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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO FISH AND WILDLIFE -- LICENSING, MANAGEMENT, AND
AQUACULTURE

Introduced By: Senator Leo R. Blais

Date Introduced: March 04, 2010

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 20-2-44 of the General Laws in Chapter 20-2 entitled "Licensing" is
2 hereby amended to read as follows:

3 **20-2-44. Shellfish transplant program. --** In addition to any appropriation made
4 pursuant to section 20-2-28.2, the general assembly shall appropriate from the general fund to the
5 division of [marine fisheries](#) ~~fish and wildlife~~, the amount it deems necessary for the purpose of
6 maintaining a shellfish transplant program for the fiscal year ending June 30, 2000, and
7 thereafter, the division of [marine fisheries](#) ~~fish and wildlife~~ shall develop a sustainable shellfish
8 management plan.

9 SECTION 2. Section 20-3-1 of the General Laws in Chapter 20-3 entitled "Marine
10 Fisheries Council" is hereby amended to read as follows:

11 **20-3-1. Council created -- Membership -- Compensation. --** There is hereby created a
12 marine fisheries council. The council shall be composed of the director of the department of
13 environmental management or the director's designee, who shall serve as chairperson and eight
14 (8) private citizen members. The private citizen members shall be chosen from among those with
15 skill, knowledge, and experience in the commercial fishing industry, the sport fishing industry,
16 and in the conservation and management of fisheries resources and shall be appointed by the
17 governor with the advice and consent of the senate. Three (3) of the private citizen members shall
18 be representatives of the commercial fishing industry; three (3) shall be representatives of the

1 sport fishing industry; and the remaining two (2) shall have skill, knowledge, and experience in
2 the conservation and management of fisheries resources and/or marine biology. The chairperson
3 of the coastal resources management council and the chiefs of the divisions of enforcement and
4 ~~fish and wildlife~~ [marine fisheries](#) in the department of environmental management shall serve in
5 an advisory capacity to the council. Members of the council shall serve for a term of four (4)
6 years and may not succeed themselves more than once after January 1, 2002. Initial appointments
7 to the council shall be appointed as follows: three (3) members for a term of two (2) years, three
8 (3) members for a term of three (3) years, and two (2) members for a term of four (4) years. All
9 members of the council shall serve without compensation and shall be reimbursed for their
10 necessary expenses incurred in travel and in the performance of their duties.

11 SECTION 3. Sections 20-9-1, 20-9-2 and 20-9-3 of the General Laws in Chapter 20-9
12 entitled "Cooperation in Federal Projects" are hereby amended to read as follows:

13 **20-9-1. Assent to wildlife restoration projects.** -- The state of Rhode Island assents to
14 the provisions of the act of congress entitled "An Act to Provide that the United States Shall Aid
15 the States in Wildlife Restoration Projects, and for Other Purposes", 16 U.S.C. section 669 et
16 seq., and the director of environmental management is authorized, empowered, and directed to
17 perform those acts that may be necessary to the conduct and establishment of cooperative wildlife
18 restoration projects, as defined in that act of congress, in compliance with that act and with rules
19 and regulations promulgated by the secretary of the interior under that act; and no funds accruing
20 to the state of Rhode Island from license fees or interest from license fee accounts paid by hunters
21 shall be diverted for any other purpose than the administration of the ~~division of fish and wildlife~~
22 [division of forestry, inland fisheries and wildlife management](#) of the department of environmental
23 management.

24 **20-9-2. Disbursements for restoration projects.** -- The state controller is authorized and
25 directed to draw orders upon the general treasurer for the payment of any sums as may be
26 required for the purposes of section 20-9-1, upon receipt by the controller of proper vouchers duly
27 authenticated and approved by the chief of the division of ~~fish~~ [forestry, inland fisheries](#) and
28 wildlife [management](#) and by the director of environmental management.

29 **20-9-3. Assent to fish restoration and management projects.** -- The state of Rhode
30 Island assents to the provisions of the act of congress, entitled "An Act to Provide that the United
31 States Shall Aid the States in Fish Restoration and Management Projects, and for Other
32 Purposes", 16 U.S.C. section 777 et seq., and the ~~division of fish and wildlife~~ [divisions of](#)
33 [forestry, inland fisheries and wildlife management and marine fisheries](#), with the approval of the
34 director of environmental management, is hereby authorized, empowered, and directed to perform

1 any acts as may be necessary to the conduct and establishment of fish restoration and
2 management projects, as defined in that act of congress, in compliance with that act and with
3 rules and regulations promulgated by the secretary of the interior under that act, and no funds
4 accruing to the state from license fees or interest from license fee accounts paid by fishers shall
5 be diverted for any other purpose than the administration of the ~~division of fish and wildlife~~
6 divisions of forestry, inland fisheries and wildlife management and marine fisheries of the
7 department of environmental management.

