

250-RICR-80-00-6

## **TITLE 250 – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

### **CHAPTER 80 – LAW ENFORCEMENT**

#### **SUBCHAPTER 00 – N/A**

PART 6 – Rules and Regulations Governing the Suspension/Revocation of Commercial and Recreational Fishing Licenses

#### **6.1 Purpose**

The purpose of these rules and regulations is to govern the suspension/revocation of commercial marine fisheries, shellfish dealer, lobster dealer, Finfish dealer, and multi-purpose dealer licenses as well as salt water fishing licenses issued pursuant to R.I. Gen. Laws Title 20.

#### **6.2 Authority**

These rules and regulations are promulgated pursuant to R.I. Gen. Laws Chapters 42-17.1, 20-2, 20-2.1, 20-2.2, 20-4, 20-4.1, 20-5, 20-6, 20-7, 20-8.1, 20-10 and R.I. Gen. Laws §§ 20-1-4, 20-4-1.1, 20-6-24, and 20-7-5.1 in accordance with R.I. Gen. Laws Chapter 42-35.

#### **6.3 Application**

The terms and provisions of these Rules and Regulations shall be liberally construed to permit the Department to effectuate the purposes of state law, goals, and policies.

#### **6.4 Severability**

If any provision of these Rules and Regulations or the application thereof to any person or circumstances is held invalid by a court of competent jurisdiction, the validity of the remainder of the Rules and Regulations shall not be affected thereby.

#### **6.5 Superseded Rules and Regulations**

On the effective date of these Rules and Regulations, all previous Rules and Regulations, and any policies regarding the suspension and revocation of licenses pursuant to R.I. Gen. Laws Chapters 42-35, 42-17.1, 20-2, 20-4, 20-5,

20-6, and 20-7 shall be superseded. However, any enforcement action taken by the Department prior to the effective date of these Rules and Regulations shall be governed by the Rules and Regulations in effect at the time the enforcement action was taken.

## **6.6 Regulations**

### **A. Commercial Fishing License**

1. Any individual who has violated the provisions of R.I. Gen. Laws Chapters 20-1, 20-2, 20-2.1, 20-2.2, 20-3, 20-4, 20-4.1, 20-5, 20-6, 20-7, 20-8.1, and 20-10; or who has violated any Rule or Regulation adopted pursuant thereto, may have their commercial fishing license and the privileges to participate in the commercial fisheries suspended or revoked as the Director or his/her designee in his/her discretion determines, for the time periods listed as follows unless otherwise addressed in R.I. Gen. Laws § 20-7-7:
  - a. First violation – up to thirty (30) days' suspension
  - b. Second violation – up to ninety (90) days' suspension
  - c. Third violation – up to three hundred and sixty-five (365) days' suspension and
  - d. Fourth and successive violations – revocation
2. No new license conferring said privileges shall be issued during the period of suspension or revocation.
3. Any person aggrieved by an order of suspension or revocation may appeal therefrom (in accordance with R.I. Gen. Laws Chapter 42-35 and the Rules and Regulations adopted pursuant thereto) by requesting a hearing, in writing, within twenty (20) days of receipt of said order.

### **B. Fish Trap License**

1. The Fish Trap License and the privilege to set, erect, or maintain fish traps in the public waters of this state, of any person who has violated the provisions of R.I. Gen. Laws Chapters 20-1, 20-2, 20-3, 20-4, 20-4.1, 20-5, 20-6, 20-7, 20-8.1, and 20-10 or who has violated any Rule or Regulation adopted in accordance with said Title and Chapters, may be suspended or revoked as the Director or his/her designee in his/her discretion determines, for the time periods listed as follows:

- a. First violation – up to thirty (30) days' suspension
  - b. Second violation – up to ninety (90) days' suspension
  - c. Third violation – up to three hundred and sixty-five (365) days' suspension and
  - d. Fourth and successive violations – revocation
2. No new license conferring said privileges shall be issued during the period of suspension or revocation.
  3. Any person aggrieved by an order of suspension or revocation may appeal therefrom (in accordance with R.I. Gen. Laws Chapter 42-35 and the Rules and Regulations adopted pursuant thereto) by requesting a hearing, in writing, within twenty (20) days of receipt of said order.
  4. The Department of Environmental Management may deny renewal or issuance of a fish trap license to any person, firm, association or corporation which is managed by or has as a principal, shareholder, creditor or employee, a person who was or is a, partner, manager, principal, or shareholder of a fish trap business whose license at the time of application is subject to suspension, revocation, or denial by the Department of Environmental Management.

