

2016 -- H 7966

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LC005288  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO FISH AND WILDLIFE - COMMERCIAL FISHING LICENSE REVIEW BOARD

Introduced By: Representatives Tanzi, Ruggiero, Carson, and McEntee

Date Introduced: March 18, 2016

Referred To: House Environment and Natural Resources

(Dept. of Environment Management)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 20-2.1-12 of the General Laws in Chapter 20-2.1 entitled  
2 "Commercial Fishing Licenses" is hereby repealed.

3 ~~**20-2.1-12. Commercial fishing license review board.** (a) There is hereby established~~  
4 ~~within the department the commercial fishing license review board of five (5) members to be~~  
5 ~~appointed by the governor for a term of five (5) years with the advice and consent of the senate,~~  
6 ~~provided that for the initial appointments, two (2) shall be for a term of five (5) years, one shall~~  
7 ~~be for a term of four (4) years, one shall be for a term of three (3) years, and one shall be for a~~  
8 ~~term of two (2) years. Three (3) members shall be commercial fishers, one from each of the~~  
9 ~~fisheries sectors; one of whom shall be a person with professional knowledge of fisheries~~  
10 ~~management, and one of whom shall be an attorney, licensed to practice law for at least five (5)~~  
11 ~~years and with environmental law expertise; the attorney member shall be the chairperson. Three~~  
12 ~~(3) members of the board shall constitute a quorum. Members of the board shall serve until their~~  
13 ~~successors are duly appointed. The purpose of the board shall be to hear requests for~~  
14 ~~reconsideration of the preliminary denial of a commercial fishing license.~~

15 ~~(b) Any person whose application for a commercial fishing license was denied by the~~  
16 ~~office of boat registration and licensing may file a request for reconsideration to the commercial~~  
17 ~~fishing license review board unless the person is prohibited from said request pursuant to § 20-~~  
18 ~~2.1-4(g). Requests for reconsideration must be filed with the office of boat registration and~~

1 ~~licensing within ten (10) days of receipt of the denial. The review board shall consider the impact~~  
2 ~~that issuance of the license will have on the fisheries management program overall, equity with~~  
3 ~~other license holders, consistency with prior agency decisions, consistency with management~~  
4 ~~plans, unreasonable hardship to the applicant and consistency with the purposes of this chapter.~~  
5 ~~The burden shall be on the applicant to demonstrate to the board that they meet the criteria for a~~  
6 ~~license.~~

7 ~~(c) Within thirty (30) days of receipt of a request for reconsideration, the review board~~  
8 ~~shall issue a written recommendation to the office of boat registration and licensing. The decision~~  
9 ~~of the board shall state the specific grounds for its decision and the vote of the board. Within ten~~  
10 ~~(10) days of receipt of the decision of the board, the office of boat registration and licensing shall~~  
11 ~~issue a written decision affirming, denying or modifying the recommendation of the board and~~  
12 ~~stating the rationale for the decision. The applicant may appeal the decision of the office of boat~~  
13 ~~registration and licensing to the administrative adjudication division for environmental matters~~  
14 ~~pursuant to § 42-17.7-1 et seq. The written decision of the review board and the office of boat~~  
15 ~~registration and licensing shall be provided and made part of the administrative record upon~~  
16 ~~appeal.~~

17 ~~(d) Nothing contained in this section shall affect the authority granted in chapter 17.7 of~~  
18 ~~title 42.~~

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T  
RELATING TO FISH AND WILDLIFE - COMMERCIAL FISHING LICENSE REVIEW  
BOARD

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- 1           This act would repeal the section which created the commercial fishing license review
- 2 board.
- 3           This act would take effect upon passage.

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