigned a multipurpose fishing license to the department. The department may then re-issue
10 the consigned multipurpose fishing license to the commercially declared fishing vessel as a
11 multipurpose vessel license. The director has the authority to limit the number of multipurpose
12 vessel licenses issued annually by rule. The fee for a multipurpose vessel license shall be one
13 thousand dollars (\$1,000).

14 (2) Fees.

15 (i) Standard resident commercial fishing license.

16 (A) Standard resident commercial fishing license plus one limited fishery endorsement:
17 The fee shall be one hundred fifty dollars (\$150).

18 (B) Standard resident commercial fishing license plus two limited fishery endorsement:
19 The fee shall be two hundred dollars (\$200).

20 (C) Standard resident commercial fishing license plus three limited fishery endorsement:
21 The fee shall be two hundred fifty dollars (\$250).

22 (D) Standard resident commercial fishing license plus one unlimited fishery endorsement:
23 The fee shall be three hundred dollars (\$300).

24 (E) Standard resident commercial fishing license plus one unlimited fishery endorsement
25 and one limited fishery endorsement: The fee shall be three hundred fifty dollars (\$350).

26 (F) Standard resident commercial fishing license plus two unlimited fishery endorsement:
27 The fee shall be three hundred seventy-five dollars (\$375).

28 (G) Standard resident commercial fishing license plus one unlimited fishery endorsement
29 and two limited fishery endorsement: The fee shall be four hundred dollars (\$400).

30 (H) Standard resident commercial fishing license plus two unlimited fishery endorsement
31 and one limited fishery endorsement: The fee shall be four hundred twenty-five dollars (\$425).

32 (ii) Multipurpose license: The fee shall be four hundred fifty dollars (\$450).

33 (23) Vessel declaration and fees; ~~gear endorsement and fees.~~

1 (i) *Vessel declaration and fee.* (A) The department shall require the owner and/or the
2 operator of a commercial fishing vessel to declare the vessel on the owner/operator's commercial
3 fishing license. The declaration shall be made at the time of initial license issuance and each
4 renewal, or prior to the vessel being used for commercial fishing by the owner and/or operator if
5 the first usage of the vessel for commercial fishing occurs during the course of a year after the
6 license has been issued or renewed. If the declaration is for a vessel of less than twenty-five feet
7 (25') in length, the declaration shall be transferable to another vessel less than twenty-five feet (25')
8 in length, provided the vessel is identified as commercial fishing vessel while it is being used for
9 commercial fishing by displaying a plate as provided in § 20-2.1-4.

10 (B) The annual fee for each vessel declaration shall be twenty-five dollars (\$25.00) for the
11 first twenty-five feet (25') or under, plus fifty cents (\$0.50) per foot for each whole foot over twenty-
12 five feet (25'); this declaration fee shall entitle the holder to a decal. The holder of a valid decal for
13 twenty-five feet (25') in length or under may obtain a plate from the department for display on a
14 vessel twenty-five feet (25') in length that is being used temporarily for commercial fishing; the
15 annual fee for a plate shall be fifteen dollars (\$15.00).

16 ~~(ii4)~~ *Gear endorsements and fees.*

17 ~~(A) *Shellfish dredging endorsement.* A resident of this state who holds a multipurpose~~
18 ~~license and/or an appropriate shellfish license is also eligible to apply for a shellfish dredging~~
19 ~~endorsement to take quahogs, mussels, and surf clams by dredges hauled by powerboat. The annual~~
20 ~~fee shall be twenty dollars (\$20.00).~~

21 ~~(B) *Fish trap endorsements.* A person who holds a multi-purpose license and/or a~~
22 ~~principal effort license for finfish is also eligible to apply for a fish trap endorsement in accordance~~
23 ~~with the permitting provisions in chapter 5 of this title. The fee shall be twenty dollars (\$20.00) per~~
24 ~~trap location for a three-year (3) period. Applicants who possessed a valid fish trap endorsement as~~
25 ~~of the immediately preceding year may obtain a fish trap endorsement for the immediately~~
26 ~~following year, subject to the same terms and conditions in effect as the immediately preceding~~
27 ~~year. New fish trap endorsement opportunities shall be established by the department by rule,~~
28 ~~pursuant to applicable management plans and the provisions in chapter 5 of this title.~~

29 ~~(Ei)~~ *Gill net endorsements.* A person who holds a multipurpose license, or a vessel with a
30 multipurpose vessel license, ~~and/or a principal effort license for finfish~~ is also eligible to apply for
31 a commercial gill net endorsement in accordance with the provisions of this section. The ~~annual~~
32 fee for a commercial gill net endorsement ~~is~~ shall be twenty dollars (\$20.00). Applicants who
33 possessed a gill net endorsement as of the immediately preceding year may obtain a gill net

1 endorsement for the immediately following year. New gill net endorsement opportunities shall be
2 established by the department by rule, pursuant to applicable management plans.

3 ~~(Dii) *Miscellaneous gear* *Other* endorsements.~~ The department may establish by rule any
4 ~~specific gear~~ endorsements that may be necessary or appropriate to effectuate the purposes of this
5 chapter and facilitate participation in a specific fishery ~~with a specific type of gear~~; the fee for such
6 ~~a gear~~ endorsement shall not be greater than two hundred dollars (\$200), ~~but may be a lesser~~
7 ~~amount.~~ This endorsement shall be issued only in a manner consistent with the general requirements
8 of this chapter, including specifically those governing residency.

9 ~~(35) *New licenses.*~~

10 (i) *Eligibility.* For new ~~principal effort~~ standard resident commercial fishing and multi-
11 purpose licenses, priority shall be given to applicants who have held a ~~lower level of~~ commercial
12 fishing license for two (2) years or more, applicants with military service, and applicants who have
13 completed a department authorized commercial fishing training program, with preference to family
14 members and crew members of a license holder who is retiring his or her license.

15 (ii) *Priority or preference applicants.* A new license shall be granted to priority/preference
16 applicants who have acquired vessel and/or gear from a license holder who has retired a license,
17 provided, that as the result of any such transaction, for each license retired, not more than one new
18 license may be granted, nor may the nominal effort, including the total number of licenses, in a
19 fishery subject to effort controls or catch restrictions be increased.

20 (iii) *Availability of new or additional licenses.* New ~~principal effort~~ standard resident
21 commercial fishing and multipurpose licenses that increase the total number of licenses in the
22 fishery may be made available by rule consistent with management plan for issuance effective
23 January 1, in any year, based on status of resource and economic condition of fishery. Priority for
24 new licenses shall be given to Rhode Island residents.

25 ~~(46) *Retirement of licenses.*~~ Issuance of a commercial fishing license shall not be deemed
26 to create a property right such that the license can be sold or transferred by the license holder;
27 fishing licenses shall be surrendered to the state upon their non-renewal, forfeiture, or revocation.

28 ~~(57) *Transfer for Issuance of temporary operator permits in cases of medical*~~
29 ~~hardship. Notwithstanding the provisions of § 20-2.1-4(c), a license may be transferred to a family~~
30 ~~member upon the incapacity or death of the license holder who has actively participated in~~
31 ~~commercial fishing. The transfer shall be effective upon its registration with the department. A~~
32 ~~family member shall be defined as the spouse, mother, father, brother, sister, child, or grandchild~~
33 ~~of the transferor.~~ The department shall make available, as necessary, temporary operator permits to
34 provide solely for the continued operation of a fishing vessel upon the ~~illness, incapacity, or death~~

1 determination of medical hardship of a license holder who has actively ~~participated in commercial~~
2 ~~fishing~~ fished. ~~, which~~ Temporary operator permits shall be subject at a minimum to the conditions
3 and restrictions that applied to the license holder.

4 (8) Issuance of new Licenses to family members in cases of medical incapacity: Upon
5 determination of medical incapacity, an actively fished license may be surrendered to the
6 Department for the purpose of the concurrent issuance of a new license to a resident family member.

7 (9) Issuance of new licenses upon the sale of a commercial fishing business: Upon the sale
8 of a commercial fishing business, as defined by rule, a new license may be issued to the buyer upon
9 the surrender of the seller's license to the department for the purpose of the concurrent issuance of
10 a new license.

11 ~~(610)~~ Transfer of vessels and gear. Vessels and gear may be sold, transferred, or disposed
12 at the sole discretion of the owner; provided, however, that the subsequent level of use of the gear
13 may be restricted in Rhode Island waters in order to accomplish the purposes of a duly adopted
14 management plan or other duly adopted program to reduce effort.