C. Party and Charter Boat License

1. Any individual who has violated the provisions of: R.I. Gen. Laws Chapters 20-1, 20-2, 20-3, 20-4, 20-4.1, 20-5, 20-6, 20-7, 20-8.1, 20-10, 46-22 and 46-22.2 or who has violated any Rule or Regulation adopted in pursuant thereto, may have their party and charter boat license and the privileges conferred by said license suspended or revoked as the Director or his/her designee in his/her discretion determines, for the time periods listed as follows:
  - a. First violation – up to thirty (30) days' suspension
  - b. Second violation – up to ninety (90) days' suspension
  - c. Third violation – up to three hundred and sixty-five (365) days' suspension and
  - d. Fourth and successive violations – revocation
2. No new license conferring said privileges shall be issued during the period of suspension or revocation.

3. Any person aggrieved by an order of suspension or revocation may appeal therefrom (in accordance with R.I. Gen. Laws Chapter 42-35) by requesting a hearing, in writing, within twenty (20) days of receipt of said order.

D. Shellfish Dealer, Lobster Dealer, Finfish Dealer, Multi-purpose Dealer, Direct Sale Dealer

1. The license of any shellfish buyer, lobster dealer, Finfish dealer, multi-purpose dealer and the privilege to barter or trade in shellfish, lobster or Finfish in this state, of any person who has violated the provisions of R.I. Gen. Laws Chapters 20-1, 20-2, 20-3, 20-4, 20-4.1, 20-5, 20-6, 20-7, 20-8.1, and 20-10 or who has violated any rule or regulation adopted in accordance with said title and chapters, may be suspended or revoked as the Director or his/her designee in his/her discretion determines, for the time periods listed as follows:
  - a. First violation – up to thirty (30) days' suspension
  - b. Second violation – up to ninety (90) days' suspension
  - c. Third violation – up to three hundred and sixty-five (365) days' suspension
  - d. Fourth and successive violations – revocation
2. No new license conferring said privileges shall be issued during the period of suspension or revocation.
3. Any person aggrieved by an order of suspension or revocation may appeal therefrom (in accordance with R.I. Gen. Laws Chapter 42-35) by requesting a hearing, in writing, within twenty (20) days of receipt of said order.
4. The Department of Environmental Management may deny renewal or issuance of a shellfish buyer, lobster dealer, Finfish dealer, multi-purpose dealer license to any person, firm, association or corporation which is managed by or has as a principal, shareholder, creditor, or employee, a person who was or is a shellfish buyer, lobster dealer, Finfish dealer, multi-purpose dealer, partner, manager, principal or shareholder of a shellfish buyer, lobster dealer, Finfish dealer, multi-purpose dealer whose license at the time of application is subject to suspension, revocation or denial by the Department of Environmental Management.

E. Licenses Suspension/Revocation of Recreational Salt Water Fishing License

1. Any person who is convicted of violating any provision of R.I. Gen. Laws Title 20 or any Rule or Regulation issued pursuant thereto, and who holds a license to fish, hunt, or trap or to engage in any other activity other than commercial marine fisheries, shellfish buyers, lobster dealers, Finfish dealers and multi-purpose dealers, may have such license revoked by order of the Director, or his/her designee, for the period set forth in the following schedule:
  - a. First violation – revocation for up to a period of one (1) year
  - b. Second violation – revocation for up to a period of two (2) years
  - c. Third violation and succeeding violations – revocation for up to a period of three (3) years
2. No new license shall be issued to any person whose license has been revoked during the period set forth.
3. Any person aggrieved by an order of revocation may appeal therefrom in accordance with the provisions of the R.I. Gen. Laws Chapter 42-35.