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## A BILL FOR AN ACT

RELATING TO BILLFISH.

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

1           SECTION 1. Chapter 188, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§188-       Pacific blue marlin; prohibited. (a) No person  
5 shall possess Pacific blue marlin for the purpose of sale,  
6 importation, exportation, trade, or distribution.

7           (b) Notwithstanding subsection (a), any person who holds a  
8 license or permit issued by the department of land and natural  
9 resources to conduct research for education purposes, and who  
10 sells, offers for sale, imports, exports, trades, or distributes  
11 Pacific blue marlin in furtherance of such research shall not be  
12 subject to the penalties in this section.

13           (c) Any person violating this section or any rule adopted  
14 pursuant to this section shall be penalized as follows:

15           (1) For a first offense, by an administrative fine of not  
16           less than \$5,000 and not more than \$15,000;

17           (2) For a second offense, by an administrative fine of not  
18           less than \$15,000 and not more than \$35,000. In



1 addition, Pacific blue marlin, commercial marine  
2 licenses, vessels, fishing equipment, or other  
3 property involved in a violation of this section shall  
4 be subject to seizure and forfeiture pursuant to  
5 chapter 712A; and

6 (3) For a third or subsequent offense, by an  
7 administrative fine of not less than \$35,000 and not  
8 more than \$50,000 or by imprisonment of not more than  
9 one year, or both. In addition, Pacific blue marlin,  
10 commercial marine licenses, vessels, fishing  
11 equipment, or other property involved in a violation  
12 of this section shall be subject to seizure and  
13 forfeiture pursuant to chapter 712A.

14 (d) In addition to any penalties imposed under subsection  
15 (c), any person violating this section or any rule adopted under  
16 it shall be subject to any other penalties authorized by section  
17 188-70, and may be assessed administrative fees and costs, and  
18 attorney's fees and costs.

19 (e) The department may adopt rules pursuant to chapter 91  
20 necessary for the purposes of this section.

21 (f) As used in this section, "Pacific blue marlin" means  
22 any fish of the species Makaira nigricans (blue marlin).



1 SECTION 2. New statutory material is underscored.

2 SECTION 3. This Act shall take effect on July 1, 2011.

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INTRODUCED BY:

*Ray Hanstad*  
*Clenn*

JAN 25 2011



**Report Title:**

Sale and Distribution of Pacific Blue Marlin

**Description:**

Prohibits the possession of Pacific blue marlin for the purpose of sale, trade, or distribution. Effective July 1, 2011.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