15 **20-2.1-6. Nonresident licenses, endorsements and fees.**

16 Subject to the rules of the department, nonresidents may apply for the following
17 commercial fishing licenses:

18 (1) ~~Nonresident principal effort~~ Standard nonresident commercial fishing license.

19 (i) Nonresidents age eighteen (18) and over shall be eligible to obtain a standard
20 nonresident commercial fishing license and, in accordance with applicable qualifying criteria,
21 available fishery sector endorsements, provided that the state of residence of the person affords the
22 same privilege in a manner that is not more restrictive to Rhode Island residents. A standard
23 nonresident ~~principal effort~~ commercial fishing license shall allow the license holder to harvest,
24 land, and sell in a lawful manner any marine species ~~of finfish, per~~ as dictated by the fishery
25 endorsement(s), at principal harvest and gear levels and as allowed in a management plan adopted
26 ~~by the department~~ associated with the license. Fishery endorsements shall be established by the
27 department consistent with fishery management plans developed pursuant to this chapter.

28 (ii) Duly Rhode Island-licensed nonresidents in a commercial fishery as of December 31
29 of the immediately preceding year shall be eligible to obtain a standard nonresident ~~principal effort~~
30 commercial fishing license with a single sector endorsement applicable to the fishery sectors for
31 which they were licensed as of December 31 of the immediately preceding year; provided:

32 (A) that the state of residence of the person affords the same privilege in a manner that is
33 not more restrictive to Rhode Island residents;

1 (B) that those persons apply for the standard nonresident ~~principal effort~~ commercial
2 fishing license in accordance with § 20-2.1-4(g); and

3 (C) that those persons shall also be subject to any other restrictions that were applicable to
4 the license as of December 31 of the immediately preceding year, which other restrictions may be
5 altered or changed consistent with ~~a fishery~~ management plans ~~adopted by the department~~
6 developed pursuant to this chapter.

7 (iii) Persons not duly licensed as of December 31 of the immediately preceding year shall
8 be eligible to obtain a standard nonresident ~~principal effort~~ commercial fishing license, per
9 endorsement, when available, consistent with fishery management plans developed pursuant to this
10 chapter, in accordance with applicable qualifying criteria ~~and as allowed in a management plan~~
11 ~~adopted by the department~~, provided that the state of residence of the person affords the same
12 privilege in a manner that is not more restrictive to Rhode Island residents.

13 ~~(iv) The annual fee for a standard nonresident principal effort license shall be four hundred~~
14 ~~dollars (\$400), plus one hundred dollars (\$100) per endorsement.~~

15 ~~(2) Nonresident commercial fishing license. (i) A nonresident commercial fishing license~~
16 ~~shall allow the holder to harvest, land, and sell in a lawful manner any species of finfish, per~~
17 ~~endorsement(s), at basic harvest and gear levels and as allowed in a management plans adopted by~~
18 ~~the department.~~

19 ~~(ii) Nonresidents age eighteen (18) and over shall be eligible to obtain a nonresident~~
20 ~~commercial fishing license and, in accordance with applicable qualifying criteria, available fishery~~
21 ~~sector endorsements, provided that the state of residence of the person affords the same privilege~~
22 ~~in a manner that is not more restrictive to Rhode Island residents.~~

23 ~~(iii) Holders of nonresident principal effort licenses shall not be eligible to obtain~~
24 ~~nonresident commercial fishing licenses with the same fishery sector endorsements.~~

25 ~~(iv) Duly Rhode Island licensed nonresidents in a commercial fishery as of December 31~~
26 ~~of the immediately preceding year, shall be eligible to obtain a nonresident commercial fishing~~
27 ~~license in their endorsed fishery sector as of December 31 of the immediately preceding year~~
28 ~~provided:~~

29 ~~(A) That the state of residence of the person affords the same privilege in a manner that is~~
30 ~~not more restrictive to Rhode Island residents;~~

31 ~~(B) That those persons apply for the nonresident commercial fishing license in accordance~~
32 ~~with § 20-2.1-4(g); and~~

1 ~~(C) That those persons shall also be subject to any other restrictions that were applicable~~
2 ~~to the license as of December 31 of the immediately preceding year which other restrictions may~~
3 ~~be altered or changed consistent with a management plan adopted by the department.~~

4 ~~(v) The annual fee for a nonresident commercial fishing license shall be one hundred fifty~~
5 ~~dollars (\$150), plus fifty dollars (\$50.00) per endorsement.~~

6 (2) Fees.

7 (i) Standard nonresident commercial fishing license.

8 (A) Standard nonresident commercial fishing license plus one limited fishery endorsement:
9 The fee shall be three hundred fifty dollars (\$350).

10 (B) Standard nonresident commercial fishing license plus one unlimited fishery
11 endorsement: The fee shall be seven hundred dollars (\$700).

12 (C) Standard nonresident commercial fishing license plus two limited fishery
13 endorsements: The fee shall be seven hundred dollars (\$700).

14 (D) Standard nonresident commercial fishing license plus three limited fishery
15 endorsements: The fee shall be one thousand fifty dollars (\$1050).

16 (E) Standard nonresident commercial fishing license plus one unlimited fishery
17 endorsement and one limited fishery endorsement: The fee shall be one thousand fifty dollars
18 (\$1050).

19 (F) Standard nonresident commercial fishing license plus one unlimited fishery
20 endorsement and two limited fishery endorsements: The fee shall be one thousand four hundred
21 dollars (\$1400).

22 (G) Standard nonresident commercial fishing license plus two unlimited fishery
23 endorsements: The fee shall be one thousand four hundred dollars (\$1400).

24 (H) Standard nonresident commercial fishing license plus two unlimited and one limited
25 fishery endorsement: The fee shall be one thousand seven hundred fifty dollars (\$1750).

26 (3) *Vessel declaration and fees.* The department shall require a nonresident owner and/or
27 operator of a commercial fishing vessel to make a declaration for that vessel; which shall be made
28 at the time of initial license issuance and each renewal, or prior to the vessel's being used for
29 commercial fishing in Rhode Island waters by the nonresident owner and/or operator if the first
30 usage of the vessel for commercial fishing occurs during the course of a year after the license has
31 been issued or renewed, for a cost of fifty dollars (\$50.00), plus one dollar and fifty cents (\$1.50)
32 for each whole foot over twenty-five feet (25') in length overall.

33 (4) *New licenses.* Any resident of a state that accords to Rhode Island residents commercial
34 fishing privileges that include an ability to obtain a new license to fish for finfish species that are

1 subject to restrictions and/or quotas, may on species specific reciprocal basis be eligible to obtain
2 ~~commercial fishing licenses and principal effort~~ standard nonresident commercial fishing licenses
3 by endorsement as provided in this section, subject to availability and with the priority established
4 in § 20-2.1-5(3)(iii).

5 SECTION 6. Sections 20-4-1.1, 20-4-1.2 and 20-4-1.3 of the General Laws in Chapter 20-
6 4 entitled "Commercial Fisheries" are hereby repealed.

7 ~~**20-4-1.1. Finfish dealers license — License for finfish buyers — Suspension or**~~
8 ~~**revocation.**~~

9 ~~(a) No person, partnership, firm, association, or corporation shall barter or trade in finfish~~
10 ~~taken by persons licensed under this chapter unless a license so to do has been obtained from the~~
11 ~~director of environmental management.~~

12 ~~(b) Any licensee operating under the provisions of this section shall purchase finfish from~~
13 ~~licensed persons only and shall purchase or possess only those finfish legally taken or possessed.~~

14 ~~(c) The director shall issue and enforce rules and regulations and orders governing bartering~~
15 ~~and trading in finfish by licensed fishers of finfish and licensed finfish buyers and other persons,~~
16 ~~partnerships, firms, associations, or corporations.~~

17 ~~(d) The director may suspend, revoke, or deny the license of a finfish buyer or fisher of~~
18 ~~finfish for the violation of any provision of this title or the rules, regulations, or orders adopted or~~
19 ~~issued pursuant to this title.~~

20 ~~(e) Any person aggrieved by the decisions of the director may appeal the decision pursuant~~
21 ~~to the provisions of the Administrative Procedures Act, chapter 35 of title 42.~~

22 ~~(f) The director of the department of environmental management and the director's agents~~
23 ~~are authorized to enter and inspect the business premises, appurtenant structures, vehicles, or~~
24 ~~vessels of any finfish buyer and to inspect the records maintained by a finfish buyer for the purpose~~
25 ~~of determining compliance with the provisions of this section and any rules, regulations, or orders~~
26 ~~issued under this section, and no person shall interfere with, obstruct the entrance, or inspection of~~
27 ~~the director or the director's agents of those business premises, appurtenant structures, vehicles or~~
28 ~~vessels.~~

29 ~~(g) Any violation of the provisions of this section or any rule, regulation, or order adopted~~
30 ~~under this section shall be subject to penalties prescribed in § 20-1-16.~~

31 ~~**20-4-1.2. Resident or nonresident commercial landing permit.**~~

32 ~~(a) Each resident or nonresident who has charge of a vessel carrying seafood products~~
33 ~~legally harvested outside Rhode Island waters shall obtain a permit to land, sell or offer for sale~~
34 ~~seafood products in Rhode Island. The permit shall be issued by the department upon proof that the~~

1 applicant holds a valid state or federal commercial fishing license and upon payment of the
2 following fees:

3 (1) Resident or nonresident finfish landing permit: for the landing sale or offering for sale
4 of non-restricted finfish, the definition of which shall be established by the department by rule,
5 caught by any means, two hundred dollars (\$200) for residents of the state; four hundred dollars
6 (\$400) for nonresidents of the state.

