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ARTICLE 10

RELATING TO RELATING TO FISHING INDUSTRY MODERNIZATION

SECTION 1. Section 20-2-27.1 of the General Laws in Chapter 20-2 entitled "Licensing" is hereby amended to read as follows:

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

(a) All party and charter ~~boats~~ vessels carrying recreational passengers to take or attempt to take marine ~~fish~~ species upon the navigable state and coastal waters of Rhode Island shall be required to obtain a Rhode Island party and charter ~~boat~~ vessel license. ~~The licenses shall be issued by the department on a biennial basis for a fee of twenty five dollars (\$25) per vessel. The annual fee shall be one hundred dollars (\$100) for a resident of Rhode Island and shall be three hundred dollars (\$300) for a non-resident.~~ All licensed party and charter ~~boats~~ vessels shall be required to display a party and charter ~~boat~~ vessel decal provided by the department. To obtain a license, the owner of a qualified vessel must submit:

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

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

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

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

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

SECTION 2. Sections 20-2.1-3, 20-2.1-4, 20-2.1-7 and 20-2.1-8 of the General Laws in Chapter 20-2.1 entitled "Commercial Fishing Licenses" are hereby amended to read as follows:

20-2.1-3. Definitions.

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

~~(1) "Basic harvest and gear levels" means fishery specific harvest and/or gear levels, established and regularly updated by the department by rule, that, in a manner consistent with the state or federally sanctioned management plans or programs that may be in effect, and to the extent~~

1 possible given those plans and programs, provide a maximum level of participation for commercial
2 fishing license holders in accordance with applicable endorsements.

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

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

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

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

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

11 ~~(6) "Endorsement" means the designation of a fishery in which a license holder may~~
12 ~~participate at either basic or full harvest and gear levels. Endorsement categories and levels shall~~
13 ~~be established annually by the department by rule, based on the status of the various fisheries, the~~
14 ~~levels of participation of existing license holders, and the provisions of applicable management~~
15 ~~plans or programs. At a minimum, endorsement categories and endorsement opportunities shall~~
16 ~~include, but may not be limited to: non lobster crustacean; lobster; non quahaug shellfish; quahaug;~~
17 ~~non restricted finfish; and restricted finfish. Endorsements, when available, shall be issued in~~
18 ~~accordance with applicable qualifying criteria.~~

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

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

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

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

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

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

3 ~~(10)~~ "Grace period" means sixty (60) calendar days commencing the last day of February
4 ~~28, as defined herein,~~ and shall only apply to renewals of licenses from the immediately preceding
5 year; ~~provided, that for calendar year 2004 the grace period shall be ninety (90) calendar days~~
6 ~~commencing February 29, 2004.~~

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

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

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

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

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

21 **20-2.1-4 Licenses – General provisions governing licenses issued.**

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

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

32 (c) Transfer or loan of license. Unless otherwise provided for in this title, a license issued
33 to a person under this chapter shall be good only for the person to whom it is issued and any transfer

1 or loan of the license shall be grounds for revocation or suspension of that license pursuant to § 20-
2 2-13.

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

11 (e) *Possession, inspection, and display of license.* Every person holding a license issued
12 under this chapter shall have that license in his or her possession at all times while engaged in the
13 licensed activity and shall present the license for inspection on demand by any authorized person.
14 Any person who shall refuse to present a license on demand shall be liable to the same punishment
15 as if that person were fishing without a license.

16 (f) *Application for license.* Every person entitled to a license under this chapter shall file
17 an application with the director, or the director's authorized agent, properly sworn to, stating the
18 name, age, occupation, place of residence, mailing address, weight, height, and color of hair and
19 eyes of the applicant for whom the license is wanted and providing any other information that may
20 be required pursuant to rule in order to effectuate the purposes of this chapter, and pay the fees as
21 provided in this chapter. All licenses issued under this chapter shall be valid only for the calendar
22 year of issuance, unless otherwise specified in this chapter or in the rules and regulations adopted
23 pursuant to this chapter. If the person will be either the owner or the operator as provided in § 20-
24 2.1-5(~~5~~7) of a commercial fishing vessel, the person shall declare, on the application for each
25 commercial fishing vessel, the vessel name, length, horsepower, state registration number or coast
26 guard documentation number, federal permit number, ~~if any, gear type(s), the principal fishery or~~
27 ~~fisheries~~, and average projected crew size.

