

JAN 23 2009

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# A BILL FOR AN ACT

RELATING TO AQUATIC LIFE.

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

1           SECTION 1. The legislature finds that the aquarium aquatic  
2 life collecting industry requires further oversight to ensure  
3 the health of Hawaii's coral reefs. The industry of harvesting  
4 fish and other marine creatures for home aquariums is largely  
5 unregulated, raising concerns over damage to the environment.

6           The legislature also understands that the aquarium industry  
7 focuses on juvenile reef fish and small invertebrates and  
8 exports an estimated eighty-two per cent of its catch to the  
9 mainland United States. With expanding Asian markets,  
10 collectors are targeting more remote and deeper reefs as  
11 evidenced by the species sold on many internet websites.  
12 Endemic species such as the bandit angelfish and the masked  
13 angelfish sell for hundreds or even thousands of dollars each,  
14 with few rules or limits.

15           For example, some sources indicate that home aquaria in  
16 China reflect a new prosperity, with large aquariums covering  
17 multiple walls that display adult eels and other large animals



1 from Hawaii's reefs. Adult eels are easily captured with a  
2 polyvinyl chloride pipe closed and baited at one end, and there  
3 are few rules or limits to protect them.

4 With few rules or limits on collecting, the industry  
5 continues to meet the growing demand for color, shape, and  
6 rarity. The Hawaiian cleaner wrasse is one of the most popular  
7 fish specie collected, known for its radiant color and lively  
8 movement, they pick parasites from many other fish. However,  
9 the Hawaiian cleaner wrasse will not eat fish food in captivity  
10 and when placed in an aquarium will eventually die of  
11 starvation.

12 The purpose of this Act is to increase regulation of the  
13 aquarium aquatic life collecting industry by implementing  
14 prohibitions and a system of fines for violators.

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

18 "§188- Aquarium aquatic life; collection. (a) As used  
19 in this section, unless the context requires otherwise:

20 "Aquarium collecting gear" means any equipment used to  
21 collect aquarium fish or animals including, but not limited to,



1 hand nets, fence or barrier nets, fiberglass or "tickle sticks",  
2 catch buckets, keeps, or baskets.

3 "Aquarium purpose" means to hold saltwater fish, freshwater  
4 non-game fish, or other aquatic life alive in a state of  
5 captivity as pets, for scientific study, or for public  
6 exhibition or display, or for sale for these purposes.

7 Saltwater fish, freshwater non-game fish, or other aquatic life  
8 held alive in a state of captivity as food for human consumption  
9 shall not be considered an aquarium purpose.

10 "Collect" means to take, catch, harvest, or confine, or to  
11 attempt to take, catch, harvest, or confine aquatic life. The  
12 use of any aquarium collecting gear to take, catch, capture,  
13 harvest, or confine, or to attempt to take, catch, capture,  
14 harvest, or confine aquatic life by any person who is on or  
15 about the shores of Hawaii or in a vessel in Hawaiian waters  
16 shall be construed as collecting under this section.

17 "Department" means the department of land and natural  
18 resources.

19 (b) The department shall develop and maintain an aquarium  
20 collecting list of aquatic species for each county. No aquatic  
21 specie shall be collected or sold for aquarium purposes in the



1 State unless the specie appears on the aquarium collecting list  
2 of the county where the specie is collected or sold.

3 (c) The aquarium collecting list shall only include  
4 species that are shown by a department or federal agency study  
5 to meet the following criteria:

6 (1) The specie can survive capture, transport, and  
7 captivity for at least one hundred eighty days;

8 (2) Based on historical evidence, the specie is part of a  
9 stable or increasing population trend in the area  
10 where the specie is being collected;

11 (3) The collection of the specie does not exceed the  
12 average annual collection for the calendar years 2005  
13 through 2007, based on department collection reports  
14 for those years;

15 (4) The removal of the specie does not negatively impact  
16 the reef ecosystem by contributing to algae overgrowth  
17 for herbivores, parasite overload on other reef fishes  
18 for cleaner wrasses and cleaner shrimps, or other  
19 harmful effects; and

20 (5) The specie is not endemic to Hawaii.



1        (d) The department may recognize native Hawaiian  
2 traditional and customary rights with regard to marine resources  
3 for subsistence, cultural, or religious purposes.

4        (e) The department shall inform all permit holders under  
5 section 188-31, of the species included in the aquarium  
6 collecting list and the penalties for failure to comply with the  
7 restrictions regarding the collection of aquatic life.

8        (f) The department shall adopt rules pursuant to chapter  
9 91 necessary for the purposes of this section.

10       (g) Any person who collects aquatic life not on the  
11 aquarium collecting list shall be fined \$1,000 for each specimen  
12 collected.

13       (h) In addition to any other penalty or fine provided by  
14 law, any person violating this section shall be punished as  
15 follows, upon conviction:

16       (1) Any person who violates this section shall be guilty  
17 of a petty misdemeanor;

18       (2) Any person who violates this section a second time  
19 within five years shall be guilty of a misdemeanor;  
20 provided the maximum term of imprisonment shall not be  
21 more than sixty days; and



1       (3) Any person with a third violation or any subsequent  
2       violation within five years shall be guilty of a  
3       misdemeanor; provided the maximum term of imprisonment  
4       shall be not more than ninety days, and the maximum  
5       fine shall be not more than \$3,000."

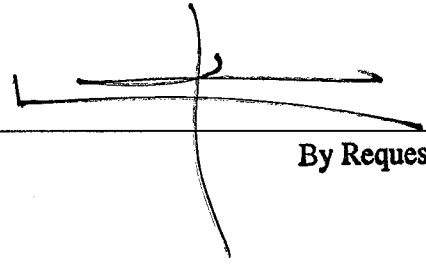
6       SECTION 3. This Act does not affect rights and duties that  
7       matured, penalties that were incurred, and proceedings that were  
8       begun, before its effective date.

9       SECTION 4. New statutory material is underscored.

10       SECTION 5. This Act shall take effect on July 1, 2009.

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INTRODUCED BY: \_\_\_\_\_

  
By Request



**Report Title:**

Aquarium Aquatic Life Collecting Industry; Limitations; Reef Fish

**Description:**

Establishes limits on the kinds of aquatic life that may be collected for aquariums.