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

11 (3) Resident or nonresident miscellaneous landing permit: includes all other seafood
12 products not specified under any other provision of this chapter, two hundred dollars (\$200) for
13 residents of the state; four hundred dollars (\$400) for nonresidents of the state.

14 (4) Multi-purpose resident or nonresident landing permit: This permit allows a resident or
15 nonresident to land and sell all marine products in the state of Rhode Island, except restricted
16 finfish, the definition of which shall be established by the department by rule, three hundred dollars
17 (\$300) for residents of the state; six hundred dollars (\$600) for nonresidents of the state.

18 (b) Landing permits shall be valid for the calendar year in which they are issued.

19 (c) The department shall adopt any rules and procedures that may be necessary for the
20 timely issuance of these permits in order to facilitate the off-loading and sale of seafood products,
21 except restricted finfish, harvested outside Rhode Island waters.

22 (d) Notwithstanding the provisions of this section, a commercial vessel with seafood
23 products on board may, without a landing permit, enter Rhode Island waters and be secured to a
24 shoreside facility for purposes other than landing, selling, or offering for sale the seafood products
25 on board if the person having charge of the vessel obtains permission from the department's division
26 of law enforcement prior to securing the vessel to the shoreside facility.

27 **20-4-1.3. Nonresident landing permits.**

28 A new landing permit shall not be issued to any nonresident to off-load, land, offer for sale,
29 or sell any restricted marine species, the definition of which shall be established by the department
30 by rule and shall take into account species for which a quota has been allocated to the state of Rhode
31 Island by the Atlantic States Marine Fisheries Council or the National Marine Fisheries service,
32 unless: (1) the landing shall be counted against the quota of the state where the vessel making the
33 landing is registered or documented; or (2) the state where the vessel making the landing is
34 registered or documented issues new landing permits to Rhode Island residents to land against that

1 ~~state's quota for the same species. For purposes of this section, the renewal of any nonresident~~
2 ~~landing permit shall be considered a new nonresident landing permit unless the applicant can show,~~
3 ~~to the satisfaction of the director, historic participation in the fishery and landings of the species;~~
4 ~~and any change or upgrade of a vessel twenty percent (20%) or greater in length, displacement, or~~
5 ~~horsepower above the named vessel shall be considered a new landing permit. Issuance of a landing~~
6 ~~permit shall not be deemed to create a property right that can be sold, transferred, or encumbered;~~
7 ~~landing permits shall be surrendered to the state upon their non-renewal or forfeiture, and the~~
8 ~~acquisition of a named vessel by a nonresident who does not already have a landing permit shall~~
9 ~~not entitle the nonresident to a landing permit unless a new landing permit can be issued as allowed~~
10 ~~in this section.~~

11 SECTION 7. Section 20-6-24 of the General Laws in Chapter 20-6 entitled "Shellfish" is
12 hereby repealed.

13 ~~**20-6-24. License for shellfish buyers—Suspension or revocation.**~~

14 ~~(a) No person, partnership, firm, association, or corporation shall barter or trade in shellfish~~
15 ~~taken by persons licensed under this chapter unless a license so to do has been obtained from the~~
16 ~~director of environmental management.~~

17 ~~(b) Any licensee operating under the provisions of this section shall purchase shellfish from~~
18 ~~licensed persons only and shall purchase or possess only those shellfish legally taken or possessed.~~

19 ~~(c) The director shall issue and enforce rules and regulations and orders governing bartering~~
20 ~~and trading in shellfish by licensed fishers of shellfish, licensed shellfish buyers and other persons,~~
21 ~~partnerships, firms, associations, or corporations.~~

22 ~~(d) The director may suspend, revoke, or deny the license of a shellfish buyer or fisher of~~
23 ~~shellfish for the violation of any provision of this title or the rules, regulations, or orders adopted~~
24 ~~or issued pursuant to this title.~~

25 ~~(e) Any person aggrieved by the decision of the director may appeal the decision pursuant~~
26 ~~to the provisions of the Administrative Procedures Act, chapter 35 of title 42.~~

27 ~~(f) The director of the department of environmental management and the director's agents~~
28 ~~are authorized to enter and inspect the business premises, appurtenant structures, vehicles, or~~
29 ~~vessels of any shellfish buyer and to inspect records maintained by a shellfish buyer for the purpose~~
30 ~~of determining compliance with the provisions of this section and any rules, regulations, or orders~~
31 ~~issued under this section, and no person shall interfere with or obstruct the entrance or inspection~~
32 ~~of the director or the director's agents of those business premises, appurtenant structures, vehicles,~~
33 ~~or vessels.~~

1 ~~(g) Any violation of the provisions of this section or any rule, regulation, or order adopted~~
2 ~~under this section shall be subject to the penalties prescribed in § 20-1-16.~~

3 SECTION 8. Section 20-7-5.1 of the General Laws in Chapter 20-7 entitled "Lobsters and
4 Other Crustaceans" is hereby repealed.

5 ~~**20-7-5.1. Lobster dealer's license.**~~

6 ~~(a) No person, partnership, firm, association, or corporation shall barter or trade in lobsters~~
7 ~~taken by persons licensed under this chapter unless a license so to do has been obtained from the~~
8 ~~director of environmental management.~~

9 ~~(b) Any licensee operating under the provisions of this section shall purchase lobsters from~~
10 ~~licensed persons only and shall purchase or possess only those lobsters legally taken or possessed.~~

11 ~~(c) The director shall issue and enforce rules and regulations and orders governing bartering~~
12 ~~and trading in lobsters by licensed fishers of lobster and licensed lobster buyers and other persons,~~
13 ~~partnerships, firms, associations, or corporations.~~

14 ~~(d) The director may suspend, revoke, or deny the license of a lobster buyer or fisher of~~
15 ~~lobster for the violation of any provision of this title or the rules, regulations, or orders adopted or~~
16 ~~issued pursuant to this title.~~

17 ~~(e) Any person aggrieved by the decision of the director may appeal the decision pursuant~~
18 ~~to the provision of the Administrative Procedures Act, chapter 35 of title 42.~~

19 ~~(f) The director of the department of environmental management and the director's agents~~
20 ~~are authorized to enter and inspect the business premises, appurtenant structures, vehicles or vessels~~
21 ~~of any lobster buyer and to inspect records maintained by a lobster buyer for the purposes of~~
22 ~~determining compliance with the provisions of this section and any rules, regulations, or orders~~
23 ~~issued under this section, and no person shall interfere with or obstruct the entrance or inspection~~
24 ~~of the director or the director's her agents of those business premises, appurtenant structures,~~
25 ~~vehicles or vessels.~~

26 ~~(g) Any violation of the provisions of this section or any rule, regulation or order adopted~~
27 ~~hereunder shall be subject to the penalties prescribed in § 20-1-16.~~

28 SECTION 9. Section 21-14-12 of the General Laws in Chapter 21-14 entitled "Shellfish
29 Packing Houses" is hereby amended to read as follows:

30 ~~**21-14-12. Inspection of business premises.**~~

31 ~~(a) The director shall make regular inspections of the business premises of licensees and~~
32 ~~no person shall interfere with or obstruct the entrance of the director to any packing house or~~
33 ~~structural appurtenance to it, vessel, or vehicle for the purpose of making inspection as to sanitary~~
34 ~~conditions during reasonable business hours, and no person shall obstruct the conduct of this~~

1 inspection; provided, that inspections as to sanitary conditions shall be made only by the director
2 or employees of the department ~~of health~~. These employees of the department ~~of health~~ shall not
3 be construed to include agents whom the director may appoint in other departments for the purpose
4 of enforcing other provisions of this chapter; and provided, that nothing in this section shall be
5 construed as having granted to the director or any duly authorized official of the department the
6 right of search and seizure without a warrant.