8 SECTION 4. Section 20-10-1.1 of the General Laws in Chapter 20-10 entitled
9 "Aquaculture" is hereby amended to read as follows:

10 **20-10-1.1. Creation of the Biosecurity Board.** -- There shall be a biosecurity board
11 within the coastal resources management council, (hereinafter referred to as "CRMC"), which
12 shall meet, at minimum, on a quarterly basis and shall be composed of seven (7) members to be
13 designated by the executive director of the CRMC, or his or her designee, with council approval.
14 The council shall select a chair from among the board members, one of whom shall be the
15 executive director of the CRMC or his or her designee, one of whom shall be the state
16 veterinarian or an individual certified in veterinary medicine, with a specialty in aquatic diseases,
17 or by the American Fisheries Society, one of whom shall be a certified medical doctor or a person
18 with a Ph.D. in public health, one of whom shall be a representative of the division of ~~fish and~~
19 ~~wildlife~~ marine fisheries, one of whom shall be a representative of the marine fisheries council,
20 one of whom shall be a representative from the aquaculture industry and one of whom shall be a
21 faculty member of the University of Rhode Island, Department of Fisheries, Animals and
22 Veterinary Science.

23 SECTION 5. Section 2-10-3.1 of the General Laws in Chapter 2-10 entitled "State
24 Forests and Forestry Projects" is hereby amended to read as follows:

25 **2-10-3.1. Assessment of fees for forestry services.** -- The director of the department of
26 environmental management shall promulgate regulations for the purposes of assessing fees for
27 services provided by the division of ~~forest environment~~ forestry, inland fisheries and wildlife
28 management, as outlined in chapters 15 and 19 of this title, as well as for services provided by the
29 division of ~~forest environment~~ forestry, inland fisheries and wildlife management for the
30 protection, enhancement, and management of this state's forest resources and these funds shall be
31 deposited within the state forestry fund as provided for in section 2-10-3.

32 SECTION 6. Sections 42-17.1-3 and 42-17.1-4 of the General Laws in Chapter 42-17.1
33 entitled "Department of Environmental Management" are hereby amended to read as follows:

34 **42-17.1-3. Construction of references.** -- (a) Whenever in any general or public law the

1 words "department of agriculture and conservation," "bureau of markets," "division of
2 conservation," "division of entomology and plant industry," "division of forests," "division of fish
3 and game," "division of fish and wildlife," "division of forest environment," "division of parks
4 and recreation," "division of harbors and rivers," "division of boating safety," "division of
5 enforcement," "division of coastal resources," or "department of natural resources" shall appear,
6 they shall be deemed to refer to and to mean the "department of environmental management."

7 (b) Provided, further, that whenever in chapters 3-6, 7, 9, 11, 13, 18 and 19 of title 4
8 entitled "Animals and Animal Husbandry" the words "director of health" or "department of
9 health" shall appear, they shall be deemed to refer to and to mean the "director of environmental
10 management" and "department of environmental management" respectively.

11 (c) Provided, further, that whenever in any general or public law the words "department
12 of the environment" shall appear, the same shall be deemed to refer to and mean the "department
13 of environmental management" or where applicable the "director of the department of
14 environmental management."

15 (d) Provided, further, that whenever in any general law or public law the words
16 "conservation officer" shall appear, they shall be deemed to refer to and to mean "environmental
17 police officer."

18 **42-17.1-4. Divisions within department.** -- Within the department of environmental
19 management there are established the following divisions:

20 (1) A division of parks and recreation which shall carry out those functions of the
21 department relating to the operation and maintenance of parks and recreation areas and the
22 establishment and maintenance of such additional recreation areas as may from time to time be
23 acquired and such other functions and duties as may from time to time be assigned by the
24 director;

25 (2) A division of ~~fish and wildlife~~ marine fisheries which shall carry out those functions
26 of the department relating to the administration management, and conservation, of ~~hunting,~~
27 ~~fishing,~~ all marine and invertebrates, including finfish, and crustacean, and shell fisheries; ~~the~~
28 ~~preservation of wetlands, marsh lands, and wildlife~~ and such other functions and duties as may
29 from time to time be assigned by the director;

30 (3) A division of agriculture which shall carry out those functions of the department
31 relating to agriculture, entomology and plant industry and such other functions and duties as may
32 from time to time be assigned by the director;

