

ACT 23

H. B. 193.

A Bill for an Act Relating to Fishing in the State of Hawaii.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. This Act is hereby declared to be an urgency measure deemed necessary in the public interest within the meaning of section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of facts constituting such urgency:

Present provisions of section 21-62, R.L.H. 1955, as amended, permit the use of nets of not less than one and one-half inches mesh size for the taking of akule, including the young thereof known as "hahalalu". The otherwise unrestricted sport and commercial netting of the hahalalu has, with increasing frequency, been the basis of serious disputes affecting the public interest in the management of the akule resource. Hence, for the proper management of the akule resource, and in order to equitably balance the

interest of the sport fishing public and the commercial net and handline fishermen in the taking of akule or hahalalu, it is imperative that in addition to mesh size of nets, a minimum size limit be placed on the taking of hahalalu with the use of nets. Since runs of hahalalu occur during the summer months, the resolution of the problem prior to the onset of the seasonal runs is required. Accordingly, this Act is considered an urgency measure deemed necessary in the public interest.

SECTION 2. Section 21-62 of the Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

“§ 21-62. Nets and traps, minimum sizes. It shall be unlawful for any person to use fish nets or traps of any type with a stretched mesh of less than two inches, or to use any trap which is not portable or which is more than ten feet in length or six feet in height or width; provided, that (a) persons engaged in sport fishing may use throw nets with stretched mesh of not less than one and one-half inches, (b) pond owners or operators who hold a license issued under section 21-77 may use nets of smaller mesh to take young mullet or pua for stocking their fish ponds, (c) commercial fishermen who hold a license issued under section 21-78 may use nets of smaller mesh to take nehu, iao, marquesan sardine or any other species for which an open season may be declared by the Department of Land and Natural Resources for use as bait, and (d) all persons may use nets of smaller mesh to take shrinp or opae, opelu, makiawa or mikiawa. In the taking of akule a net with mesh of not less than one and one-half inches may be used; provided, that no akule measuring less than eight and one-half inches in total length from the tip of the snout to the tip of the tail shall be taken with a net during the months of July, August, September and October.

Any person violating the provisions of this section shall be fined not less than \$25 nor more than \$200, or imprisoned not more than fifty days, or both.”

SECTION 3. New material to be added is underscored. In printing this Act, the revisor of statutes need not include the underscoring.*

SECTION 4. This Act shall take effect upon its approval.
(Approved April 30, 1968.)

* Edited accordingly. Material in brackets also deleted.