7 (b) The director shall be authorized to establish a dockside program, including the
8 promulgation of any rules and regulations deemed necessary or advisable in connection therewith,
9 pursuant to the relevant provisions of the National Shellfish Sanitation Program (NSSP) Model
10 Ordinance. Promulgating such rules and regulations pursuant to the NSSP Model Ordinance shall
11 assure that the marine shellfish processors, licensed by the department to land and process surf
12 clams and/or other marine shellfish species acquired in federal waters, are doing so in sanitary
13 fashion that comports with national standards. Such rules and regulations shall also be consistent
14 with the landing permit requirements of the department of environmental management in section
15 20-2.1-7. The dockside program shall not apply to aquaculture processors.

16 (c) The licensing fees from the dockside program shall be deposited into the general fund,
17 and the revenues shall be allocated to the department for its administration. The director shall have
18 the authority to establish the licensing fees for the dockside program, at his or her sole discretion
19 and limit the number of licenses issued.

20 SECTION 10. Section 42-17.1-2 of the General Laws in Chapter 42-17.1 entitled
21 "Department of Environmental Management" is hereby amended to read as follows:

22 **42-17.1-2. Powers and duties.**

23 The director of environmental management shall have the following powers and duties:

24 (1) To supervise and control the protection, development, planning, and utilization of the
25 natural resources of the state, such resources, including, but not limited to: water, plants, trees, soil,
26 clay, sand, gravel, rocks and other minerals, air, mammals, birds, reptiles, amphibians, fish,
27 shellfish, and other forms of aquatic, insect, and animal life;

28 (2) To exercise all functions, powers, and duties heretofore vested in the department of
29 agriculture and conservation, and in each of the divisions of the department, such as the promotion
30 of agriculture and animal husbandry in their several branches, including the inspection and
31 suppression of contagious diseases among animals; the regulation of the marketing of farm
32 products; the inspection of orchards and nurseries; the protection of trees and shrubs from injurious
33 insects and diseases; protection from forest fires; the inspection of apiaries and the suppression of
34 contagious diseases among bees; the prevention of the sale of adulterated or misbranded

1 agricultural seeds; promotion and encouragement of the work of farm bureaus, in cooperation with
2 the University of Rhode Island, farmers' institutes, and the various organizations established for the
3 purpose of developing an interest in agriculture; together with such other agencies and activities as
4 the governor and the general assembly may, from time to time, place under the control of the
5 department; and as heretofore vested by such of the following chapters and sections of the general
6 laws as are presently applicable to the department of environmental management and that were
7 previously applicable to the department of natural resources and the department of agriculture and
8 conservation or to any of its divisions: chapters 1 through 22, inclusive, as amended, in title 2
9 entitled "Agriculture and Forestry"; chapters 1 through 17, inclusive, as amended, in title 4 entitled
10 "Animals and Animal Husbandry"; chapters 1 through 19, inclusive, as amended, in title 20 entitled
11 "Fish and Wildlife"; chapters 1 through 32, inclusive, as amended, in title 21 entitled "Food and
12 Drugs"; chapter 7 of title 23, as amended, entitled "Mosquito Abatement"; and by any other general
13 or public law relating to the department of agriculture and conservation or to any of its divisions or
14 bureaus;

15 (3) To exercise all the functions, powers, and duties heretofore vested in the division of
16 parks and recreation of the department of public works by chapters 1, 2, and 5 in title 32 entitled
17 "Parks and Recreational Areas"; by chapter 22.5 of title 23, as amended, entitled "Drowning
18 Prevention and Lifesaving"; and by any other general or public law relating to the division of parks
19 and recreation;

20 (4) To exercise all the functions, powers, and duties heretofore vested in the division of
21 harbors and rivers of the department of public works, or in the department itself by such as were
22 previously applicable to the division or the department, of chapters 1 through 22 and sections
23 thereof, as amended, in title 46 entitled "Waters and Navigation"; and by any other general or public
24 law relating to the division of harbors and rivers;

25 (5) To exercise all the functions, powers, and duties heretofore vested in the department of
26 health by chapters 25, 18.9, and 19.5 of title 23, as amended, entitled "Health and Safety"; and by
27 chapters 12 and 16 of title 46, as amended, entitled "Waters and Navigation"; by chapters 3, 4, 5,
28 6, 7, 9, 11, 13, 18, and 19 of title 4, as amended, entitled "Animals and Animal Husbandry"; and
29 those functions, powers, and duties specifically vested in the director of environmental
30 management by the provisions of § 21-2-22, as amended, entitled "Inspection of Animals and
31 Milk"; together with other powers and duties of the director of the department of health as are
32 incidental to, or necessary for, the performance of the functions transferred by this section;

1 (6) To cooperate with the Rhode Island commerce corporation in its planning and
2 promotional functions, particularly in regard to those resources relating to agriculture, fisheries,
3 and recreation;

4 (7) To cooperate with, advise, and guide conservation commissions of cities and towns
5 created under chapter 35 of title 45 entitled "Conservation Commissions", as enacted by chapter
6 203 of the Public Laws, 1960;

7 (8) To assign or reassign, with the approval of the governor, any functions, duties, or
8 powers established by this chapter to any agency within the department, except as hereinafter
9 limited;

10 (9) To cooperate with the water resources board and to provide to the board facilities,
11 administrative support, staff services, and other services as the board shall reasonably require for
12 its operation and, in cooperation with the board and the statewide planning program, to formulate
13 and maintain a long-range guide plan and implementing program for development of major water-
14 sources transmission systems needed to furnish water to regional- and local-distribution systems;

15 (10) To cooperate with the solid waste management corporation and to provide to the
16 corporation such facilities, administrative support, staff services, and other services within the
17 department as the corporation shall reasonably require for its operation;

18 (11) To provide for the maintenance of waterways and boating facilities, consistent with
19 chapter 6.1 of title 46, by: (i) Establishing minimum standards for upland beneficial use and
20 disposal of dredged material; (ii) Promulgating and enforcing rules for water quality, ground water
21 protection, and fish and wildlife protection pursuant to § 42-17.1-24; (iii) Planning for the upland
22 beneficial use and/or disposal of dredged material in areas not under the jurisdiction of the council
23 pursuant to § 46-23-6(2); and (iv) Cooperating with the coastal resources management council in
24 the development and implementation of comprehensive programs for dredging as provided for in
25 §§ 46-23-6(1)(ii)(H) and 46-23-18.3; and (v) Monitoring dredge material management and disposal
26 sites in accordance with the protocols established pursuant to § 46-6.1-5(a)(3) and the
27 comprehensive program provided for in § 46-23-6(1)(ii)(H); no powers or duties granted herein
28 shall be construed to abrogate the powers or duties granted to the coastal resources management
29 council under chapter 23 of title 46, as amended;

30 (12) To establish minimum standards, subject to the approval of the environmental
31 standards board, relating to the location, design, construction, and maintenance of all sewage-
32 disposal systems;

33 (13) To enforce, by such means as provided by law, the standards for the quality of air, and
34 water, and the design, construction, and operation of all sewage-disposal systems; any order or

1 notice issued by the director relating to the location, design, construction, or maintenance of a
2 sewage-disposal system shall be eligible for recordation under chapter 13 of title 34. The director
3 shall forward the order or notice to the city or town wherein the subject property is located and the
4 order or notice shall be recorded in the general index by the appropriate municipal official in the
5 land evidence records in the city or town wherein the subject property is located. Any subsequent
6 transferee of that property shall be responsible for complying with the requirements of the order or
7 notice. Upon satisfactory completion of the requirements of the order or notice, the director shall
8 provide written notice of the same, which notice shall be similarly eligible for recordation. The
9 original written notice shall be forwarded to the city or town wherein the subject property is located
10 and the notice of satisfactory completion shall be recorded in the general index by the appropriate
11 municipal official in the land evidence records in the city or town wherein the subject property is
12 located. A copy of the written notice shall be forwarded to the owner of the subject property within
13 five (5) days of a request for it, and, in any event, shall be forwarded to the owner of the subject
14 property within thirty (30) days after correction;

15 (14) To establish minimum standards for the establishment and maintenance of salutary
16 environmental conditions, including standards and methods for the assessment and the
17 consideration of the cumulative effects on the environment of regulatory actions and decisions,
18 which standards for consideration of cumulative effects shall provide for: (i) Evaluation of potential
19 cumulative effects that could adversely affect public health and/or impair ecological functioning;
20 (ii) Analysis of other matters relative to cumulative effects as the department may deem appropriate
21 in fulfilling its duties, functions, and powers; which standards and methods shall only be applicable
22 to ISDS systems in the town of Jamestown in areas that are dependent for water supply on private
23 and public wells, unless broader use is approved by the general assembly. The department shall
24 report to the general assembly not later than March 15, 2008, with regard to the development and
25 application of the standards and methods in Jamestown;