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

31 (1) Unless otherwise specified in this chapter, an individual qualified to obtain a license
32 must submit an application to the department of environmental management no later than the last
33 day of February ~~28 of each year~~; license application shall be deemed valid if submitted to the

1 department prior to the close of regular office hours on the last day of February 28 or if postmarked
2 by the last day of February 28;

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

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

8 (4) For renewals of existing commercial marine fishing licenses that expire on December
9 31 of the immediately preceding year, there shall be a sixty-day (60) grace period from the renewal
10 deadline ~~of February 28~~; licenses issued during the grace period shall be subject to a late fee in the
11 amount of two-hundred dollars (\$200) in addition to all other applicable fees;

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

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

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

28 (i) *Revocation of licenses.*

29 (1) *License revocation.* The license of any person who has violated the provisions of this
30 chapter, or rules adopted pursuant to the provisions of this chapter, or rules and regulations that
31 pertain to commercial fishing and reporting issued pursuant to this title, may be suspended or
32 revoked by the director as the director shall determine by regulation. Any person aggrieved by an
33 order of suspension or revocation may appeal this order in accordance with the provisions of the
34 administrative procedures act, chapter 35 of title 42.

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

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

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

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

22 **20-2.1-7. Landing permits and fees.**

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

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

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

3 (2) Non-resident landing permit: for the landing, sale or offering for sale of marine species
4 (including process product), caught by any means, excluding restricted species as defined by rule.
5 The fee shall be six hundred dollars (\$600).

6 (3) Non-resident exempted landing permits.

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

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

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

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

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

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

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

1 20-2.1-8. Dealers' licenses and fees.

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

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

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

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

13 (d) License types and fees:

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

18 (2) Finfish dealer's license. This license shall allow the ~~holder~~ dealer to ~~deal~~ purchase or
19 sell all finfish products in the state of Rhode Island. The license shall be valid for the calendar year
20 in which it is issued. The ~~cost of the license fee~~ shall be ~~two hundred~~ three hundred dollars (~~\$200~~
21 300).

22 (3) Shellfish dealer's license. This license shall allow the ~~holder~~ dealer to ~~deal~~ purchase or
23 sell all shellfish products in the state of Rhode Island. The license shall be valid for the calendar
24 year in which it is issued. The ~~cost of the license fee~~ shall be ~~two hundred~~ three hundred dollars
25 (~~\$200~~ 300).

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

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

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

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

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

9 SECTION 3. Effective on July 1, 2022, Sections 20-2.1-5 and 20-2.1-6 of the General
10 Laws in Chapter 20-2.1 entitled “Commercial Fishing Licenses” are hereby amended to read as
11 follows:

12 **20-2.1-5. Resident licenses, endorsements and fees.**

13 The director shall establish, as a minimum, the following types of licenses and
14 endorsements set forth in this section. In addition, the director may establish any other classes and
15 types of licenses and endorsements, consistent with the provisions of this chapter and with adopted
16 management plans that may be necessary to accomplish the purposes of this chapter:

17 *(1) Types of licenses.*

18 *(i) Standard resident ~~C~~commercial fishing license.* Rhode Island residents shall be eligible
19 to obtain a standard resident commercial fishing license; the license shall allow the holder to engage
20 in commercial fishing in fisheries sectors, ~~per~~ dictated by the fishery endorsement(s) associated
21 with the license at basic harvest and gear levels. Fishery endorsements shall be established by the
22 department consistent with fishery management plans developed pursuant to this chapter. ~~The~~
23 ~~annual fee for a commercial fishing license shall be fifty dollars (\$50.00) and twenty five dollars~~
24 ~~(\$25.00) for each endorsement at the basic harvest and gear levels.~~

