

ACT 277

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H.B. NO. 2108-84

A Bill for an Act Relating to Fishing Regulations.

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

SECTION 1. Section 188-29, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) It is unlawful for any person to use nets or traps including bullpen 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:

- (1) Persons engaged in sport fishing may use throw nets with stretched mesh of not less than one and one-half inches,
 - (2) Pond owners or operators who hold a license issued under section 188-44 may use nets of smaller mesh to take young mullet or pua for stocking their fish ponds,
 - (3) Commercial marine licensees who hold a license issued under section 188-45 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,
 - (4) All persons may use nets of smaller mesh to take shrimp or opae, opelu, makiawa, or mikiawa,
 - (5) Aquarium fish collectors with a valid aquarium fish permit issued by the department pursuant to section 188-31 may use nets of smaller mesh to take aquarium fish in conformance with the conditions of the permit, [and]
 - (6) All persons may use a net with mesh of not less than one and one-half inches to take akule; 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[.],
 - (7) All persons engaged in surround net fishing with scuba, may use nets with mesh of not less than one and one-half inches only to bag and transport the fish captured with legal gear to the shore or the boat, and
- [(7)] (8) [For the purposes of measuring the length of a trap under this section, the] The length of a bullpen trap [described under] shall be subject to section 188-28.5 [shall include and be measured as the length of the material utilized to guide aquatic life into the receptacle or length of the receptacle itself].”

SECTION 2. Section 188-28.5, Hawaii Revised Statutes, is amended to read as follows:

“[[]§188-28.5[]] **Bullpen trap; description; prohibitions.** (a) For the purpose of this chapter, a “bullpen trap” [is a contraption which utilizes] has a pen and guide or guides of a length or lengths of net or material[:]

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- (1) Normally foreign to the ocean; and
- (2) Which is situated] designed to guide aquatic life into [a porous or nonporous receptacle designed] the pen situated to prevent the escape of some or all of the aquatic life entering the [receptacle;] pen;

whether or not the [length or lengths of material] guide or guides are connected to the [receptacle.] pen.

(b) [If the length or lengths of material utilized in the type of trap described under subsection (a) have mesh intended to entangle aquatic life, the length or lengths shall also be considered a net under this chapter.] It is unlawful for any person to capture or attempt to capture aquatic life with a bullpen trap which total length exceeds seven hundred fifty feet. The total length of a bullpen trap shall include the length of the guide or guides and pen.

(c) It is unlawful for any person engaged in bullpen trap fishing to leave the trap in the same place for a period of more than twelve hours."

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 8, 1984.)