

**ACT 43**

H.B. NO. 1016

A Bill for an Act Relating to the Taking of Marine Life.

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

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

The legislature further finds that the existing commercial marine license laws can be unnecessarily burdensome on boat-based fishers due to the requirement that each individual on a fishing vessel must have a commercial marine license to participate in a commercial fishing trip where any portion of the resulting catch may be sold. The legislature additionally finds that this requirement places logistical and financial burdens on vessel captains when part-time crew members are needed for a commercial fishing trip or when unscheduled or infrequent visitors are invited aboard. It can also lead to confusion regarding

who is responsible for submitting commercial catch reports for fishing activities aboard a vessel.

The legislature also finds that although existing statutory language requires vessel-based fishing charters to obtain a commercial marine license, it is unclear whether shore-based charters are also required to obtain a commercial marine license.

The purpose of this Act is to:

- (1) Specify that a single commercial marine vessel license satisfies the commercial marine license requirement for all persons aboard a licensed vessel;
- (2) Require each commercial marine vessel licensee for a Hawaii longline vessel that satisfies the commercial marine license requirement by obtaining the vessel license to file an annual report with the department of land and natural resources that contains certain information on the crew members;
- (3) Require any person providing fishing charter services to obtain a commercial marine license;
- (4) Allow any vessel used for or engaged in the taking of marine life for commercial purposes to be eligible to obtain a commercial marine vessel license;
- (5) Authorize the department of land and natural resources to establish rules and fees for obtaining a commercial marine vessel license; and
- (6) Require the department of land and natural resources to submit a report to the legislature regarding the status of its administrative rules establishing a new commercial marine vessel license category.

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

**“§189-2 Commercial marine license~~[-]~~ and commercial marine vessel license.** (a) No person shall take marine life for commercial purposes whether the marine life is caught or taken within or outside of the State, without first obtaining a commercial marine license as provided in this section~~[-]~~; provided that a single valid commercial marine vessel license shall satisfy the commercial marine license requirement for all persons taking marine life for commercial purposes aboard a validly-licensed vessel. If a Hawaii longline vessel satisfies the commercial marine license requirement by obtaining a single commercial marine vessel license, the commercial marine vessel licensee shall file an annual report with the department that contains the following information: identity, nationality, arrival date, and departure date of the crew members.

(b) ~~[Additionally, any]~~ Any person providing ~~[vessel]~~ charter services in the State for the taking of marine life in or outside of the State shall obtain a commercial marine license.

(c) Any vessel used for or engaged in the taking of marine life for commercial purposes shall be eligible to obtain a commercial marine vessel license.

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

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

~~[(e)]~~ (f) The department shall suspend, shall refuse to renew, reinstate, or restore, or shall deny any license issued under this section if the department has received certification from the child support enforcement agency pursuant

to section 576D-13 that the licensee or applicant is not in compliance with an order of support or has failed to comply with a subpoena or warrant relating to a paternity or child support proceeding. The department shall issue, renew, reinstate, or restore an affected license only upon receipt of authorization from the child support enforcement agency, the office of child support hearings, or the family court.”

SECTION 3. The department of land and natural resources shall submit a report, including any proposed legislation, to the legislature no later than thirty days prior to the convening of the regular session of 2022, concerning the status of its administrative rules establishing a new commercial marine vessel license category.

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

SECTION 5. This Act shall take effect upon its approval.

(Approved June 8, 2021.)