



GOV. MSG. NO. 709

EXECUTIVE CHAMBERS

HONOLULU

LINDA LINGLE  
GOVERNOR

June 5, 2009

The Honorable Colleen Hanabusa, President  
and Members of the Senate  
Twenty-Fifth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on June 5, 2009, the following bill was signed into law:

HB366 HD2 SD2 CD1

A BILL FOR AN ACT  
RELATING TO MANTA RAYS.  
**ACT 092 (09)**

Sincerely,



LINDA LINGLE

---

---

# A BILL FOR AN ACT

RELATING TO MANTA RAYS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that manta rays are a  
2 threatened species because of poaching and commercial fishing.  
3 In 2005, a bill to prohibit the killing of manta rays was  
4 introduced but not heard by the legislature. In 2006, the state  
5 house of representatives adopted H.R. No. 30, H.D. 1, which  
6 established a working group to determine methods to protect the  
7 *batoidea* order including manta rays. Despite these earlier  
8 efforts, legislation is needed to more effectively protect manta  
9 rays.

10           The purpose of this Act is to establish fines and penalties  
11 for knowingly killing or capturing manta rays within state  
12 waters.

13           SECTION 2. Chapter 188, Hawaii Revised Statutes, is  
14 amended by adding a new section to be appropriately designated  
15 and to read as follows:

16           "§188-     Manta rays; prohibitions, penalties and fines.

17           (a) No person shall knowingly capture or kill a manta ray  
18 within state marine waters.



1        (b) Any person violating this section or any rule adopted  
2 pursuant to this section shall be guilty of a misdemeanor and  
3 shall be fined:

4        (1) \$500 for a first offense;

5        (2) \$2,000 for a second offense; and

6        (3) \$10,000 for a third or subsequent offense.

7        (c) In addition to any other penalty imposed under this  
8 section, a person violating this section shall be subject to:

9        (1) An administrative fine of not more than \$10,000 for  
10 each manta ray captured or killed in violation of this  
11 section;

12        (2) Seizure and forfeiture of any captured manta rays,  
13 commercial marine license, vessel, and fishing  
14 equipment; and

15        (3) Assessment of administrative fees and costs, and  
16 attorney's fees and costs.

17        (d) The criminal penalties and administrative fines and  
18 costs shall be assessed per manta ray captured or killed in  
19 violation of this section.

20        (e) This section shall not prohibit special activity  
21 permits allowed under section 187A-6; provided that the permit  
22 issued does not allow a take that exceeds the potential



1 biological removal level; and provided further that the  
2 department shall adopt rules to define a "take" and determine  
3 when a take exceeds the potential biological removal level."

4 SECTION 3. Section 188-70, Hawaii Revised Statutes, is  
5 amended by amending subsection (a) to read as follows:

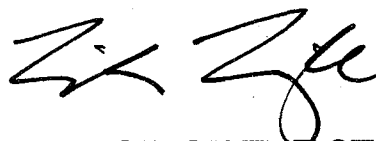
6 "(a) Any person violating any provision of or any rule  
7 adopted pursuant to this chapter, [~~excepting section 188-23, or~~  
8 any rule adopted pursuant thereto,] except sections 188-23 and  
9 188- , is guilty of a petty misdemeanor and, in addition to any  
10 other penalties, shall be fined not less than:

- 11 (1) \$100 for a first offense;
- 12 (2) \$200 for a second offense; and
- 13 (3) \$500 for a third or subsequent offense."

14 SECTION 4. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16 SECTION 5. This Act shall take effect upon its approval.

APPROVED this 5 day of JUN , 2009



GOVERNOR OF THE STATE OF HAWAII