26 (15) To establish and enforce minimum standards for permissible types of septage,
27 industrial-waste disposal sites, and waste-oil disposal sites;

28 (16) To establish minimum standards, subject to the approval of the environmental
29 standards board, for permissible types of refuse disposal facilities; the design, construction,
30 operation, and maintenance of disposal facilities; and the location of various types of facilities;

31 (17) To exercise all functions, powers, and duties necessary for the administration of
32 chapter 19.1 of title 23 entitled "Rhode Island Hazardous Waste Management Act";

33 (18) To designate, in writing, any person in any department of the state government or any
34 official of a district, county, city, town, or other governmental unit, with that official's consent, to

1 enforce any rule, regulation, or order promulgated and adopted by the director under any provision
2 of law; provided, however, that enforcement of powers of the coastal resources management
3 council shall be assigned only to employees of the department of environmental management,
4 except by mutual agreement or as otherwise provided in chapter 23 of title 46;

5 (19) To issue and enforce the rules, regulations, and orders as may be necessary to carry
6 out the duties assigned to the director and the department by any provision of law; and to conduct
7 investigations and hearings and to issue, suspend, and revoke licenses as may be necessary to
8 enforce those rules, regulations, and orders. Any license suspended under the rules, regulations,
9 and/or orders shall be terminated and revoked if the conditions that led to the suspension are not
10 corrected to the satisfaction of the director within two (2) years; provided that written notice is
11 given by certified mail, return receipt requested, no less than sixty (60) days prior to the date of
12 termination.

13 Notwithstanding the provisions of § 42-35-9 to the contrary, no informal disposition of a
14 contested licensing matter shall occur where resolution substantially deviates from the original
15 application unless all interested parties shall be notified of the proposed resolution and provided
16 with opportunity to comment upon the resolution pursuant to applicable law and any rules and
17 regulations established by the director;

18 (20) To enter, examine, or survey, at any reasonable time, places as the director deems
19 necessary to carry out his or her responsibilities under any provision of law subject to the following
20 provisions:

21 (i) For criminal investigations, the director shall, pursuant to chapter 5 of title 12, seek a
22 search warrant from an official of a court authorized to issue warrants, unless a search without a
23 warrant is otherwise allowed or provided by law;

24 (ii)(A) All administrative inspections shall be conducted pursuant to administrative
25 guidelines promulgated by the department in accordance with chapter 35 of title 42;

26 (B) A warrant shall not be required for administrative inspections if conducted under the
27 following circumstances, in accordance with the applicable constitutional standards:

28 (I) For closely regulated industries;

29 (II) In situations involving open fields or conditions that are in plain view;

30 (III) In emergency situations;

31 (IV) In situations presenting an imminent threat to the environment or public health, safety,
32 or welfare;

33 (V) If the owner, operator, or agent in charge of the facility, property, site, or location
34 consents; or

1 (VI) In other situations in which a warrant is not constitutionally required.

2 (C) Whenever it shall be constitutionally or otherwise required by law, or whenever the
3 director in his or her discretion deems it advisable, an administrative search warrant, or its
4 functional equivalent, may be obtained by the director from a neutral magistrate for the purpose of
5 conducting an administrative inspection. The warrant shall be issued in accordance with the
6 applicable constitutional standards for the issuance of administrative search warrants. The
7 administrative standard of probable cause, not the criminal standard of probable cause, shall apply
8 to applications for administrative search warrants;

9 (I) The need for, or reliance upon, an administrative warrant shall not be construed as
10 requiring the department to forfeit the element of surprise in its inspection efforts;

11 (II) An administrative warrant issued pursuant to this subsection must be executed and
12 returned within ten (10) days of its issuance date unless, upon a showing of need for additional
13 time, the court orders otherwise;

14 (III) An administrative warrant may authorize the review and copying of documents that
15 are relevant to the purpose of the inspection. If documents must be seized for the purpose of
16 copying, and the warrant authorizes the seizure, the person executing the warrant shall prepare an
17 inventory of the documents taken. The time, place, and manner regarding the making of the
18 inventory shall be set forth in the terms of the warrant itself, as dictated by the court. A copy of the
19 inventory shall be delivered to the person from whose possession or facility the documents were
20 taken. The seized documents shall be copied as soon as feasible under circumstances preserving
21 their authenticity, then returned to the person from whose possession or facility the documents were
22 taken;

23 (IV) An administrative warrant may authorize the taking of samples of air, water, or soil
24 or of materials generated, stored, or treated at the facility, property, site, or location. Upon request,
25 the department shall make split samples available to the person whose facility, property, site, or
26 location is being inspected;

27 (V) Service of an administrative warrant may be required only to the extent provided for
28 in the terms of the warrant itself, by the issuing court

29 (D) *Penalties.* Any willful and unjustified refusal of right of entry and inspection to
30 department personnel pursuant to an administrative warrant shall constitute a contempt of court and
31 shall subject the refusing party to sanctions, which in the court's discretion may result in up to six
32 (6) months imprisonment and/or a monetary fine of up to ten thousand dollars (\$10,000) per refusal.

33 (21) To give notice of an alleged violation of law to the person responsible therefor
34 whenever the director determines that there are reasonable grounds to believe that there is a

1 violation of any provision of law within his or her jurisdiction or of any rule or regulation adopted
2 pursuant to authority granted to him or her, unless other notice and hearing procedure is specifically
3 provided by that law. Nothing in this chapter shall limit the authority of the attorney general to
4 prosecute offenders as required by law;

5 (i) The notice shall provide for a time within which the alleged violation shall be remedied,
6 and shall inform the person to whom it is directed that a written request for a hearing on the alleged
7 violation may be filed with the director within ten (10) days after service of the notice. The notice
8 will be deemed properly served upon a person if a copy thereof is served him or her personally; or
9 sent by registered or certified mail to his or her last known address; or if he or she is served with
10 notice by any other method of service now or hereafter authorized in a civil action under the laws
11 of this state. If no written request for a hearing is made to the director within ten (10) days of the
12 service of notice, the notice shall automatically become a compliance order;

13 (ii)(A) Whenever the director determines that there exists a violation of any law, rule, or
14 regulation within his or her jurisdiction that requires immediate action to protect the environment,
15 he or she may, without prior notice of violation or hearing, issue an immediate-compliance order
16 stating the existence of the violation and the action he or she deems necessary. The compliance
17 order shall become effective immediately upon service or within such time as is specified by the
18 director in such order. No request for a hearing on an immediate-compliance order may be made;

19 (B) Any immediate-compliance order issued under this section without notice and prior
20 hearing shall be effective for no longer than forty-five (45) days; provided, however, that for good
21 cause shown, the order may be extended one additional period not exceeding forty-five (45) days.

22 (iii) The director may, at his or her discretion and for the purposes of timely and effective
23 resolution and return to compliance, cite a person for alleged noncompliance through the issuance
24 of an expedited citation in accordance with § 42-17.6-3(c);

25 (iv) If a person upon whom a notice of violation has been served under the provisions of
26 this section or if a person aggrieved by any such notice of violation requests a hearing before the
27 director within ten (10) days of the service of notice of violation, the director shall set a time and
28 place for the hearing, and shall give the person requesting that hearing at least five (5) days written
29 notice thereof. After the hearing, the director may make findings of fact and shall sustain, modify,
30 or withdraw the notice of violation. If the director sustains or modifies the notice, that decision
31 shall be deemed a compliance order and shall be served upon the person responsible in any manner
32 provided for the service of the notice in this section;

1 (v) The compliance order shall state a time within which the violation shall be remedied,
2 and the original time specified in the notice of violation shall be extended to the time set in the
3 order;

4 (vi) Whenever a compliance order has become effective, whether automatically where no
5 hearing has been requested, where an immediate compliance order has been issued, or upon
6 decision following a hearing, the director may institute injunction proceedings in the superior court
7 of the state for enforcement of the compliance order and for appropriate temporary relief, and in
8 that proceeding, the correctness of a compliance order shall be presumed and the person attacking
9 the order shall bear the burden of proving error in the compliance order, except that the director
10 shall bear the burden of proving in the proceeding the correctness of an immediate compliance
11 order. The remedy provided for in this section shall be cumulative and not exclusive and shall be
12 in addition to remedies relating to the removal or abatement of nuisances or any other remedies
13 provided by law;

14 (vii) Any party aggrieved by a final judgment of the superior court may, within thirty (30)
15 days from the date of entry of such judgment, petition the supreme court for a writ of certiorari to
16 review any questions of law. The petition shall set forth the errors claimed. Upon the filing of the
17 petition with the clerk of the supreme court, the supreme court may, if it sees fit, issue its writ of
18 certiorari.

