

1 ~~recreational fisheries statistics Survey (MRFSS), administered by the federal government in~~
2 ~~partnership with the states;~~

3 ~~(6) In 2006, congress acknowledged major flaws in the accuracy of the assessments~~
4 ~~provided by (MRFSS), and called upon the national marine fisheries service (NMFS) to~~
5 ~~undertake programmatic reforms, including the establishment of a universal registry of all~~
6 ~~saltwater anglers to provide a more accurate and efficient means for acquiring recreational catch~~
7 ~~and effort data;~~

8 ~~(7) In 2008, (NMFS) initiated a new marine recreational information program (MRIP) to~~
9 ~~replace (MRFSS), and enacted rules requiring marine recreational fisherman to either register~~
10 ~~under a new national program, or be registered or licensed by a state program that meets federal~~
11 ~~requirements;~~

12 ~~(8) All coastal states have enacted, or are in the process of enacting, marine recreational~~
13 ~~fishing license or registry programs;~~

14 ~~(9) The interests of recreational saltwater anglers in Rhode Island can best be met by~~
15 ~~establishing a state program that meets federal requirements, contributes to improved state based~~
16 ~~recreational fishing assessments and stock assessments, and supports fair and effective regulatory~~
17 ~~programs and quota allocations for Rhode Island's marine recreational fisheries;~~

18 ~~(10) Additionally, the interests of recreational saltwater anglers in Rhode Island are well~~
19 ~~served by a program that supports improved and expanded opportunities for the public to access~~
20 ~~the marine waters of the state; and~~

21 ~~(11) The use of license fee revenues for any purpose other than managing recreational~~
22 ~~fisheries and enhancing recreational fishing opportunities would violate the terms of § 20-9-3~~
23 ~~and trigger a discontinuation of all federal funding provided to Rhode Island pursuant to the~~
24 ~~Federal Aid in Sport Fish Restoration Act (16 U.S.C. § 777-777K); conflict with legislative~~
25 ~~intent, as set forth in subdivision 20-3.1-7(3); veer from the restricted use requirements governing~~
26 ~~freshwater fishing, commercial fishing, and hunting license fee revenues; affect compliance with~~
27 ~~the requirements of this chapter; and compromise the purposes of this chapter.~~

28 **20-2.2-2. Purposes.** -- The purposes of this chapter are to:

29 ~~(1) Enable recreational fisherman to fish legally in the marine waters of Rhode Island,~~
30 ~~and in all offshore federal waters, via a state based recreational fishing licensing program,~~
31 ~~established in accordance with the requirements set forth by the federal Magnuson-Stevens~~
32 ~~Fishery Conservation and Management Act (16 U.S.C. § 1601 et seq.);~~

33 ~~(2) Establish a state based licensing program that will provide Rhode Island recreational~~
34 ~~fisherman, including residents and non-resident visitors, with a convenient and inexpensive~~

1 ~~licensing process; support and contribute to more accurate state-based fishing and resource~~
2 ~~assessments; and provide for fair and effective management programs that optimize benefits and~~
3 ~~opportunities for Rhode Island recreational fisherman; and~~

4 ~~(3) Establish a dedicated funding vehicle to support improved coastal access~~
5 ~~opportunities for recreational fisherman along the Rhode Island shoreline.~~

6 ~~**20-2.2-3. Definitions.** -- As used in this chapter, the following terms shall have the~~
7 ~~following meanings:~~

8 ~~(1) "Angling" means to fish recreationally using hook and line.~~

9 ~~(2) "Blind" means an individual who is blind in accordance with § 20-2-31.~~

10 ~~(3) "Exempted state" means a state that has been designated as an exempted state by the~~
11 ~~national marine fisheries service, pursuant to the National Saltwater Angler Registry Program, 50~~
12 ~~CFR Part 600.~~

13 ~~(4) "Finfish" means all species of finfish, excluding shellfish and crustaceans.~~