25 ~~*(ii) Principal effort license.*—Duly licensed persons, in a fishery as of December 31 of the~~
26 ~~immediately preceding year, shall be eligible to obtain a principal effort license for the fishery~~
27 ~~sector for which they were licensed on December 31 of the immediately preceding year, which~~
28 ~~principal effort license shall allow its holder to fish in a fishery sector at the full harvest and gear~~
29 ~~levels. Principal effort license holders, in addition to the fishery sector of their principal effort,~~
30 ~~shall be eligible to obtain endorsements for the other fishery sectors at the full harvest and gear~~
31 ~~levels, if and when those endorsements are made available; the annual fee for each other fishery~~
32 ~~sector endorsement shall be seventy five dollars (\$75). Principal effort license holders shall also be~~
33 ~~eligible to obtain a commercial fishing license with endorsements, except for fisheries in which the~~
34 ~~license holder can fish at the full harvest and gear levels.~~

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

8 (Aiii) *Student shellfish license.* A resident twenty-three (23) years or younger shall pay fifty
9 dollars (\$50.00) for a student commercial license to take shellfish upon provision of proof of full-
10 time student status. An individual qualified to obtain a license must submit an application to the
11 department of environmental management no later than June 30; a license application shall be
12 deemed valid if submitted to the department prior to the close of regular office hours on June 30 or
13 if postmarked by June 30.

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

17 (v) *Multipurpose vessel license.* Any multipurpose license holder shall be eligible to obtain
18 a multipurpose vessel license that shall allow the vessel owner to designate any operator to engage
19 in commercial fishing for all marine species aboard their owned vessel, provided the vessel owner
20 has consigned a multipurpose fishing license to the department. The department may then re-issue
21 the consigned multipurpose fishing license to the commercially declared fishing vessel as a
22 multipurpose vessel license. The director has the authority to limit the number of multipurpose
23 vessel licenses issued annually by rule. The fee for a multipurpose vessel license shall be one
24 thousand dollars (\$1,000).

25 (2) Fees.

26 (i) Standard resident commercial fishing license.

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

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

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

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

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

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

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

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

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

10 ~~(iv) Special licenses.~~

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

12 (i) *Vessel declaration and fee.* (A) The department shall require the owner and/or the
13 operator of a commercial fishing vessel to declare the vessel on the owner/operator's commercial
14 fishing license. The declaration shall be made at the time of initial license issuance and each
15 renewal, or prior to the vessel being used for commercial fishing by the owner and/or operator if
16 the first usage of the vessel for commercial fishing occurs during the course of a year after the
17 license has been issued or renewed. If the declaration is for a vessel of less than twenty-five feet
18 (25') in length, the declaration shall be transferable to another vessel less than twenty-five feet (25')
19 in length, provided the vessel is identified as commercial fishing vessel while it is being used for
20 commercial fishing by displaying a plate as provided in § 20-2.1-4.

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

27 ~~(#4) Gear endorsements and fees.~~

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

32 ~~(B) Fish trap endorsements. A person who holds a multi-purpose license and/or a principal-~~
33 ~~effort license for finfish is also eligible to apply for a fish trap endorsement in accordance with the~~
34 ~~permitting provisions in chapter 5 of this title. The fee shall be twenty dollars (\$20.00) per trap~~

1 ~~location for a three year (3) period. Applicants who possessed a valid fish trap endorsement as of~~
2 ~~the immediately preceding year may obtain a fish trap endorsement for the immediately following~~
3 ~~year, subject to the same terms and conditions in effect as the immediately preceding year. New~~
4 ~~fish trap endorsement opportunities shall be established by the department by rule, pursuant to~~
5 ~~applicable management plans and the provisions in chapter 5 of this title.~~

6 (Ei) ~~Gill net endorsements.~~ A person who holds a multipurpose license, or a vessel with a
7 multipurpose vessel license, ~~and/or a principal effort license for finfish~~ is also eligible to apply for
8 a commercial gill net endorsement in accordance with the provisions of this section. The ~~annual~~
9 fee for a commercial gill net endorsement ~~is~~ shall be twenty dollars (\$20.00). Applicants who
10 possessed a gill net endorsement as of the immediately preceding year may obtain a gill net
11 endorsement for the immediately following year. New gill net endorsement opportunities shall be
12 established by the department by rule, pursuant to applicable management plans.

