

JAN 18 2012

A BILL FOR AN ACT

RELATING TO AQUARIUM FISH.

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

1 SECTION 1. Chapter 46, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 "§46- Coastal waters aquarium fish; regulatory
5 jurisdiction. Beginning January 1, 2013, each county shall
6 regulate aquarium fish found in each respective county's coastal
7 waters, including prohibiting any taking, establishing limits on
8 taking, and otherwise managing aquarium fish populations found
9 in its respective coastal waters.

10 For purposes of this section, "coastal waters" means all
11 waters surrounding the coast of an island in this State to a
12 point three miles seaward from the coast."

13 SECTION 2. Section 187A-1, Hawaii Revised Statutes, is
14 amended by amending the definition of "aquatic life" to read as
15 follows:

16 "'Aquatic life" means any type or species of mammal,
17 {fish,} fish other than aquarium fish found in coastal waters as
18 defined in section 46- , amphibian, reptile, mollusk,



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1 crustacean, arthropod, invertebrate, coral, or other animal that
2 inhabits the freshwater or marine environment and includes any
3 part, product, egg, or offspring thereof; or freshwater or
4 marine plants, including seeds, roots, products, and other parts
5 thereof."

6 SECTION 3. Section 188-22.9, Hawaii Revised Statutes, is
7 amended by amending subsection (b) to read as follows:

8 "(b) In addition to the provisions of this chapter, the
9 following uses or activities shall be regulated in the Ha'ena
10 community-based subsistence fishing area:

- 11 (1) Any activities with a commercial purpose, as defined
12 in section 187A-1;
- 13 (2) The issuance of any commercial marine license, as
14 defined in section 187A-1;
- 15 (3) The issuance of any aquarium fish permits, pursuant to
16 section ~~[188-31;]~~ 188-31, other than for aquarium fish
17 found in coastal waters as defined in section 46- ;
- 18 (4) Fishing with the use of gill nets;
- 19 (5) Fishing with self-contained underwater breathing
20 apparatus and spears; and
- 21 (6) Any other use or activity that the department of land
22 and natural resources, in consultation with the



1 inhabitants of the ahupua'a of Ha'ena and other
2 interested parties, deems appropriate."

3 SECTION 4. Section 188-31, Hawaii Revised Statutes, is
4 amended as follows:

5 1. By amending subsection (a) to read:

6 "(a) Except as prohibited by law, the department, upon
7 receipt of a written application, may issue, other than for
8 aquarium fish found in coastal waters as defined in section
9 46- , an aquarium fish permit not longer than one year in
10 duration, to use fine meshed traps, or fine meshed nets other
11 than throw nets, for the taking of marine or freshwater nongame
12 fish and other aquatic life for aquarium purposes."

13 2. By amending subsections (c) and (d) to read:

14 (c) [~~It~~] Notwithstanding aquarium fish found in coastal
15 waters as defined in section 46- , it shall be illegal to sell
16 or offer for sale any fish and other aquatic life taken under an
17 aquarium fish permit unless those fish and other aquatic life
18 are sold alive for aquarium purposes.

19 The department may adopt rules pursuant to chapter 91 for
20 the purpose of this section.

21 (d) For the purposes of this section:



- 1 (1) "Aquarium purposes" means to hold salt water fish,
2 freshwater nongame fish, or other aquatic life alive
3 in a state of captivity as pets, for scientific study,
4 or for public exhibition or display, or for sale for
5 these purposes; and
- 6 (2) "Aquarium fish permit" means a permit issued by the
7 board for the use of fine mesh nets and traps to take
8 salt water fish, other than aquarium fish found in
9 coastal waters as defined in section 46- ,
10 freshwater nongame fish, or other aquatic life for
11 aquarium purposes."

12 SECTION 5. Section 188-31.5, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "[+]§188-31.5[+] Aquarium fish for export; monthly count.

15 The department of land and natural resources shall adopt rules
16 in accordance with chapter 91 to monitor the aquarium fish catch
17 report and fish dealer's report for export of aquarium fish
18 taken from the waters of the State for aquarium purposes
19 pursuant to section 188-31. A monthly count of the quantities
20 taken of each individual species of aquarium fish exported shall
21 be reported to the board.



1 This section shall not apply to aquarium fish found in the
2 coastal waters of each county as provided in section 46- ."

