

2021 -- H 5921

LC001790

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 Price, Filippi, Quattrocchi, Place, and Nardone

Date Introduced: February 24, 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, and establish and  
6 issue direct sale dealer licenses with respect to the following matters and activities:

7 (1) Authorizing the transportation and sale of allowable species of finfish, live lobsters,  
8 live crabs and live whelk by the holder of a license issued pursuant to subsection (a)(2) of this  
9 section, or by the authorized agent/crew member of the license holder, from the vessel or dockside  
10 from the vessel 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) Licensees offering allowable species for sale pursuant to the direct sale dealer license  
13 may only sell allowable species that they legally harvested. Sales may only be conducted by  
14 commercial license holders authorized to commercially harvest the species made available for sale  
15 or by a regularly employed crewmember of the licensee;

16 (4) The transfer of species between direct sale dealer license holders is expressly  
17 prohibited;

18 (5) Any change in location for a direct sale dealer license requires notification to the  
19 department and is subject to a license re-print fee of ten dollars (\$10.00);

20 (6) Species for sale must be labeled accurately;

21 (7) Direct sale dealer license holders are exempt from any department requirement that  
22 summer flounder be placed in standard sixty (60) or one hundred (100) pound containers prior to  
23 their removal from the dealer's premises or from the point of transfer;

24 (8) Lobsters, crabs and whelk must be sold live;

25 (9) Transporting is limited to lobsters, crabs, and whelk harvested from individual vessels  
26 and sold and transported by the individual harvester or affiliated crewmembers. The name of the  
27 vessel and license holder, provided in writing and legible, must accompany all transported lobsters,  
28 crabs, and whelk;

29 (10) For all species subject to sale, standard harvester reporting is required (i.e. Federal  
30 VTR's or state catch and effort reports). Harvester reports must be completed in full and be available  
31 for inspection by the director prior to any species being sold pursuant to the provisions of this  
32 section;

33 (11) All seafood must be stored and handled in a safe and sanitary manner to include, but  
34 not limited to:

1           (i) While on board the vessel, all species to be sold must be protected from contamination,  
2 kept shaded, maintained at or below forty-one degrees Fahrenheit (41° F) and/or buried in ice;

3           (ii) Knives/utensils and other food contact surfaces used to head, gut or bleed fish must be  
4 kept clean.

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

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

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

12          (d) Nothing in this section shall be construed to apply to any person holding a federal  
13 fishing permit (vessel-based) or direct donations of finfish by licensed commercial fishermen  
14 pursuant to department regulations.

15          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 finfish, live lobsters, crabs and live  
2 whelk upon issuance of a direct sale dealer license by the department of environmental management  
3 to a commercial fishing license holder.

4           This act would take effect upon passage.

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