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## A BILL FOR AN ACT

RELATING TO FISH.

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

1           SECTION 1. The legislature finds that assessments for  
2 violations of permits for the taking of aquarium fish are not  
3 adequate to deter illegal fishing. Currently, fines for  
4 violations are based on the number of different species of fish  
5 unlawfully taken, not the quantity of each species taken. A  
6 multiplier clause needs to be added to the statute so that  
7 punitive assessments are levied proportionately to the total  
8 number of fish taken.

9           The purpose of this Act is to specify that fines shall be  
10 calculated by multiplying each separate species of fish or  
11 aquatic life unlawfully taken by the quantity of that species  
12 taken, using the appropriate fine for the species the fish or  
13 aquatic life.

14           SECTION 2. Section 188-31, Hawaii Revised Statutes, is  
15 amended to read as follows:

16           "§188-31 Permits to take aquatic life for aquarium  
17 purposes. (a) Except as prohibited by law, the department,  
18 upon receipt of a written application, may issue an aquarium



1 fish permit, not longer than one year in duration, to use fine  
2 meshed traps, or fine meshed nets other than throw nets, for the  
3 taking of marine or freshwater nongame fish and other aquatic  
4 life for aquarium purposes.

5 (b) Except as prohibited by law, the permits shall be  
6 issued only to persons who can satisfy the department that they  
7 possess facilities to and can maintain fish and other aquatic  
8 life alive and in reasonable health.

9 (c) It shall be illegal to sell or offer for sale any fish  
10 and other aquatic life taken under an aquarium fish permit  
11 unless those fish and other aquatic life are sold alive for  
12 aquarium purposes.

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

15 (d) Any fines or penalties adopted by rule to comply with  
16 subsection (c), shall apply to the taking of each saltwater or  
17 freshwater non-game fish, or any specimen of aquatic life,  
18 without an aquarium fish permit and shall be calculated by  
19 multiplying each separate species unlawfully taken by the  
20 quantity of the species taken, using the appropriate fine based  
21 on the species of the fish or aquatic life.

22 [~~d~~] (e) 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, freshwater nongame fish, or other  
9 aquatic life for aquarium purposes."

10 SECTION 3. This Act does not affect rights and duties that  
11 matured, penalties that were incurred, and proceedings that were  
12 begun before its effective date.

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

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

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INTRODUCED BY:

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JAN 22 2013



# H.B. NO. 989

**Report Title:**

Aquatic Life; Illegal Taking; Formula for Calculating Fines

**Description:**

Requires the DLNR to calculate penalties for the unlawful taking of each saltwater or freshwater non-game fish, or any specimen of aquatic life, by multiplying each separate species unlawfully taken by the quantity of that species taken, using the appropriate fine based on the species of the fish or aquatic life.

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