14 ~~(5) "Fishing recreationally" means all forms of angling, as well as all forms of~~
15 ~~spearfishing, the purpose of which is to harvest, or attempt to harvest finfish for non-commercial~~
16 ~~purposes.~~

17 ~~(6) "Marine waters of Rhode Island" means all tidal and territorial waters of the state out~~
18 ~~to three (3) nautical miles from the coastline, including all state waters surrounding Block Island.~~

19 ~~(7) "Permanently disabled" means an individual who is one hundred percent (100%)~~
20 ~~permanently disabled in accordance with § 20-2-31.~~

21 ~~(8) "Resident" means an individual who has had his or her actual place of residence and~~
22 ~~has lived in the state of Rhode Island for a continuous period of not less than six (6) months.~~

23 ~~(9) "Spearfishing" means to fish recreationally using a spear or a powerhead.~~

24 ~~**20-2.2-4. License required.** -- (a) It shall be unlawful for any person to fish~~
25 ~~recreationally in the marine waters of Rhode Island without:~~

26 ~~(1) A recreational fishing license issued in accordance with the provisions of this~~
27 ~~chapter;~~

28 ~~(2) A recreational fishing license or registration issued by any other exempted state that~~
29 ~~affords reciprocity to Rhode Island residents who hold recreational fishing licenses issued~~
30 ~~pursuant to this chapter; or~~

31 ~~(3) A federal saltwater angler registration issued by the national marine fisheries service.~~

32 ~~(b) An individual will be considered to be fishing recreationally if they are engaged in~~
33 ~~the process of angling or spearfishing, or if they possess equipment used for angling or~~
34 ~~spearfishing and are also in possession of finfish.~~

1 ~~**20-2.2-5. Exemptions.**~~ --- A license shall not be required for anyone who is:

2 ~~(1) Under the age of sixteen (16);~~

3 ~~(2) Permanently disabled, or blind;~~

4 ~~(3) On leave from active military duty;~~

5 ~~(4) A passenger on a party or charter boat holding a current and valid license issued by~~
6 ~~the department in accordance with § 20-2-27.1;~~

7 ~~(5) Fishing recreationally during a designated free fishing day, which may be established~~
8 ~~by the director and occur on no more than one day per year; or~~

9 ~~(6) Fishing commercially in accordance with a current and valid commercial fishing~~
10 ~~license.~~

11 ~~**20-2.2-6. Fees --- Terms and conditions --- Information required.**~~ --- (a) (1) Resident
12 ~~seven dollars (\$7.00);~~

13 ~~(2) No fee shall be charged for residents who are over the age of sixty five (65) or in~~
14 ~~active military service;~~

15 ~~(3) Nonresident ten dollars (\$10.00);~~

16 ~~(4) Licenses issued pursuant to this subsection shall expire on December 31st of each~~
17 ~~year.~~

18 ~~(b) (1) Resident or non-resident seven (7) day five dollars (\$5.00);~~

19 ~~(2) This license shall entitle the holder to fish recreationally for seven (7) consecutive~~
20 ~~days, including the day of issuance.~~

21 ~~(c) All license applications shall be required to provide their name, address, phone~~
22 ~~number, and date of birth.~~

23 ~~(d) Any lost or destroyed license shall be replaceable, during the calendar year in which~~
24 ~~it was issued, or in the case of a seven day license, during the seven day period when it is valid,~~
25 ~~at no cost to the license holder.~~

26 ~~(e) The director is authorized to determine a portion of the license fee, not to exceed any~~
27 ~~of the amounts set forth above in this section, that may be retained by the state approved vendor~~
28 ~~and authorized licensing agents, as set forth in § 20-2.2-7, as commission for services rendered.~~

29 ~~**20-2.2-7. License issuance.**~~ --- The director is authorized and directed to engage the
30 ~~contractual services of a state approved vendor to develop and implement a web based system~~
31 ~~that will serve as the sole means for obtaining licenses pursuant this chapter. The vendor's~~
32 ~~responsibilities shall include, but not limited to:~~

