

2020 -- H 7874

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LC004965
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

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A N A C T

RELATING TO FISH AND WILDLIFE - GENERAL PROVISIONS

Introduced By: Representatives McEntee, Craven, O'Brien, and Price

Date Introduced: February 26, 2020

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 20-3-1, 20-3-2, 20-3-4 and 20-3-5 of the General Laws in Chapter
2 20-3 entitled "Marine Fisheries Council" are hereby amended to read as follows:

3 **20-3-1. Council created -- Membership -- Compensation.**

4 There is hereby created a marine fisheries council. The council shall be composed of the
5 director of the department of environmental management, or the director's designee, who shall serve
6 as chairperson, and eight (8) private citizen members. The private citizen members shall be chosen
7 from among those with skill, knowledge, and experience in the commercial fishing industry, the
8 ~~sport fishing industry~~ recreational fishing community, and in the conservation and management of
9 fisheries resources and shall be appointed by the governor with the advice and consent of the senate.
10 Three (3) of the private citizen members shall be representatives of the commercial fishing industry;
11 three (3) shall be representatives of the ~~sport fishing industry~~ recreational fishing community; and
12 the remaining two (2) shall have skill, knowledge, and experience in the conservation and
13 management of fisheries resources and/or marine biology. The chairperson of the coastal resources
14 management council and the chiefs of the divisions of enforcement and marine fisheries in the
15 department of environmental management shall serve in an advisory capacity to the council.
16 Members of the council shall serve for a term of four (4) years and may not succeed themselves
17 more than once ~~after January 1, 2002. Initial appointments to the council shall be appointed as~~
18 ~~follows: three (3) members for a term of two (2) years; three (3) members for a term of three (3)~~
19 ~~years; and two (2) members for a term of four (4) years. All~~ all members of the council shall serve

1 without compensation and shall be reimbursed for their necessary expenses incurred in travel and
2 in the performance of their duties.

3 **20-3-2. Powers and duties.**

4 ~~(a) The marine fisheries council shall serve in an advisory capacity only to the state and~~
5 ~~agencies of the state regarding marine fisheries issues and to the director of the department of~~
6 ~~environmental management in the exercise of his or her authority under this title for the planning,~~
7 ~~management, and regulation of marine fisheries on matters, including, but not limited to, the~~
8 ~~following activities:~~

9 The marine fisheries council shall have regulatory jurisdiction over all marine animal
10 species within the jurisdictional territory of the state. The council is authorized, after the holding
11 of a public hearing to promulgate and adopt rules and regulations governing the activities only,
12 within the areas of its jurisdiction:

13 (1) The manner of taking fish, lobsters, and shellfish;

14 (2) The legal size limits of fish, lobsters, and shellfish to be taken or possessed;

15 (3) The seasons and hours during which fish, lobsters, and shellfish may be taken or
16 possessed;

17 (4) The numbers or quantities of fish, lobsters, and shellfish which may be taken or
18 possessed; and

19 (5) The opening and closing of areas within the coastal waters to the taking of any and all
20 types of fish, lobsters, and shellfish.

21 ~~(b) The council shall report annually by March 1 of each year to the governor, the speaker~~
22 ~~of the house, the president of the senate, the chairperson of the house committee on environment~~
23 ~~and natural resources, the chairperson of the senate committee on environment and agriculture, and~~
24 ~~to the house oversight committee and the senate committee on government oversight, for the~~
25 ~~preceding calendar year with regard to:~~

26 ~~(1) The advice it has given to state agencies, including specifically the department of~~
27 ~~environmental management, on marine fisheries issues;~~

28 ~~(2) The response it received to the advice it gave;~~

29 ~~(3) Any findings or position it may have with regard to the status and/or condition of marine~~
30 ~~fisheries; and~~

31 ~~(4) Any recommendations it may have for maintaining, improving, or changing laws,~~
32 ~~regulations, or management programs for marine fisheries.~~

33 **20-3-4. Shellfish and marine life management areas.**

34 The council may ~~recommend to the director of environmental management, the designation~~

1 ~~of~~ designate certain portions of the shores of the public waters of the state, or land within the state
2 covered by tidewater at either high or low tide, or portions of the free and common fisheries of the
3 state as shellfish or marine life project management areas for the purpose of enhancing the
4 cultivation and growth of marine species; managing the harvest of marine species; facilitating the
5 conduct by the department of experiments in planting, cultivating, propagating, managing, and
6 developing any and all kinds of marine life; and any other related purpose. The designation shall
7 be pursuant to the Administrative Procedures Act, chapter 35 of title 42, and shall be by reference
8 to fixed landmarks. The council, upon the designation of a management area, shall propose any
9 rules and regulations as it shall deem necessary for the protection and management of the
10 management area and the animal life and property in the management area, including the exclusion
11 or restriction of persons from the area or the prohibition of certain activities within the areas or
12 other restrictions as it may deem necessary. Upon the designation of a management area, the
13 director of environmental management shall place any stakes, bounds, buoys, or markers with the
14 words "Rhode Island department of environmental management" plainly marked on them, as will
15 approximate the management area. Failure to place or maintain the stakes, bounds, buoys, or
16 markers shall not be admissible in any judicial or administrative proceeding. The director may
17 make any experiments or conduct any activities as in his or her discretion are appropriate in these
18 management areas.

19 **20-3-5. Emergencies.**

20 The marine fisheries council may, without requirement of notice of hearing, ~~recommend~~
21 ~~closure of~~ close any or all of the coastal waters of the state to the taking of any or all types of fish,
22 lobsters, and shellfish where it determines that a biological emergency exists that imminently
23 threatens the marine resources of the state subject to the provisions of § 42-35-3(b).

24 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 - GENERAL PROVISIONS

- 1 This act would clarify and assign the regulatory jurisdiction over all marine animal species
- 2 within the jurisdictional territory of the state to the marine fisheries council.
- 3 This act would take effect upon passage.

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