It is enacted by the General Assembly as follows:

SECTION 1. Chapter 20-4 of the General Laws entitled “Commercial Fisheries” is hereby amended by adding thereto the following section:

20-4-14. Direct sales.

(a) The director of the department of environmental management pursuant to the authority and provisions of chapters 1, 2, 4, 6 and 7 of title 20 shall issue and enforce rules, regulations and orders with respect to the following matters and activities:

(1) Authorizing the transportation and sale of allowable species of finfish, live lobsters, live crabs and live whelk by the holder of a license issued pursuant to subsection (a)(2) of this section, or by the authorized agent/crew member of the license holder, from the vessel or dockside from the vessel on which the seafood was harvested to a consumer or licensed seafood retailer.

(2) Issuance of a direct sale dealer license to applicants possessing a resident commercial fishing license or resident landing permit, and who provide documentation to the satisfaction of the director that the applicant has permission or authority from both the property owner and the municipality of the location where the sales subject to the provisions of subsection (a)(1) of this section shall be conducted.

(b) Rules, regulations and orders promulgated by the director pursuant to subsection (a) of this section, shall include the following provisions:

(1) Only the licensee, or a regularly employed crewmember of the licensee, may sell allowable species under the direct sale dealer license. To be eligible to conduct such sales, a
crewmember must first receive written authorization from the licensee. Such authorization shall be
in the form of a typewritten statement, signed and dated by the licensee that expressly authorizes
the crewmember to act on behalf of the licensee with regard to direct sales. The statement shall
further specify: the name of the crewmember, the name of the vessel from which the sales are
conducted, and the month and year that the crewmember began working on the vessel. The
statement shall be kept on the vessel and be available at all times for inspection by department
personnel. A crewmember who is acting on behalf of a licensee must comply with all applicable
regulations governing direct sales, as set forth in this subsection, and the licensee shall be
responsible for any violations of regulations by the crewmember.

(2) All direct sale activities must be conducted in a manner consistent with applicable
federal, state, and municipal laws, regulations and policies governing port and marina operations.

(3) Licensees offering allowable species for sale pursuant to the direct sale dealer license
may only sell allowable species that they legally harvested. Sales may only be conducted by
commercial license holders authorized to commercially harvest the species made available for sale
or by a regularly employed crewmember of the licensee.

(4) The transfer of species between direct sale dealer license holders is expressly
prohibited.

(5) Any change in location for a direct sale dealer license requires notification to the
department and is subject to a license re-print fee of ten dollars ($10.00).

(6) Species for sale must be labeled accurately.

(7) Direct sale dealer license holders are exempt from any department requirement that
summer flounder be placed in standard sixty (60) or one hundred (100) pound containers prior to
their removal from the dealer's premises or from the point of transfer.

(8) Lobsters, crabs and whelk must be sold live.

(9) Transporting is limited to lobsters, crabs, and whelk harvested from individual vessels
and sold and transported by the individual harvester or affiliated crewmembers. The name of the
vessel and license holder, provided in writing and legible, must accompany all transported lobsters,
crabs, and whelk.

(10) For all species subject to sale, standard harvester reporting is required (i.e. Federal
VTR's or state catch and effort reports). Harvester reports must be completed in full and be available
for inspection by the director prior to any species being sold pursuant to the provisions of this
section.

(11) All seafood must be stored and handled in a safe and sanitary manner to include, but
not limited to:
(i) While on board the vessel, all species to be sold must be protected from contamination, kept shaded, maintained at or below forty-one degrees Fahrenheit (41° F) and/or buried in ice.

(ii) Knives/utensils and other food contact surfaces used to head, gut or bleed fish must be kept clean.

(c) Nothing in this section shall be construed to permit:

(1) The direct sale of histamine producing fish, including bluefish, tuna, mackerel, herring, mahi mahi, bonito, swordfish, marlin, sailfish, wahoo, anchovy, sardines, shad, menhaden as well as amberjack, escolar, hind, jack, kahawai, milkfish, saury, scad, spearfish, sprat and trevally, and striped bass; or

(2) The transportation for sale of finfish to consumers and/or retailers. All sales of finfish must be sold dockside from the vessel.

(d) Nothing in this section shall be construed to apply to any person holding a federal fishing permit (vessel-based) or direct donations of finfish by licensed commercial fishermen pursuant to department regulations.

SECTION 2. This act shall take effect upon passage.
EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N   A C T
RELATING TO FISH AND WILDLIFE - COMMERCIAL FISHERIES

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1 This act would permit the dockside sale of allowable finfish, live lobsters, crabs and live
2 whelk upon issuance of a direct sale dealer license by the department of environmental management
3 to a commercial fishing license holder.
4 This act would take effect upon passage.

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