33 ~~(1) Development of the web based application;~~

34 ~~(2) Creation and servicing of authorized licensing agents who will be able to vend~~

1 ~~licenses at their establishments;~~

2 ~~-(3) Collection and transmittal of license fee revenues; and~~

3 ~~-(4) Storage and transmittal of license holder database.~~

4 ~~**20-2.2-8. Violations.** (a) Any person who violates any provision of this chapter shall~~
5 ~~be guilty of a civil violation and subject to a fine, as follows:~~

6 ~~-(1) For a first offense, a fine of ten dollars (\$10.00);~~

7 ~~-(2) For second offense, a fine of fifty dollars (\$50.00); and~~

8 ~~-(3) For a third or subsequent offense, a fine of one hundred dollars (\$100).~~

9 ~~-(b) Jurisdiction over violations of this chapter shall be with the traffic tribunal.~~

10 ~~**20-2.2-9. Deposit of fees -- Appropriation and use of license fee revenue.** All~~
11 ~~moneys generated from license fees issued under this chapter, other than any commissions~~
12 ~~retained by the licensing vendor and licensing agents per subsection 20-2.2-6(e), shall be~~
13 ~~deposited in a restricted receipt account, hereby created and known as the Recreational Saltwater~~
14 ~~Fishing License Restricted Receipt Account. The state controller is authorized and directed to~~
15 ~~draw orders upon the general treasurer for payment of any sum or sums as may be necessary from~~
16 ~~time to time upon receipt by him or her of duly authenticated vouchers presented by the director~~
17 ~~of environmental management. In accordance with § 20-9-3 and in keeping with subdivision 20-~~
18 ~~3.1-7(3), the monies from license fees received under this section are to be used only for the~~
19 ~~following specific purposes:~~

20 ~~-(1) Administering and enforcing the recreational saltwater fishing license program~~
21 ~~established by this chapter;~~

22 ~~-(2) Managing Rhode Island's marine recreational fisheries, with particular reference to~~
23 ~~improving state-based recreational fishery catch and effort statistics and stock assessments; and~~

24 ~~-(3) Enhancing recreational fishing opportunities in the state.~~

25 ~~**20-2.2-10. Accountability and oversight.** (a) On an annual basis, the department shall~~
26 ~~prepare a report that details the number of recreational saltwater fishing licenses issued, the total~~
27 ~~amount of license fee revenue received, the expenditures made during the prior year utilizing the~~
28 ~~fee revenue, and how the department plans to allocate and use the fee revenue during the next~~
29 ~~year. The report shall also include any additional, relevant information relating to the~~
30 ~~administration and enforcement of the licensing program, and status of state-based recreational~~
31 ~~fishing assessments and stock assessments.~~

32 ~~-(b) The department shall annually submit the report to the marine fisheries council, and~~
33 ~~the department, in coordination with the council, shall annually schedule and conduct one or more~~
34 ~~public meetings to solicit input from recreational fisherman and the general public. On the basis~~

1 ~~of such input, and the council's own review, the council shall annually prepare an addendum to~~
2 ~~the report, setting forth the council's opinion on whether the licensing program is meeting its~~
3 ~~intended purposes, and offering any recommendations for modifying the program.~~

4 ~~(c) The department shall annually submit the report, including the addendum developed~~
5 ~~by the council, to the general assembly.~~

6 ~~**20-2.2-11. Rules and regulations.** The director is authorized to promulgate, adopt, and~~
7 ~~enforce any and all rules and regulations deemed necessary to carry out the purposes of this~~
8 ~~chapter.~~

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

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LC000592
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO FISH AND WILDLIFE -- SALTWATER FISHING LICENSE

- 1 This act would repeal the saltwater fishing license requirement.
- 2 This act would take effect upon passage.

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LC000592
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