

ACT 85

S.B. NO. 1091

A Bill for an Act Relating to Aquatic Resources.

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

SECTION 1. Section 188-44, Hawaii Revised Statutes, is amended to read as follows:

**“§188-44 [Mullet, catching prohibited, when; exceptions.] Licenses for mullet.** (a) [It is unlawful for any person to wilfully fish for, or attempt to take by

any means whatsoever, from any of the waters within the jurisdiction of the State, or to sell, offer for sale, or have in possession any mullet, known as amaama, or anaeholo during the months of December, January, or February; provided that] The department may issue a license to any owner or operator of a fish pond [may] to lawfully catch the young mullet known as pua during the closed season, for the purpose of stocking the owner's or operator's pond[;], and [provided further that any owner or operator of a fish pond or any commercial marine dealer may] lawfully sell pond raised mullet during the closed season [after first procuring a license to do so].

(b) [Any commercial marine dealer having more than one market or establishment shall take out a separate license for each market or establishment from which mullet are sold.] The department may adopt rules pursuant to chapter 91 necessary for the purpose of this section and to set reasonable fees [for selling pond raised mullet during the closed season.

(c) All licenses shall expire one year from the date of issuance].”

SECTION 2. Section 188-45, Hawaii Revised Statutes, is amended to read as follows:

**“§188-45 [Nehu and iao, taking prohibited; exceptions.** It is unlawful for any person to fish for, catch, or take in or from any of the waters within the jurisdiction of the State any nehu or iao; provided that any person may lawfully catch nehu for the person's family consumption or bait purposes with a net not longer than fifty feet; and provided further that the department of land and natural resources] **Licenses for nehu, iao, and other baitfish.** The department may issue to commercial marine licensees, as defined in chapter 187A, licenses to take nehu, iao, or any other species [for which an open season may be declared by the department] for use as bait only[; provided that nehu may be taken by any licensed commercial marine licensee only if employed on a live-bait tuna boat and only if the licensee's principal means of livelihood is derived from tuna fishing and the sale of tuna, and the nehu is not sold to others]. The department may adopt rules pursuant to chapter 91 for the purposes of this section. The licenses may be issued by the department upon terms and conditions the department may deem necessary to conserve the supply of the fish within state waters. The license may be summarily revoked for a violation of any term or condition [thereof,] of the license, and any or all licenses may be revoked summarily whenever, in the judgment of the department, the action is necessary for the conservation of the fish.

[Any person whose license has been revoked for violation of the terms and conditions of the person's license shall not be eligible for another license until the expiration of one year from the date of revocation.]”

SECTION 3. Section 188-57, Hawaii Revised Statutes, is amended to read as follows:

**“§188-57 [Certain crustaceans protected.] Licenses for certain crustaceans.** (a) [It is unlawful for any person to take, kill, sell, or offer for sale, or have in possession any Kona crabs taken from the waters within the jurisdiction of the State during the months of May, June, July, and August, or spiny lobster (ula), or slipper lobster (ula-papapa), taken from the waters within the jurisdiction of the State during the months of May, June, July, and August. The possession of any Kona crabs, by any person during the months of May, June, July, and August, and the possession of any spiny lobster, or slipper lobster by any person during the months of May, June, July, and August shall be prima facie evidence that the person is guilty of a violation of this section; provided that any] Any commercial marine dealer may sell, or any hotel, restaurant, or other public eating house may serve, during the closed season,

Kona crabs or lobsters lawfully caught during the open season by first procuring a license to do so.

(b) [Each licensee shall submit a report to the department within five days after the end of each of the months on blanks furnished by the department.] The department may adopt rules pursuant to chapter 91 necessary for the purpose of this chapter and to set fees for selling or serving Kona crab and lobster during the closed season.

[(c) All licenses shall expire one year from the date of issuance.]]'

SECTION 4. Section 188-68, Hawaii Revised Statutes, is amended to read as follows:

**"§188-68 [Stony] Permits for coral[;] and rock with marine life attached; taking and selling prohibited].** [(a) The intentional taking, breaking, or damaging with crowbar, chisel, or any other implement of any rock or coral to which marine life is visibly attached or affixed, or live stony coral of the taxonomic order, Madreporaria, including the Fungidae or Pocilloporidae families, is prohibited except with a permit authorized under section 187A-6 or chapter 183C or by the department] The department may issue permits, as authorized by this section, section 187A-6, chapter 183C, or under rules adopted pursuant to chapter 91 necessary for collecting live stony corals or marine life visibly attached to rocks placed in the water for a commercial purpose.

[(b) No person shall sell or offer for sale as souvenirs any stony coral of the taxonomic order, Madreporaria, of the species Montipora verrucosa, Fungia scutaria, Pocillopora damicornis, Pocillopora meandrina, Pocillopora eydouxi, Porites compressa, Porites lobata, and Tubastraea coccinea, provided that stony coral souvenirs shall not include coral rubble pieces or fragments imported for the manufacture and sale of coral jewelry or obtained through dredging operations in Hawaii for agricultural or other industrial uses.]]'

SECTION 5. Section 188-25, Hawaii Revised Statutes, is repealed.

SECTION 6. Section 188-28.5, Hawaii Revised Statutes, is repealed.

SECTION 7. Section 188-29, Hawaii Revised Statutes, is repealed.

SECTION 8. Section 188-29.1, Hawaii Revised Statutes, is repealed.

SECTION 9. Section 188-30, Hawaii Revised Statutes, is repealed.

SECTION 10. Section 188-30.2, Hawaii Revised Statutes, is repealed.

SECTION 11. Section 188-30.5, Hawaii Revised Statutes, is repealed.

SECTION 12. Section 188-40, Hawaii Revised Statutes, is repealed.

SECTION 13. Section 188-41, Hawaii Revised Statutes, is repealed.

SECTION 14. Section 188-46, Hawaii Revised Statutes, is repealed.

SECTION 15. Section 188-58, Hawaii Revised Statutes, is repealed.

SECTION 16. Statutory material to be repealed is bracketed.<sup>1</sup> New statutory material is underscored.

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SECTION 17. This Act shall take effect upon its approval and shall be repealed on June 30, 2002; provided that all sections of the Hawaii Revised Statutes that are amended or repealed by this Act shall be reenacted in the form in which they read on the day before the effective date of this Act.

(Approved June 22, 1999.)

### **Note**

1. Edited pursuant to HRS §23G-16.5.