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

19 (35) New licenses.

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

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

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

1 (4) Retirement of licenses. Issuance of a commercial fishing license shall not be deemed
2 to create a property right such that the license can be sold or transferred by the license holder;
3 fishing licenses shall be surrendered to the state upon their non-renewal, forfeiture, or revocation.

4 (5) ~~Transfer for Issuance of temporary operator permits in cases of medical~~
5 ~~hardship. Notwithstanding the provisions of § 20-2.1-4(c), a license may be transferred to a family~~
6 ~~member upon the incapacity or death of the license holder who has actively participated in~~
7 ~~commercial fishing. The transfer shall be effective upon its registration with the department. A~~
8 ~~family member shall be defined as the spouse, mother, father, brother, sister, child, or grandchild~~
9 ~~of the transferor.~~ The department shall make available, as necessary, temporary operator permits to
10 provide solely for the continued operation of a fishing vessel upon the ~~illness, incapacity, or death~~
11 determination of medical hardship of a license holder who has actively ~~participated in commercial~~
12 ~~fishing fished.~~ Temporary operator permits shall be subject at a minimum to the conditions
13 and restrictions that applied to the license holder.

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

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

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

25 **20-2.1-6. Non-resident licenses, endorsements and fees.**

26 Subject to the rules of the department, non-residents may apply for the following
27 commercial fishing licenses:

28 (1) Standard ~~Non-resident~~ ~~principal effort~~ commercial fishing license.

29 (i) Non-residents age eighteen (18) and over shall be eligible to obtain a standard non-
30 resident commercial fishing license and, in accordance with applicable qualifying criteria, available
31 fishery sector endorsements, provided that the state of residence of the person affords the same
32 privilege in a manner that is not more restrictive to Rhode Island residents. A standard non-resident
33 ~~principal effort~~ commercial fishing license shall allow the license holder to harvest, land, and sell
34 in a lawful manner any marine species ~~of finfish,~~ per as dictated by the fishery endorsement(s), ~~at~~

1 ~~principal harvest and gear levels and as allowed in a management plan adopted by the department~~
2 associated with the license. Fishery endorsements shall be established by the department consistent
3 with fishery management plans developed pursuant to this chapter.

4 (ii) Duly Rhode Island-licensed non-residents in a commercial fishery as of December 31
5 of the immediately preceding year shall be eligible to obtain a standard non-resident ~~principal effort~~
6 commercial fishing license with a single sector endorsement applicable to the fishery sectors for
7 which they were licensed as of December 31 of the immediately preceding year; provided:

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

10 (B) that those persons apply for the standard non-resident ~~principal effort~~ commercial
11 fishing license in accordance with § 20-2.1-4(g); and

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

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

22 ~~(iv) The annual fee for a standard non-resident principal effort license shall be four hundred~~
23 ~~dollars (\$400), plus one hundred dollars (\$100) per endorsement.~~

24 ~~(2) Non-resident commercial fishing license. (i) A non-resident commercial fishing license~~
25 ~~shall allow the holder to harvest, land, and sell in a lawful manner any species of finfish, per~~
26 ~~endorsement(s), at basic harvest and gear levels and as allowed in a management plan adopted by~~
27 ~~the department.~~

28 ~~(ii) Non-residents age eighteen (18) and over shall be eligible to obtain a non-resident~~
29 ~~commercial fishing license and, in accordance with applicable qualifying criteria, available fishery~~
30 ~~sector endorsements, provided that the state of residence of the person affords the same privilege~~
31 ~~in a manner that is not more restrictive to Rhode Island residents.~~

32 ~~(iii) Holders of non-resident principal effort licenses shall not be eligible to obtain non-~~
33 ~~resident commercial fishing licenses with the same fishery sector endorsements.~~

1 ~~(iv) Duly Rhode Island licensed non-residents in a commercial fishery as of December 31~~
2 ~~of the immediately preceding year shall be eligible to obtain a non-resident commercial fishing~~
3 ~~license in their endorsed fishery sector as of December 31 of the immediately preceding year~~
4 ~~provided:~~

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

7 ~~(B) That those persons apply for the non-resident commercial fishing license in accordance~~
8 ~~with § 20-2.1-4(g); and~~

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

12 ~~(v) The annual fee for a non-resident commercial fishing license shall be one hundred fifty~~
13 ~~dollars (\$150), plus fifty dollars (\$50.00) per endorsement.~~

14 (2) Fees.

