

2023 -- H 5250

LC000075

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO FISH AND WILDLIFE -- COMMERCIAL FISHING LICENSES

Introduced By: Representatives McEntee, Craven, Spears, Bennett, O'Brien, Dawson,
Cortvriend, Fogarty, Caldwell, and Handy

Date Introduced: January 27, 2023

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 20-2.1-5 of the General Laws in Chapter 20-2.1 entitled "Commercial
2 Fishing Licenses" is hereby amended to read as follows:

3 **20-2.1-5. Resident licenses, endorsements, and fees.**

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

8 (1) **Types of licenses.**

9 (i) **Standard resident commercial fishing license.** Rhode Island residents shall be eligible
10 to obtain a standard resident commercial fishing license; the license shall allow the holder to engage
11 in commercial fishing in fisheries sectors dictated by the fishery endorsement(s) associated with
12 the license. Fishery endorsements shall be established by the department consistent with fishery
13 management plans developed pursuant to this chapter.

14 (ii) **Multipurpose license.** All [Rhode Island resident](#) multipurpose purpose license holders
15 as of December 31 of the immediately preceding year shall be eligible to obtain a multipurpose
16 license that shall allow the holder to engage in commercial fishing in all fisheries sectors.

17 (iii) **Student shellfish license.** A resident twenty-three (23) years or younger shall pay fifty
18 dollars (\$50.00) for a student commercial license to take shellfish upon provision of proof of full-
19 time student status. An individual qualified to obtain a license must submit an application to the

1 department of environmental management no later than June 30; a license application shall be
2 deemed valid if submitted to the department prior to the close of regular office hours on June 30 or
3 if postmarked by June 30.

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

7 (v) **Multipurpose vessel license.** Any multipurpose license holder, [that is a resident of the](#)
8 [State of Rhode Island](#), shall be eligible to obtain a multipurpose vessel license that shall allow the
9 vessel owner to designate any operator to engage in commercial fishing for all marine species
10 aboard their owned vessel, provided the vessel owner has consigned a multipurpose fishing license
11 to the department. The department may then re-issue the consigned multipurpose fishing license to
12 the commercially declared fishing vessel as a multipurpose vessel license. The director ~~shall~~ ~~has~~
13 ~~the authority to~~ limit the number of multipurpose vessel licenses issued annually [to the number of](#)
14 [multipurpose vessel licenses surrendered or retired in the previous calendar year](#) ~~by rule~~. The fee
15 for a multipurpose vessel license shall be one thousand dollars (\$1,000).

16 (2) **Fees.**

17 (i) **Standard resident commercial fishing license.**

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

20 (B) Standard resident commercial fishing license plus two limited fishery endorsements:
21 The fee shall be two hundred dollars (\$200).

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

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

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

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

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

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

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

1 **(3) Vessel declaration and fees.**

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

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

17 **(4) Gear endorsements and fees.**

18 (i) **Gill net endorsements.** A person who holds a multipurpose license, or a vessel with a
19 multipurpose vessel license, is also eligible to apply for a commercial gill net endorsement in
20 accordance with the provisions of this section. The fee for a commercial gill net endorsement shall
21 be twenty dollars (\$20.00). Applicants who possessed a gill net endorsement as of the immediately
22 preceding year may obtain a gill net endorsement for the immediately following year. New gill net
23 endorsement opportunities shall be established by the department by rule, pursuant to applicable
24 management plans.

25 (ii) **Other endorsements.** The department may establish by rule any endorsements that
26 may be necessary or appropriate to effectuate the purposes of this chapter and facilitate
27 participation in a specific fishery; the fee for such endorsement shall not be greater than two
28 hundred dollars (\$200). This endorsement shall be issued only in a manner consistent with the
29 general requirements of this chapter, including specifically those governing residency.

30 **(5) New licenses.**

31 (i) **Eligibility.** For new standard resident commercial fishing and multipurpose licenses,
32 priority shall be given to applicants who have held a commercial fishing license for two (2) years
33 or more; applicants with military service; and applicants who have completed a department
34 authorized commercial fishing training program, with preference to family members and crew

1 members of a license holder who is retiring his or her license.

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

7 (iii) **Availability of new or additional licenses.** New standard resident commercial fishing
8 and multipurpose licenses that increase the total number of licenses in the fishery may be made
9 available by rule consistent with management plan for issuance effective January 1, in any year,
10 based on status of resource and economic condition of fishery. Priority for new licenses shall be
11 given to Rhode Island residents and shall be issued to non-residents only upon finding that no
12 Rhode Island resident has applied for the available license.

13 (6) **Retirement of licenses.** Issuance of a commercial fishing license shall not be deemed
14 to create a property right such that the license can be sold or transferred by the license holder;
15 fishing licenses shall be surrendered to the state upon their nonrenewal, forfeiture, or revocation.
16 The issuance of new licenses shall not be greater than the number of licenses that were surrendered
17 or retired in the previous calendar year.

18 (7) **Issuance of temporary operator permits in cases of medical hardship.** The
19 department shall make available, as necessary, temporary operator permits to provide solely for the
20 continued operation of a fishing vessel upon the determination of medical hardship of a license
21 holder who has actively fished. Temporary operator permits shall be subject at a minimum to the
22 conditions and restrictions that applied to the license holder.

23 (8) **Issuance of new licenses to family members in cases of medical incapacity.** Upon
24 determination of medical incapacity, an actively fished license may be surrendered to the
25 department for the purpose of the concurrent issuance of a new license to a resident family member.

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

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

1 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO FISH AND WILDLIFE -- COMMERCIAL FISHING LICENSES

- 1 This act would limit the issuance of commercial multipurpose commercial fishing licenses
2 to Rhode Island residents, unless there exists no resident applicant, and limit the number of new
3 licenses to be issued to that number of licenses surrendered or retired in the previous calendar year.
4 This act would take effect upon passage.

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