19 (22) To impose administrative penalties in accordance with the provisions of chapter 17.6
20 of this title and to direct that such penalties be paid into the account established by subdivision (26);

21 (23) The following definitions shall apply in the interpretation of the provisions of this
22 chapter:

23 (i) *Director*: The term "director" shall mean the director of environmental management of
24 the state of Rhode Island or his or her duly authorized agent;

25 (ii) *Person*: The term "person" shall include any individual, group of individuals, firm,
26 corporation, association, partnership, or private or public entity, including a district, county, city,
27 town, or other governmental unit or agent thereof, and in the case of a corporation, any individual
28 having active and general supervision of the properties of the corporation;

29 (iii) *Service*: (A) Service upon a corporation under this section shall be deemed to include
30 service upon both the corporation and upon the person having active and general supervision of the
31 properties of the corporation;

32 (B) For purposes of calculating the time within which a claim for a hearing is made
33 pursuant to subdivision (21)(i), service shall be deemed to be the date of receipt of such notice or
34 three (3) days from the date of mailing of the notice, whichever shall first occur.

1 (24)(i) To conduct surveys of the present private and public camping and other recreational
2 areas available and to determine the need for and location of other camping and recreational areas
3 as may be deemed necessary and in the public interest of the state of Rhode Island and to report
4 back its findings on an annual basis to the general assembly on or before March 1 of every year;

5 (ii) Additionally, the director of the department of environmental management shall take
6 additional steps, including, but not limited to, matters related to funding as may be necessary to
7 establish such other additional recreational facilities and areas as are deemed to be in the public
8 interest.

9 (25)(i) To apply for and accept grants and bequests of funds, with the approval of the
10 director of administration, from other states, interstate agencies, and independent authorities, and
11 private firms, individuals, and foundations, for the purpose of carrying out his or her lawful
12 responsibilities. The funds shall be deposited with the general treasurer in a restricted receipt
13 account created in the natural resources program for funds made available for that program's
14 purposes or in a restricted receipt account created in the environmental protection program for
15 funds made available for that program's purposes. All expenditures from the accounts shall be
16 subject to appropriation by the general assembly, and shall be expended in accordance with the
17 provisions of the grant or bequest. In the event that a donation or bequest is unspecified, or in the
18 event that the trust account balance shows a surplus after the project as provided for in the grant or
19 bequest has been completed, the director may utilize the appropriated unspecified or appropriated
20 surplus funds for enhanced management of the department's forest and outdoor public recreation
21 areas, or other projects or programs that promote the accessibility of recreational opportunities for
22 Rhode Island residents and visitors;

23 (ii) The director shall submit to the house fiscal advisor and the senate fiscal advisor, by
24 October 1 of each year, a detailed report on the amount of funds received and the uses made of such
25 funds.

26 (26) To establish fee schedules by regulation, with the approval of the governor, for the
27 processing of applications and the performing of related activities in connection with the
28 department's responsibilities pursuant to subsection (12); chapter 19.1 of title 23, as it relates to
29 inspections performed by the department to determine compliance with chapter 19.1 and rules and
30 regulations promulgated in accordance therewith; chapter 18.9 of title 23, as it relates to inspections
31 performed by the department to determine compliance with chapter 18.9 and the rules and
32 regulations promulgated in accordance therewith; chapters 19.5 and 23 of title 23; chapter 12 of
33 title 46, insofar as it relates to water-quality certifications and related reviews performed pursuant
34 to provisions of the federal Clean Water Act, 33 U.S.C. § 1251 et seq.; the regulation and

1 administration of underground storage tanks and all other programs administered under chapter 12
2 of title 46 and § 2-1-18 et seq., and chapter 13.1 of title 46 and chapter 13.2 of title 46, insofar as
3 they relate to any reviews and related activities performed under the provisions of the Groundwater
4 Protection Act; chapter 24.9 of title 23 as it relates to the regulation and administration of mercury-
5 added products; and chapter 17.7 of this title, insofar as it relates to administrative appeals of all
6 enforcement, permitting and licensing matters to the administrative adjudication division for
7 environmental matters. Two (2) fee ranges shall be required: for "Appeal of enforcement actions",
8 a range of fifty dollars (\$50) to one hundred dollars (\$100), and for "Appeal of application
9 decisions", a range of five hundred dollars (\$500) to ten thousand dollars (\$10,000). The monies
10 from the administrative adjudication fees will be deposited as general revenues and the amounts
11 appropriated shall be used for the costs associated with operating the administrative adjudication
12 division.

13 There is hereby established an account within the general fund to be called the water and
14 air protection program. The account shall consist of sums appropriated for water and air pollution
15 control and waste-monitoring programs and the state controller is hereby authorized and directed
16 to draw his or her orders upon the general treasurer for the payment of the sums, or portions thereof,
17 as may be required, from time to time, upon receipt by him or her of properly authenticated
18 vouchers. All amounts collected under the authority of this subdivision for the sewage-disposal-
19 system program and freshwaters wetlands program will be deposited as general revenues and the
20 amounts appropriated shall be used for the purposes of administering and operating the programs.
21 The director shall submit to the house fiscal advisor and the senate fiscal advisor by January 15 of
22 each year a detailed report on the amount of funds obtained from fines and fees and the uses made
23 of the funds.

24 (27) To establish and maintain a list or inventory of areas within the state worthy of special
25 designation as "scenic" to include, but not be limited to, certain state roads or highways, scenic
26 vistas, and scenic areas, and to make the list available to the public;

27 (28) To establish and maintain an inventory of all interests in land held by public and
28 private land trust and to exercise all powers vested herein to ensure the preservation of all identified
29 lands;

30 (i) The director may promulgate and enforce rules and regulations to provide for the orderly
31 and consistent protection, management, continuity of ownership and purpose, and centralized
32 records-keeping for lands, water, and open spaces owned in fee or controlled in full or in part
33 through other interests, rights, or devices such as conservation easements or restrictions, by private

1 and public land trusts in Rhode Island. The director may charge a reasonable fee for filing of each
2 document submitted by a land trust;

3 (ii) The term "public land trust" means any public instrumentality created by a Rhode Island
4 municipality for the purposes stated herein and financed by means of public funds collected and
5 appropriated by the municipality. The term "private land trust" means any group of five (5) or more
6 private citizens of Rhode Island who shall incorporate under the laws of Rhode Island as a
7 nonbusiness corporation for the purposes stated herein, or a national organization such as the nature
8 conservancy. The main purpose of either a public or a private land trust shall be the protection,
9 acquisition, or control of land, water, wildlife, wildlife habitat, plants, and/or other natural features,
10 areas, or open space for the purpose of managing or maintaining, or causing to be managed or
11 maintained by others, the land, water, and other natural amenities in any undeveloped and relatively
12 natural state in perpetuity. A private land trust must be granted exemption from federal income tax
13 under Internal Revenue Code 501(c)(3) [26 U.S.C. § 501(c)(3)] within two (2) years of its
14 incorporation in Rhode Island or it may not continue to function as a land trust in Rhode Island. A
15 private land trust may not be incorporated for the exclusive purpose of acquiring or accepting
16 property or rights in property from a single individual, family, corporation, business, partnership,
17 or other entity. Membership in any private land trust must be open to any individual subscribing to
18 the purposes of the land trust and agreeing to abide by its rules and regulations including payment
19 of reasonable dues;

20 (iii)(A) Private land trusts will, in their articles of association or their bylaws, as
21 appropriate, provide for the transfer to an organization, created for the same or similar purposes, of
22 the assets, lands and land rights, and interests held by the land trust in the event of termination or
23 dissolution of the land trust.

24 (B) All land trusts, public and private, will record in the public records, of the appropriate
25 towns and cities in Rhode Island, all deeds, conservation easements, or restrictions or other interests
26 and rights acquired in land and will also file copies of all such documents and current copies of
27 their articles of association, their bylaws, and their annual reports with the secretary of state and
28 with the director of the Rhode Island department of environmental management. The director is
29 hereby directed to establish and maintain permanently a system for keeping records of all private
30 and public land trust land holdings in Rhode Island.

