
A BILL FOR AN ACT

RELATING TO COMMERCIAL MARINE LICENSES.

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

1 SECTION 1. The legislature finds that fishing is an
2 important pastime for many Hawaii residents, providing not only
3 recreational and subsistence benefits, but also a source of
4 additional income for many small-scale commercial fishers who
5 often sell a portion of their catch to cover costs of fuel or
6 fishing gear.

7 The legislature further finds that the current commercial
8 marine license (CML) laws are unnecessarily burdensome on boat-
9 based fishers due to the requirement that each individual on a
10 fishing vessel must have a CML to participate in a commercial
11 fishing trip where the resulting catch may be sold. This places
12 logistical and even financial burdens on vessel captains when
13 part-time crew members are needed for a commercial fishing trip,
14 or when random or infrequent visitors are invited. It also
15 leads to confusion regarding who is responsible for submitting
16 commercial catch reports for fishing activities on board the
17 vessel.



1 The legislature also recognizes that the department of land
2 and natural resources (department) lacks the statutory authority
3 to establish different types of CMLs, which makes it difficult
4 for the department to develop effective commercial fisheries
5 regulations that accommodate the needs of different categories
6 of commercial fishers. The legislature therefore concludes that
7 creating different types of CMLs, such as a commercial marine
8 vessel license, would enable the department to better manage the
9 State's diverse commercial fishing activities.

10 This Act authorizes the department to create a commercial
11 marine vessel license (CMVL), which is intended to cover
12 everyone on board a fishing vessel under one license and
13 eliminate the need for individual CMLs. A CMVL would be more
14 convenient and cost effective for Hawaii boat-based fishers and
15 would clarify who is responsible for submitting commercial catch
16 reports for the vessel.

17 The legislature also finds that existing statutory language
18 expressly requires vessel-based fishing charters to obtain a
19 CML. It is unclear however whether shore-based charters are
20 also required to obtain a CML. This Act would clarify that any
21 person providing fishing charter services, whether vessel-based



1 or shore-based, must first obtain a CML. This will allow the
2 department to better understand and manage marine charter
3 fishing activities in the State.

4 The purpose of this Act is to:

- 5 (1) Authorize the department of land and natural resources
6 to establish different types of CMLs, including CMVLs;
7 and
8 (2) Require any person providing fishing charter services,
9 whether vessel-based or shore-based, to first obtain a
10 CML.

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

13 "**§189-2 Commercial marine license.** (a) The department
14 shall issue commercial marine licenses for the taking of marine
15 life for commercial purposes. The department may establish
16 different types of commercial marine licenses, including
17 commercial marine vessel licenses, and specify the requirements
18 and qualifications for the issuance of these licenses.

19 [~~(a)~~] (b) No person shall take marine life for commercial
20 purposes whether the marine life is caught or taken within or
21 outside of the State, without first obtaining a commercial



1 marine license as provided in this section~~[-]~~; provided that the
2 department may adopt rules pursuant to chapter 91 to exempt
3 persons taking marine life for commercial purposes pursuant to a
4 valid commercial marine vessel license.

5 ~~[(b)]~~ (c) Additionally, any person providing ~~[vessel]~~
6 charter services, whether vessel-based or shore-based, in the
7 State for the taking of marine life in or outside of the State
8 shall obtain a commercial marine license.

9 ~~[(e)]~~ (d) The department may adopt rules pursuant to
10 chapter 91 necessary for the purpose of this section and to set
11 fees for commercial marine licensing.

12 ~~[(d)]~~ (e) The fees for commercial marine licenses and
13 duplicate commercial marine licenses shall be established by the
14 department by rules adopted in accordance with chapter 91.

15 ~~[(e)]~~ (f) The department shall suspend, shall refuse to
16 renew, reinstate, or restore, or shall deny any license issued
17 under this section if the department has received certification
18 from the child support enforcement agency pursuant to section
19 576D-13 that the licensee or applicant is not in compliance with
20 an order of support or has failed to comply with a subpoena or
21 warrant relating to a paternity or child support proceeding.



1 The department shall issue, renew, reinstate, or restore such a
2 license only upon receipt of authorization from the child
3 support enforcement agency, the office of child support
4 hearings, or the family court.

5 ~~(f)~~ (g) The department shall not renew or reinstate, or
6 shall deny or suspend any license or application, if the
7 department has received certification from an administering
8 entity pursuant to chapter 436C that the licensee or applicant
9 is in default or breach of any obligation under any student
10 loan, student loan repayment contract, or scholarship contract
11 that financed the licensee's or applicant's education, or has
12 failed to comply with a repayment plan.

13 The department in receipt of a certification pursuant to
14 chapter 436C shall, as applicable, and without further review or
15 hearing:

- 16 (1) Suspend the license;
- 17 (2) Deny the application or request for renewal of the
18 license; or
- 19 (3) Deny the request for reinstatement of the license,



1 and unless otherwise provided by law, shall renew, reinstate, or
2 grant the license only upon receipt of an authorization from the
3 administering entity."

4 SECTION 3. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 4. This Act shall take effect on December 31,
7 2050.



Report Title:

Aquatic Resources; Commercial Marine Vessel Licenses

Description:

Clarifies that the Department of Land and Natural Resources has the authority to establish different types of commercial marine licenses, including commercial marine vessel licenses. Requires any person providing fishing charter services, whether vessel-based or shore-based, to first obtain a commercial marine license. Takes effect 12/31/2050. (SD1)

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