3 SECTION 6. Section 188F-4, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "[~~†~~]§188F-4[~~†~~] West Hawaii regional fishery management
6 area plan. The department shall develop a West Hawaii regional
7 fishery management area plan that identifies and designates
8 appropriate areas of the management area as follows:

9 [~~(1)~~] ~~Designates a minimum of thirty per cent of coastal~~
10 ~~waters in the West Hawaii regional fishery management~~
11 ~~area as fish replenishment areas in which aquarium~~
12 ~~fish collection is prohibited;~~

13 ~~(2)~~ (1) Establishes a day-use mooring buoy system along
14 the coastline of the West Hawaii regional fishery
15 management area and designates some high-use areas
16 where no anchoring is allowed;

17 [~~(3)~~] (2) Establishes a portion of the fish replenishment
18 areas as fish reserves where no fishing of reef-
19 dwelling fish is allowed; and

20 [~~(4)~~] (3) Designates areas where the use of gill nets as
21 set nets shall be prohibited."



1 SECTION 7. Section 189-11, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§189-11 Receipts in duplicate. Every commercial marine
4 dealer shall issue receipts to the person from whom marine life
5 is obtained and shall provide the following information in the
6 receipt:

- 7 (1) The date of the issuance;
- 8 (2) The name of the person to whom the receipt is issued;
- 9 (3) The following information with respect to each of the

10 varieties of marine life as the department shall
11 require including:

- 12 (A) The weight in pounds of each of the varieties
13 received;
- 14 (B) The numbers of marine life when they average a
15 pound or more; and
- 16 (C) The price per pound paid; and
- 17 (D) With regard to aquarium fish, regardless of
18 weight, the number and species of the [~~fishes,~~
19 fishes, other than for aquarium fish found in
20 coastal waters as defined in section 46- ; and

21 (4) The signature of the dealer who issues the receipt.

1 Any dealer taking the dealer's own marine life or handling any
2 marine life taken by commercial marine licensees working for or
3 with the dealer, shall make out the same receipt, giving market
4 price for the marine life as prevails on the date of receipt. A
5 duplicate copy of this receipt shall be kept on file at the
6 premise where the marine life was sold by the dealer issuing the
7 same for a period of twelve months from the date of issuance,
8 and the duplicate copy shall be available for inspection upon
9 the demand of any conservation officer authorized to enforce the
10 laws of the State."

11 SECTION 8. Section 195D-2, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "Aquatic life" means any type of species of mammal,
14 [~~fish,~~] fish other than aquarium fish found in coastal waters as
15 defined in section 46- , amphibian, reptile, mollusk,
16 crustacean, arthropod, invertebrate, coral, or other animals
17 that inhabit the freshwater or marine environment, and includes
18 any part, product, egg, or offspring thereof, or freshwater or
19 marine plants, including seeds, roots, and other parts thereof."

20 SECTION 9. Section 197-1, Hawaii Revised Statutes, is
21 amended to read as follows:

22 "Aquatic life" means any type or species of mammal,



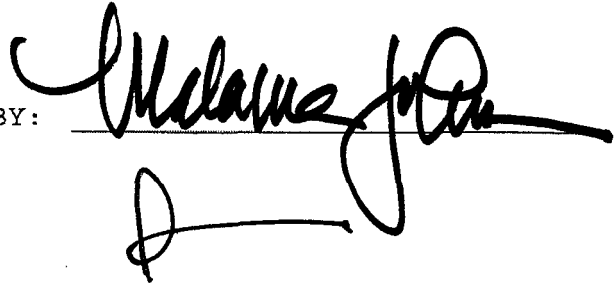
1 ~~[fish,]~~ fish other than aquarium fish found in coastal waters as
2 defined in section 46- , amphibian, reptile, mollusk,
3 crustacean, arthropod, invertebrate, coral or other animal that
4 inhabits the freshwater and marine environment and includes any
5 part, product, egg or offspring thereof; or freshwater and
6 marine plants, including seeds, roots, and other parts thereof."

7 SECTION 10. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 11. This Act shall take effect on January 1, 2013.

10

INTRODUCED BY:

A large, stylized handwritten signature in black ink, appearing to read "Melaine Johnson", is written over a horizontal line. Below the main signature, there is a smaller, simpler handwritten mark.

S.B. NO. 2002

Report Title:

Coastal Water Aquarium Fish; County Regulation

Description:

Delegates regulation of aquarium fish found in coastal waters to each county within a three-mile limit of each respective county.

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