31 (29) The director will contact in writing, not less often than once every two (2) years, each
32 public or private land trust to ascertain: that all lands held by the land trust are recorded with the
33 director; the current status and condition of each land holding; that any funds or other assets of the
34 land trust held as endowment for specific lands have been properly audited at least once within the

1 two-year (2) period; the name of the successor organization named in the public or private land
2 trust's bylaws or articles of association; and any other information the director deems essential to
3 the proper and continuous protection and management of land and interests or rights in land held
4 by the land trust. In the event that the director determines that a public or private land trust holding
5 land or interest in land appears to have become inactive, he or she shall initiate proceedings to
6 effect the termination of the land trust and the transfer of its lands, assets, land rights, and land
7 interests to the successor organization named in the defaulting trust's bylaws or articles of
8 association or to another organization created for the same or similar purposes. Should such a
9 transfer not be possible, then the land trust, assets, and interest and rights in land will be held in
10 trust by the state of Rhode Island and managed by the director for the purposes stated at the time
11 of original acquisition by the trust. Any trust assets or interests other than land or rights in land
12 accruing to the state under such circumstances will be held and managed as a separate fund for the
13 benefit of the designated trust lands;

14 (30) Consistent with federal standards, issue and enforce such rules, regulations, and orders
15 as may be necessary to establish requirements for maintaining evidence of financial responsibility
16 for taking corrective action and compensating third parties for bodily injury and property damage
17 caused by sudden and non-sudden accidental releases arising from operating underground storage
18 tanks;

19 (31) To enforce, by such means as provided by law, the standards for the quality of air, and
20 water, and the location, design, construction, and operation of all underground storage facilities
21 used for storing petroleum products or hazardous materials; any order or notice issued by the
22 director relating to the location, design, construction, operation, or maintenance of an underground
23 storage facility used for storing petroleum products or hazardous materials shall be eligible for
24 recordation under chapter 13 of title 34. The director shall forward the order or notice to the city or
25 town wherein the subject facility is located, and the order or notice shall be recorded in the general
26 index by the appropriate municipal officer in the land-evidence records in the city or town wherein
27 the subject facility is located. Any subsequent transferee of that facility shall be responsible for
28 complying with the requirements of the order or notice. Upon satisfactory completion of the
29 requirements of the order or notice, the director shall provide written notice of the same, which
30 notice shall be eligible for recordation. The original, written notice shall be forwarded to the city
31 or town wherein the subject facility is located, and the notice of satisfactory completion shall be
32 recorded in the general index by the appropriate municipal official in the land-evidence records in
33 the city or town wherein the subject facility is located. A copy of the written notice shall be

1 forwarded to the owner of the subject facility within five (5) days of a request for it, and, in any
2 event, shall be forwarded to the owner of the subject facility within thirty (30) days after correction;

3 (32) To manage and disburse any and all funds collected pursuant to § 46-12.9-4, in
4 accordance with § 46-12.9-5, and other provisions of the Rhode Island Underground Storage Tank
5 Financial Responsibility Act, as amended;

6 (33) To support, facilitate, and assist the Rhode Island Natural History Survey, as
7 appropriate and/or as necessary, in order to accomplish the important public purposes of the survey
8 in gathering and maintaining data on Rhode Island natural history; making public presentations and
9 reports on natural history topics; ranking species and natural communities; monitoring rare species
10 and communities; consulting on open-space acquisitions and management plans; reviewing
11 proposed federal and state actions and regulations with regard to their potential impact on natural
12 communities; and seeking outside funding for wildlife management, land management, and
13 research;

14 (34) To promote the effective stewardship of lakes, ponds, rivers, and streams including,
15 but not limited to, collaboration with watershed organizations and associations of lakefront property
16 owners on planning and management actions that will prevent and mitigate water quality
17 degradation, reduce the loss of native habitat due to infestation of non-native species, abate
18 nuisance conditions that result from excessive growth of algal or non-native plant species as well
19 as promote healthy freshwater riverine ecosystems;

20 (35) In implementing the programs established pursuant to this chapter, to identify critical
21 areas for improving service to customers doing business with the department, and to develop and
22 implement strategies to improve performance and effectiveness in those areas. Key aspects of a
23 customer-service program shall include, but not necessarily be limited to, the following
24 components:

25 (a) Maintenance of an organizational unit within the department with the express purpose
26 of providing technical assistance to customers and helping customers comply with environmental
27 regulations and requirements;

28 (b) Maintenance of an employee-training program to promote customer service across the
29 department;

30 (c) Implementation of a continuous business process evaluation and improvement effort,
31 including process reviews to encourage development of quality proposals; ensure timely and
32 predictable reviews; and result in effective decisions and consistent follow up and implementation
33 throughout the department; and publish an annual report on such efforts;

1 (d) Creation of a centralized location for the acceptance of permit applications and other
2 submissions to the department;

3 (e) Maintenance of a process to promote, organize, and facilitate meetings prior to the
4 submission of applications or other proposals in order to inform the applicant on options and
5 opportunities to minimize environmental impact; improve the potential for sustainable
6 environmental compliance; and support an effective and efficient review and decision-making
7 process on permit applications related to the proposed project;

8 (f) Development of single permits under multiple authorities otherwise provided in state
9 law to support comprehensive and coordinated reviews of proposed projects. The director may
10 address and resolve conflicting or redundant process requirements in order to achieve an effective
11 and efficient review process that meets environmental objectives; ~~and~~

12 (g) Exploration of the use of performance-based regulations coupled with adequate
13 inspection and oversight, as an alternative to requiring applications or submissions for approval
14 prior to initiation of projects. ~~The department shall work with the office of regulatory reform to~~
15 ~~evaluate the potential for adopting alternative compliance approaches and provide a report to the~~
16 ~~governor and the general assembly by May 1, 2015; and~~

17 (h) Designate case managers, reporting to the director or deputy director, as necessary to
18 facilitate and expedite project permitting, particularly for complex or multi-jurisdictional projects,
19 and coordinate permitting with the mitigation of non-compliant conditions on project sites.

20 (36) To formulate and promulgate regulations requiring any dock or pier longer than twenty
21 feet (20') and located on a freshwater lake or pond to be equipped with reflective materials, on all
22 sides facing the water, of an appropriate width and luminosity such that it can be seen by operators
23 of watercraft; and

24 (37) To temporarily waive any control or prohibition respecting the use of a fuel or fuel
25 additive required or regulated by the department if the director finds that:

26 (i) Extreme or unusual fuel or fuel additive supply circumstances exist in the state or the
27 New England region that prevent the distribution of an adequate supply of the fuel or fuel additive
28 to consumers;

29 (ii) Extreme or unusual fuel or fuel additive supply circumstances are the result of a natural
30 disaster, an act of God, a pipeline or refinery equipment failure, or another event that could not
31 reasonably have been foreseen; and

32 (iii) It is in the public interest to grant the waiver.

1 Any temporary waiver shall be made in writing and shall be effective for twenty (20)
2 calendar days; provided, that the director may renew the temporary waiver, in writing, if it is
3 deemed necessary.

4 SECTION 11. Effective on July 1, 2020, section 46-12.7-4.1 of the General Laws in
5 Chapter 46-12.7 entitled "Oil Spill Prevention, Administration and Response Fund" is hereby
6 amended to read as follows:

7 **46-12.7-4.1. Uniform oil response and prevention fee.**

8 (a) A uniform oil spill response and prevention fee in an amount not exceeding ~~five cents~~
9 ~~(\$0.05)~~ ten cents (\$0.10) for each barrel of petroleum products, as set by the director pursuant to
10 subsection (d) of this section, shall be imposed upon every person owning petroleum products at
11 the time the petroleum products are received at a marine terminal within this state by means of a
12 vessel from a point of origin outside this state. The fee shall be remitted to the division of taxation
13 on the 30th day of each month based upon the number of barrels of petroleum products received
14 during the preceding month.

15 (b) Every owner of petroleum products shall be liable for the fee until it has been paid to
16 the state, except that payment to a marine terminal operator registered under this chapter is
17 sufficient to relieve the owner from further liability for the fee; provided, however, that the fee for
18 asphalt products and asphalt derivatives shall be one cent (\$.01) per barrel of asphalt products or
19 derivatives.

20 (c) Whenever the director, in consultation with the department and the division of taxation,
21 estimates that the amount in the fund will reach the amount specified in subsection (e) of this
22 section, and the money in the fund is not required for the purposes specified in § 46-12.7-5.1, the
23 director shall instruct the division of taxation to cease collecting the fee.