15 (i) Standard non-resident commercial fishing license.

16 (A) Standard non-resident commercial fishing license plus one limited fishery
17 endorsement: The fee shall be three hundred fifty dollars (\$350).

18 (B) Standard non-resident commercial fishing license plus one unlimited fishery
19 endorsement: The fee shall be seven hundred dollars (\$700).

20 (C) Standard non-resident commercial fishing license plus two limited fishery
21 endorsements: The fee shall be seven hundred dollars (\$700).

22 (D) Standard non-resident commercial fishing license plus three limited fishery
23 endorsements: The fee shall be one thousand fifty dollars (\$1050).

24 (E) Standard non-resident commercial fishing license plus one unlimited fishery
25 endorsement and one limited fishery endorsement: The fee shall be one thousand fifty dollars
26 (\$1050).

27 (F) Standard non-resident commercial fishing license plus one unlimited fishery
28 endorsement and two limited fishery endorsements: The fee shall be one thousand four hundred
29 dollars (\$1400).

30 (G) Standard non-resident commercial fishing license plus two unlimited fishery
31 endorsements: The fee shall be one thousand four hundred dollars (\$1400).

32 (H) Standard non-resident commercial fishing license plus two unlimited and one limited
33 fishery endorsement: The fee shall be one thousand seven hundred fifty dollars (\$1750).

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

8 (4) *New licenses.* Any resident of a state that accords to Rhode Island residents commercial
9 fishing privileges that include an ability to obtain a new license to fish for finfish species that are
10 subject to restrictions and/or quotas, may on species specific reciprocal basis be eligible to obtain
11 ~~commercial fishing licenses and principal effort~~ standard non-resident commercial fishing licenses
12 by endorsement as provided in this section, subject to availability and with the priority established
13 in § 20-2.1-5~~(3)~~(iii).

14 SECTION 4. Sections 20-4-1.1, 20-4-1.2 and 20-4-1.3 of the General Laws in Chapter 20-
15 4 entitled "Commercial Fisheries" are hereby repealed.

16 ~~**20-4-1.1. Finfish dealers license — License for finfish buyers — Suspension or**~~
17 ~~**revocation.**~~

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

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

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

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

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

31 ~~(f) The director of the department of environmental management and the director's agents~~
32 ~~are authorized to enter and inspect the business premises, appurtenant structures, vehicles, or~~
33 ~~vessels of any finfish buyer and to inspect the records maintained by a finfish buyer for the purpose~~
34 ~~of determining compliance with the provisions of this section and any rules, regulations, or orders~~

1 ~~issued under this section, and no person shall interfere with, obstruct the entrance, or inspection of~~
2 ~~the director or the director's agents of those business premises, appurtenant structures, vehicles or~~
3 ~~vessels.~~

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

6 ~~**20-4-1.2. Resident or non-resident commercial landing permit.**~~

7 (a) ~~Each resident or non-resident who has charge of a vessel carrying seafood products~~
8 ~~legally harvested outside Rhode Island waters shall obtain a permit to land, sell or offer for sale~~
9 ~~seafood products in Rhode Island. The permit shall be issued by the department upon proof that the~~
10 ~~applicant holds a valid state or federal commercial fishing license and upon payment of the~~
11 ~~following fees:~~

12 (1) ~~Resident or non-resident finfish landing permit: for the landing sale or offering for sale~~
13 ~~of non-restricted finfish, the definition of which shall be established by the department by rule,~~
14 ~~caught by any means, two hundred dollars (\$200) for residents of the state; four hundred dollars~~
15 ~~(\$400) for non-residents of the state.~~

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

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

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

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

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

31 (d) ~~Notwithstanding the provisions of this section, a commercial vessel with seafood~~
32 ~~products on board may, without a landing permit, enter Rhode Island waters and be secured to a~~
33 ~~shoreside facility for purposes other than landing, selling, or offering for sale the seafood products~~