33 (4) A division of coastal resources which shall carry out those functions of the
34 department relating to harbors and harbor lines, pilotage, flood control, shore development,

1 construction of port facilities, and the registration of boats and such other functions and duties as
2 may from time to time be assigned by the director, except that the division shall not be
3 responsible for the functions of inspection of dams and reservoirs, approving plans for
4 construction or improvement of dams, reservoirs and other structures in non-tidal waters, and the
5 operation of stream-gauging stations in cooperation with the United States Geological Survey,
6 and provided further that the division and its staff shall be responsible through the director of
7 environmental management, to the coastal resources management council, and the chief and the
8 staff of the division shall serve as staff to the council;

9 (5) A division of planning and development which shall carry out those functions of the
10 department relating to planning, programming, acquisition of land, engineering studies and such
11 other studies as the director may direct, and which shall work with the board of governors for
12 higher education and the board of regents for elementary and secondary education, with
13 educational institutions at all levels and with the public in the dissemination of information and
14 education relating to natural resources and shall perform the publication and public relations
15 functions of the department, the functions of inspection of dams and reservoirs, approving plans
16 for construction or improvement of dams, reservoirs, and other structures in non-tidal waters, and
17 the operation of stream-gauging stations in cooperation with the United States Geological Survey;

18 (6) A division of enforcement which shall enforce all of the laws and regulations of the
19 department and the coastal resources management council, which shall cooperate with the other
20 enforcement agencies of the state and its municipalities, and which shall administer all of the
21 policing, enforcing, licensing, registration, and inspection functions of the department and such
22 other functions and duties as may from time to time be assigned by the director;

23 (7) A division of ~~forest environment~~ forestry, inland fisheries and wildlife management
24 which shall carry out those functions of the department relating to the administration,
25 management and conservation of forests, wildlife and inland fisheries; developing programs for
26 sustainable resources of forests ~~and natural areas, including programs for~~ utilization,
27 ~~conservation,~~ forest fire protection, and management, hunting, fishing and the preservation and
28 improvements of ~~these areas~~ natural areas and habitats to include wetlands and marsh lands;
29 assisting other agencies and local governments in urban programs relating to trees, forests, green
30 belts, and environment and such other functions and duties as may from time to time be assigned
31 by the director;

32 (8) (i) A division of boating safety which shall carry out those functions of the
33 department relating to the development and administration of a coordinated safe boating program
34 in accordance with the Model Safe Boating Act of 1971 as approved by the National Association

1 of State Boating Law Administrators;

2 (ii) Administration of the division of boating safety shall be the responsibility of the state
3 boating law administrator whose duties shall include:

4 (A) The enforcement of all laws relating to the act;

5 (B) The powers vested in the state boating law administrator and boating safety
6 enforcement officer shall include the enforcement of laws, rules and regulations relating to
7 "Regulation of Boats," title 46, chapter 22 and shall also include the power to:

8 (I) Execute all warrants and search warrants for the violation of laws, rules and
9 regulations relating to the act.

10 (II) Serve subpoenas issued for the trial of all offenses hereunder.

11 (III) To carry firearms or other weapons, concealed or otherwise, in the course of and in
12 performance of their duties under this chapter.

13 (IV) To arrest without warrant and on view any person found violating any law, rule, or
14 regulation relating to the act, take that person before a court having jurisdiction for trial, detain
15 that person in custody at the expense of the state until arraignment and to make and execute
16 complaints within any district to the justice or clerk of the court against any person for any of the
17 offenses enumerated under the act committed within the district.

18 (V) Boating safety enforcement officers shall not be required to give surety for costs
19 upon any complaint made by him or her.

20 (iii) The development and administration of a coordinated safe boating program.

21 (iv) The establishment and enforcement of such rules and regulations as are deemed
22 necessary to achieve the purposes of the Model Safe Boating Act as approved by the state boating
23 law administrators.

24 (v) The state boating law administrator shall serve as the liaison to the United States
25 Coast Guard.

26 SECTION 7. 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 -- LICENSING, MANAGEMENT, AND
AQUACULTURE

1 This act would amend various provisions of the general laws pertaining to fish and
2 wildlife with regards to licensing, funding, and the assessment of fees. This act would also clarify
3 the duties of the division of fish and wildlife to include all marine vertebrates and invertebrates
4 and would expand the division of forest environment to include inland fisheries, wildlife
5 management, conservation programs, preservation and improvements of habitats and wetlands.

6 This act would take effect upon passage.

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