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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO FISH AND WILDLIFE - NUISANCE ACTIONS AGAINST SEAFOOD AND  
COMMERCIAL FISHING INDUSTRY

Introduced By: Senators Sosnowski, Goodwin, McCaffrey, Felag, and McKenney

Date Introduced: March 21, 2019

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 20 of the General Laws entitled "FISH AND WILDLIFE" is hereby  
2 amended by adding thereto the following chapter:

3 CHAPTER 3.3

4 NUISANCE ACTIONS AGAINST SEAFOOD AND COMMERCIAL FISHING INDUSTRY

5 **20-3.3-1. Definitions.**

6 (1) "Rhode Island's local fisherman and aquaculturist" shall have the meaning set forth in  
7 § 20-38-3(3).

8 (2) "Seafood industry" means any person engaged in purchasing, raising, propagating,  
9 breeding, acquiring, possessing or processing seafood to be sold or furnished to others.

10 **20-3.3-2. Nuisance actions against seafood and commercial fishing industry.**

11 (a) No Rhode Island local fisherman or aquaculturist, and no person engaged in the  
12 seafood industry, shall be found to be a public or private nuisance due to alleged objectionable:

13 (1) Odor from equipment, gear, activity or product generally accepted as seafood and  
14 commercial fishing procedures; or

15 (2) Noise from seafood or fishing equipment used in normal, generally accepted industry  
16 procedures.

17 (b) This section shall apply only to nuisance actions under chapter 1 of title 10.

18 **20-3.3-3. Severability.**

1           If any provision of this chapter, or determination made under this chapter, or application  
2 of this chapter to any person, agency, or circumstances is held invalid by a court of competent  
3 jurisdiction, the remainder of this chapter and its application to any person, agency, or  
4 circumstances shall not be affected by the invalidity. The invalidity of any section or sections of  
5 this chapter shall not affect the remainder of this chapter.

6           SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

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1           This act would preclude Rhode Island local fishermen or aquaculturists from being found  
2 a public or private nuisance due to alleged objectionable odor or noise as a result of generally  
3 accepted industry procedures.

4           This act would take effect upon passage.

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