1 on board if the person having charge of the vessel obtains permission from the department's division
2 of law enforcement prior to securing the vessel to the shoreside facility

3 **20-4-1.3. Non-resident landing permits.**

4 A new landing permit shall not be issued to any non-resident to off-load, land, offer for
5 sale, or sell any restricted marine species, the definition of which shall be established by the
6 department by rule and shall take into account species for which a quota has been allocated to the
7 state of Rhode Island by the Atlantic States Marine Fisheries Council or the National Marine
8 Fisheries Service, unless: (1) the landing shall be counted against the quota of the state where the
9 vessel making the landing is registered or documented; or (2) the state where the vessel making the
10 landing is registered or documented issues new landing permits to Rhode Island residents to land
11 against that state's quota for the same species. For purposes of this section, the renewal of any non-
12 resident landing permit shall be considered a new non-resident landing permit unless the applicant
13 can show, to the satisfaction of the director, historic participation in the fishery and landings of the
14 species; and any change or upgrade of a vessel twenty percent (20%) or greater in length,
15 displacement, or horsepower above the named vessel shall be considered a new landing permit.
16 Issuance of a landing permit shall not be deemed to create a property right that can be sold,
17 transferred, or encumbered; landing permits shall be surrendered to the state upon their non-renewal
18 or forfeiture, and the acquisition of a named vessel by a non-resident who does not already have a
19 landing permit shall not entitle the non-resident to a landing permit unless a new landing permit
20 can be issued as allowed in this section

21 SECTION 5. Section 20-6-24 of the General Laws in Chapter 20-6 entitled "Shellfish" is
22 hereby repealed.

23 **20-6-24. License for shellfish buyers—Suspension or revocation.**

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

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

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

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

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

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

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

12 SECTION 6. Section 20-7-5.1 of the General Laws in Chapter 20-7 entitled "Lobsters and
13 Other Crustaceans" is hereby repealed.

14 ~~20-7-5.1 Lobster dealer's license.~~

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

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

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

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

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

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

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

3 SECTION 7. Section 21-14-12 of the General Laws in Chapter 21-14 entitled “Shellfish
4 Packing Houses” is hereby amended to read as follows:

5 **21-14-12. Inspection of business premises – Dockside Program Established.**

6 (a) The director shall make regular inspections of the business premises of licensees and
7 no person shall interfere with or obstruct the entrance of the director to any packing house or
8 structural appurtenance to it, vessel, or vehicle for the purpose of making inspection as to sanitary
9 conditions during reasonable business hours, and no person shall obstruct the conduct of this
10 inspection; provided, that inspections as to sanitary conditions shall be made only by the director
11 or employees of the department ~~of health~~. These employees of the department ~~of health~~ shall not
12 be construed to include agents whom the director may appoint in other departments for the purpose
13 of enforcing other provisions of this chapter; and provided, that nothing in this section shall be
14 construed as having granted to the director or any duly authorized official of the department the
15 right of search and seizure without a warrant.

16 (b) The director shall be authorized to establish a dockside program, including the
17 promulgation of any rules and regulations deemed necessary or advisable in connection therewith,
18 pursuant to the relevant provisions of the National Shellfish Sanitation Program (NSSP) Model
19 Ordinance. Promulgating such rules and regulations pursuant to the NSSP Model Ordinance shall
20 assure that the marine shellfish processors, licensed by the department to land and process surf
21 clams and/or other marine shellfish species acquired in federal waters, are doing so in sanitary
22 fashion that comports with national standards. Such rules and regulations shall also be consistent
23 with the landing permit requirements of the department of environmental management in section
24 20-2.1-7. The dockside program shall not apply to aquaculture processors.

25 (c) The licensing fees from the dockside program shall be deposited into the general fund.
26 However, the amount of the revenues collected for the dockside program shall be appropriated to
27 the department of health for its administration of this program. The director shall have the authority
28 to establish the licensing fees and limit the number of licenses issued, at his or her sole discretion.

29 SECTION 8. Section 3 of this article shall take effect on July 1, 2022. The remainder of
30 this article shall take effect upon passage.