

2021 -- H 6432 SUBSTITUTE A

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LC003019/SUB A
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO FISH AND WILDLIFE - COMMERCIAL FISHERIES

Introduced By: Representatives Fogarty, Tanzi, Cortvriend, McEntee, Carson,
Speakman, Donovan, Ranglin-Vassell, McGaw, and Messier

Date Introduced: June 16, 2021

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

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

3 **20-4-14. Direct sales.**

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

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

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

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

18 (1) Only the licensee, or a regularly employed crewmember of the licensee, may sell
19 allowable species under the direct sale dealer license. To be eligible to conduct such sales, a

1 crewmember must first receive written authorization from the licensee. Such authorization shall be
2 in the form of a typewritten statement, signed and dated by the licensee that expressly authorizes
3 the crewmember to act on behalf of the licensee with regard to direct sales. The statement shall
4 further specify: the name of the crewmember, the name of the vessel from which the sales are
5 conducted, and the month and year that the crewmember began working on the vessel. The
6 statement shall be kept on the vessel and be available at all times for inspection by department
7 personnel. A crewmember who is acting on behalf of a licensee must comply with all applicable
8 regulations governing direct sales, as set forth in this subsection, and the licensee shall be
9 responsible for any violations of regulations by the crewmember.

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

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

13 (4) Finfish may be headed, gutted and bled dockside from the vessel. No other processing
14 may be done dockside from the vessel.

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

19 (6) All seafood must be stored and handled in a safe and sanitary manner pursuant to
20 department regulations.

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

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

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

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would permit the dockside sale of allowable live lobsters, crabs and live whelk
2 upon issuance of a direct sale dealer license by the department of environmental management to a
3 commercial fishing license holder.

4 This act would take effect upon passage.

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