
A BILL FOR AN ACT

RELATING TO THE TAKING OF MARINE LIFE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

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

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



1 confusion regarding who is responsible for submitting commercial
2 catch reports for fishing activities aboard a vessel.

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

8 The purpose of this Act is to:

- 9 (1) Specify that a single commercial marine vessel license
10 satisfies the commercial marine license requirement
11 for all persons aboard a licensed vessel;
- 12 (2) Require each commercial marine vessel licensee for a
13 Hawaii longline vessel that satisfies the commercial
14 marine license requirement by obtaining the vessel
15 license to file an annual report with the department
16 of land and natural resources that contains certain
17 information on the crew members;
- 18 (3) Require any person providing fishing charter services
19 to obtain a commercial marine license;



- 1 (4) Allow any vessel used for or engaged in the taking of
- 2 marine life for commercial purposes to be eligible to
- 3 obtain a commercial marine vessel license;
- 4 (5) Authorize the department of land and natural resources
- 5 to establish rules and fees for obtaining a commercial
- 6 marine vessel license; and
- 7 (6) Require the department of land and natural resources
- 8 to submit a report to the legislature regarding the
- 9 status of its administrative rules establishing a new
- 10 commercial marine vessel license category.

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

13 **"§189-2 Commercial marine license[-] and commercial marine**
 14 **vessel license.** (a) No person shall take marine life for
 15 commercial purposes whether the marine life is caught or taken
 16 within or outside of the State, without first obtaining a
 17 commercial marine license as provided in this section[-];
 18 provided that a single valid commercial marine vessel license
 19 shall satisfy the commercial marine license requirement for all
 20 persons taking marine life for commercial purposes aboard a
 21 validly-licensed vessel. If a Hawaii longline vessel satisfies



1 the commercial marine license requirement by obtaining a single
2 commercial marine vessel license, the commercial marine vessel
3 licensee shall file an annual report with the department that
4 contains the following information: identity, nationality,
5 arrival date, and departure date of the crew members.

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

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

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

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



1 [~~e~~] (f) The department shall suspend, shall refuse to
2 renew, reinstate, or restore, or shall deny any license issued
3 under this section if the department has received certification
4 from the child support enforcement agency pursuant to
5 section 576D-13 that the licensee or applicant is not in
6 compliance with an order of support or has failed to comply with
7 a subpoena or warrant relating to a paternity or child support
8 proceeding. The department shall issue, renew, reinstate, or
9 restore an affected license only upon receipt of authorization
10 from the child support enforcement agency, the office of child
11 support hearings, or the family court."

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

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

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



Report Title:

Commercial Marine Licenses; Commercial Marine Vessel Licenses;
Charter Services

Description:

Provides that a single valid commercial marine vessel license satisfies the licensure requirement for all persons aboard the licensed vessel. Requires any person who provides fishing charter services to obtain a commercial marine license. Allows 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. Requires the commercial marine vessel licensee of 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 crew members. Authorizes the department of land and natural resources to establish rules and fees for the issuance of a commercial marine vessel license. Requires 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. (CD1)

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