24 (d) The director shall set the amount of the oil spill prevention and response fees. The
25 administrator, except for the fee set out in subsection (b), shall not set the amount of the fee at less
26 than five cents (\$0.05) for each barrel of petroleum products or crude oil, unless the director finds
27 that the assessment of a lesser fee will cause the fund to reach the designated amount within six (6)
28 months.

29 (e) For the purposes of this chapter, "designated amount" means an amount equal to ten
30 million dollars (\$10,000,000), adjusted for inflation after January 1, 1998, according to an index
31 which the director may reasonably choose.

32 (f) ~~All~~ For every ten cents (\$0.10) in fees collected pursuant to this section, seven cents
33 (0.07) shall be deposited in the oil spill prevention, administration, and response fund, and shall be

1 disbursed according to the purposes expressed in § 46-12.7-5.1-~~1~~. and three cents (\$0.03) shall be
2 deposited in the ocean state climate adaptation and resilience fund established by § 46-23.3-2.

3 (g) Notwithstanding the provisions of subsection (f) of this section, each July 1st, two
4 hundred and fifty thousand dollars (\$250,000) of the fees collected under this section for the oil
5 spill prevention, administration, and response fund shall be deposited into the coastal and estuarine
6 habitat restoration trust fund (the "trust").

7 SECTION 12. Effective on July 1, 2020, Title 46 of the General Laws entitled "Waters and
8 Navigation" is hereby amended by adding thereto the following chapter:

9 CHAPTER 23.3

10 THE OCEAN STATE CLIMATE ADAPTATION AND RESILIENCE FUND

11 **46-23.3-1. Definitions.**

12 For the purposes of this chapter, the following definitions shall apply:

13 (1) "Adaptation and resilience projects" are those projects on public land and open space,
14 as defined in subsections (6) and (7) of this section, that protect or enhance natural systems and
15 habitats, that are proposed in response to climate change impacts as defined in subsection (2) of
16 this section, and that improve climate resilience. Adaptation and resilience projects include those
17 projects that reduce the vulnerability of low-lying infrastructure on public land through measures
18 that include removal and relocation of infrastructure, restoration of river and stream floodplains
19 including regrading of banks, revegetation, acquisition of that area of land necessary to maintain
20 and preserve public access, habitat improvements, and redesign, resizing and replacement of
21 culverts and bridge spans at existing wetland crossings.

22 (2) "Climate change impacts" in Rhode Island include, but are not limited to, sea level rise,
23 coastal erosion, flooding, warming land and water, and storm surge and are consistent with the
24 impacts recognized by the Executive Climate Change Coordinating Council.

25 (3) "Department" means the department of environmental management.

26 (4) "Director" means the director of the department of environmental management.

27 (5) "Infrastructure" includes roads, parking lots and other paved surfaces, shoreline
28 protection structures, buildings, boat ramps and piers, water control structures, other structures, and
29 remnants of development.

30 (6) "Public land" means property owned by state or municipal governments. Public land
31 includes properties where the state or municipality holds an easement for public purposes.

32 (7) "Open space" means land in its natural state that conserves forests, enhances wildlife
33 habitat or protects ecosystem health or any tract or contiguous tracts of undeveloped land, where

1 the undeveloped land serves to enhance agricultural values or public access to shorelines and
2 riverbanks.

3 (8) “Shoreline protection structures” includes revetments, bulkheads, seawalls and
4 floodwalls, groins, breakwaters, jetties, and other structures, the purpose or effect of which is to
5 control the erosion of coastal or river features, and includes any sheet pile walls, concrete or stone
6 walls.

7 **46-23.3-2. Establishment of the Ocean State climate adaptation and resilience fund.**

8 (a) There is established within the department of environmental management an “ocean
9 state climate adaptation and resilience fund” (the “OSCAR fund”). The OSCAR fund shall
10 constitute a restricted receipt account within the general fund of the state and housed within the
11 budget of the department of environmental management.

12 (b) OSCAR fund grants. Factors to be taken into account by the technical committee for
13 the purposes of recommending the granting of monies to municipalities and the state for OSCAR
14 grants, determining the eligibility of projects for financial assistance, and in prioritizing the
15 recommendation of projects by the technical committee shall include, but need not be limited to:

16 (1) Consistency with the following where applicable: the state’s resilience strategy, the
17 coastal resources management council's most recent projections for sea level rise, the coastal habitat
18 restoration strategy, the state nonpoint pollution control plan and other applicable state and federal
19 laws.

20 (2) The ability and authority of the applicant to carry out and properly maintain the
21 adaptation project;

22 (3) Whether the project will enhance public access;

23 (4) The severity, risk and/or extent of infrastructure degradation on public land;

24 (5) The extent of the use by the public of the land;

25 (6) The proposed milestones to ensure that the project is completed as designed and
26 approved;

27 (7) Whether the adaptation project can also be shown to create or replace habitat losses that
28 benefit fish and wildlife resources;

29 (8) Potential water quality improvements;

30 (9) Potential improvements to fish and wildlife habitats for species which are identified as
31 rare or endangered by the Rhode Island natural history survey or the Federal Endangered Species
32 Act [16 U.S.C. §1531 et seq.];

33 (10) The level and extent of collaboration by partners (e.g., municipality, nongovernment
34 organization, watershed council, federal agency, etc.); and

1 (11) Overall potential benefits to the public and estimated length of time frame of benefit.
2 (c) Nothing contained in this chapter is intended to abrogate or affect the existing powers
3 of the department of environmental management.

4 **46-23.3-3. Eligible and Ineligible projects.**

5 (a) Monies in the OSCAR fund shall be used solely for adaptation and resilience projects
6 as defined in § 46-23.3-1.

7 (b) Monies in the OSCAR fund shall not be used for:

8 (1) Mitigating any current, planned, or future projects that degrade, fill, or otherwise
9 destroy coastal, estuarine, or riverine habitats;

10 (2) Fulfilling any liability for restoration required by any local, state, or federal agency
11 pursuant to an environmental or public health enforcement action;

12 (3) With the exception of culverts and bridge spans as specifically described in 46-23.2-2
13 (1), elevating, repairing or replacing infrastructure, or constructing new infrastructure, in its
14 existing location that is experiencing climate change impacts as defined in Section 46-23.3-2(2);

15 (4) Constructing new shoreline protection structures, with the exception of repairing or
16 upgrading an existing bulkhead or seawall at a public park; or

17 (5) Constructing roads or bridges.

18 **46-23.3-4. Financing of the OSCAR fund.**

19 (a) The OSCAR fund shall consist of the following sources:

20 (1) Sums the legislature may appropriate;

21 (2) Monies received from federal, state, or other sources, including bond funds, for the
22 purpose of climate adaptation that the Director allocates to the OSCAR fund;

23 (3) Monies received from any private donor for the OSCAR fund;

24 (4) Fees collected pursuant to § 46-12.7-4.1 for the OSCAR fund; and

25 (5) Any interest earned on the monies in the fund.

26 **46-23.3-5. Allocation of the fund.**

27 Monies from the OSCAR fund shall be used to carry out the purposes of this chapter as
28 follows:

29 (1) The administrative expenses required to carry out the activities of the program as
30 described in this chapter not to exceed \$75,000 annually;

31 (2) The scope of grant applications may include the planning and design, engineering,
32 construction, and monitoring of adaptation projects as described in this chapter; and

1 (3) The OSCAR projects approved by the department upon recommendation of the
2 technical advisory committee. Only applications approved through the process established by the
3 Department shall be eligible for funding under this program.

4 **46-23.3-6. Technical advisory committee.**

5 Members of the technical advisory committee shall include representatives from the
6 department, the council, statewide planning, and Rhode Island emergency management authority.
7 The technical advisory committee shall serve as an advisory board to the department throughout
8 this process.

9 **46-23.3-7. Disbursement process and reporting.**

10 (a) The department shall establish and execute a process for the solicitation, evaluation and
11 award of grants for projects that meet the requirements set forth in in this chapter.

12 (b) The department shall submit a report to the legislature not later than the tenth (10th)
13 day following the convening of each regular session of the legislature, starting in January 2022.

14 The report shall include the following:

15 (1) The amount of money awarded from the OSCAR fund during the preceding fiscal year;

16 (2) A brief summary of the projects that received funding and a timeline of implementation;

17 and;

18 (3) Any other information requested by the general assembly.

19 **46-23.3-5. Regulations.**

20 The director may adopt all rules and regulations necessary for the administration and
21 enforcement of this chapter, in consultation with the coastal resources management council.

22 SECTION 13. Sections 1, 2, 11 and 12 shall take effect on July 1, 2020. Section 5 shall
23 take effect on July 1, 2021. The remainder of this article shall take effect upon passage.