

ACT 174

S.B. NO. 1885

A Bill for an Act Relating to Fishing with Nets and Traps.

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

SECTION 1. Section 188-29, Hawaii Revised Statutes, is amended to read as follows:

“§188-29 Nets and traps. (a) It is unlawful for any person to use nets [or traps] made of or using netting, [including] or 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] except that:

- (1) Persons engaged in sport fishing may use throw nets with stretched mesh of not less than one and one-half inches until December 31, 1994; thereafter, persons engaged in sport fishing may not use throw nets with stretched mesh of less than two 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;

- (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; and
- (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
- (8) The length of a bullpen trap shall be subject to section 188-28.5].

(b) It is unlawful for any person to use any type of trap which is not portable or which is more than ten feet in length or six feet in height or width. It shall also be unlawful to use traps:

- (1) With netting having a stretched mesh of less than two inches; or
- (2) Made with plastic, wire, coated wire, or any other stiff material with a rigid mesh of less than two inches long by one inch wide;

provided that existing traps otherwise prohibited by paragraph (2) which are registered with the department of land and natural resources by October 1, 1989 may be used until June 30, 1994.

[(b)] (c) The department of land and natural resources may, pursuant to chapter 91, [promulgate] adopt rules relating to requirements for escape openings or devices on any type of nets or traps.

The rules shall include provisions describing the type, measurements, and locations of escape openings or devices on traps under this subsection and become effective three years after establishment.”

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 7, 1989.)