

Final annotations

Rhode Island Marine Fisheries regulations (RIMFR) Part 2 - Commercial and Recreational Saltwater Fishing Licensing Regulations

Public Hearing - September 18, 2017

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Effective January 1, 2018

Proposed new language is identified in the annotated regulations in **bold, red, underline**; language proposed to be deleted is marked as ~~red strikethrough~~. The proposed changes are as follows:

6.7.7 Issuance of New Licenses and Endorsements; Automatic Eligibility for Family Members or Crew Members of Retirees:

(a) Anyone who is qualified as a priority applicant pursuant to subsection 6.7.6~~(e)~~ **(a) or (b)** may automatically obtain a Commercial Fishing License with applicable endorsement(s), or a Principal Effort License with a Restricted Finfish Endorsement, if they are the family member or crew member of a license holder (any type) **who has been actively fishing and** who chooses not to renew their license.

(b) The applicable endorsement(s) will be in the fishery sector(s) that was/were being actively fished by the retiring license holder.

(c) Only one new license will be issued for each one retired.

6.7.8 Issuance of New Licenses upon Sale of Vessel and/or Gear:

(a) This section applies only to purchasers, of vessels and~~/or~~ gear, who are residents.

(b) Transfer or sale of licenses and endorsements between the purchaser and seller of a vessel and/or gear is prohibited; provided, however, that if the seller of a vessel and/or gear who is actively fishing his or her license shall have first surrendered it to the Department, the Department will, upon application, issue one new license to the purchaser of the vessel and/or gear, pursuant to the terms and conditions of this section.

(c) The new license/endorsement(s) issued to the purchaser by the Department will generally correspond to the license/endorsement(s) that **was** held by the seller. The Department may, however, issue the new license/endorsement(s) at a lower harvest and gear level than the license surrendered by the seller where necessary to accomplish the purposes of the applicable management plan adopted pursuant to section 6.2. New licenses issued pursuant to this section are not subject to the application deadline provisions set forth under section 6.7.3.

(d) Any new license/endorsement(s) issued to the purchaser by the Department pursuant to **this** section ~~6.7.8~~ may only be issued to the new licensee upon payment to the Department of the statutorily established fee for the subject license or endorsement.

(e) Solely for the purposes of this section, a license holder shall be deemed to meet the “actively fishing” standard, as set forth in section 6.7.11. regardless of whether the fishing activity spanned the two calendar years or occurred in one of the two years.

6.7.9 Issuance of New Licenses and Operator Permits Under Hardship Conditions:

(a) A hardship shall be deemed to exist if a license holder who is actively fishing dies or becomes permanently or temporarily incapacitated by illness or injury so as to not be able to fish for any period in excess of fourteen (14) days.

(b) The Department will require proof of hardship in the form of a death certificate or a diagnosis and prognosis of the incapacity of the license holder signed by a medical doctor (M.D. or O.D.).

(c) Solely for the purposes of this Section, a license holder shall be deemed to satisfy the requirement to be found “actively fishing” if the license holder demonstrates to the satisfaction of the Division by dated transaction records, and for multiple-day trips, Vessel Trip Reports, that he or she has fished at least 40 days pursuant to a valid RI license in at least 2 consecutive calendar years from 2006 to the date of the license holder’s hardship. Such fishing activity needs to be in the same fishery sector(s) or endorsement category(s) for which a new license/endorsement is being sought, as specified in this Section.

(d) In the case of permanent incapacity or death, the Department will issue, upon application, a single, new, equivalent license with applicable endorsement(s) to a member of the license holder's family who is a Rhode Island resident. That family member may be designated by the license holder or by mutual agreement among surviving family members if the license holder is deceased. Prior to issuance of the new license, the original license will be surrendered. The new license will be valid for the balance of the license year, and will be eligible for renewal pursuant to the terms and conditions set forth in section 6.7.3.

(e) If a license holder dies without designating a family member who is a Rhode Island resident, and the license holder’s surviving family members are unable to reach a mutual agreement as to which family member who is a Rhode Island resident should be issued a single, new, license with applicable endorsement(s) that is the equivalent of the license with applicable endorsement(s) that was held and actively fished by the decedent license holder at the time of his/her demise, the administrator or executor of the estate of the decedent license holder shall be entitled to be reissued by the Department a single, new equivalent license with applicable endorsement(s) at the statutorily established fee(s) for up to two (2) years during the probating of the estate.

(f) In lieu of subsection 6.7.9~~(e)~~(d), in the case of permanent incapacity or death, the Department will issue, upon application, an operator permit or equivalent license of the same category to a Rhode Island resident designated by the incapacitated license holder, or in the case of death, by the deceased individual's next of kin. Said permit or license will serve as the legal equivalent of the license held by the original licensee. Prior to issuance of the operator permit or equivalent license, the original license will be surrendered. The operator permit or equivalent license will be valid for the balance of the license year and will be eligible for renewal once, at a cost equal to the original license, upon approval by the Director.