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

6 Furthermore, the current commercial marine license laws are
7 unnecessarily burdensome on boat-based fishers due to the
8 requirement that each individual on a fishing vessel have a
9 commercial marine license to participate in a commercial fishing
10 trip where the resulting catch may be sold. This places
11 logistical and financial burdens on vessel captains when part-
12 time crew members are needed for a commercial fishing trip, or
13 when unscheduled or infrequent visitors are invited aboard. It
14 also leads to confusion regarding who is responsible for
15 submitting commercial catch reports for fishing activities on
16 board the vessel.



1 This Act clarifies that a valid commercial marine vessel
2 license satisfies the commercial marine license requirement for
3 commercial purposes aboard a licensed vessel as a commercial
4 marine vessel license will be more convenient and cost effective
5 for Hawaii boat-based fishers and will clarify who is
6 responsible for submitting commercial catch reports for the
7 vessel. The department of land and natural resources has the
8 discretion through the public rulemaking process contained in
9 chapter 91, Hawaii Revised Statutes, to determine the
10 specifications and qualifications for these licenses.

11 Furthermore, although existing statutory language requires
12 vessel-based fishing charters to obtain a commercial marine
13 license, it is unclear whether shore-based charters are also
14 required to obtain a commercial marine license. This Act
15 clarifies that the commercial marine license requirement applies
16 to any person providing fishing charter services. This will
17 allow the department of land and natural resources to better
18 understand and manage marine charter fishing activities in the
19 State.

20 The purpose of this Act is to amend the commercial marine
21 license statute to:



- 1 (1) Specify that a commercial marine vessel license
2 satisfies an individual's licensure requirement if
3 aboard a licensed vessel; and
- 4 (2) Require any person providing fishing charter services
5 to obtain a commercial marine license.

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

- 8 "**§189-2 Commercial marine license[-] and commercial marine**
9 **vessel license.** (a) No person shall take marine life for
10 commercial purposes whether the marine life is caught or taken
11 within or outside of the State, without first obtaining a
12 commercial marine license as provided in this section[-];
13 provided that a valid commercial marine vessel license shall
14 satisfy the commercial marine license requirement for all
15 persons taking marine life for commercial purposes aboard a
16 validly licensed vessel.
- 17 (b) [~~Additionally, any~~] Any person providing [~~vessel~~]
18 charter services in the State for the taking of marine life in
19 or outside of the State shall obtain a commercial marine
20 license.



1 (c) Any vessel used for or engaged in the taking of marine
2 life for commercial purposes may obtain a commercial marine
3 vessel license.

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

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

12 [~~e~~] (f) The department shall suspend, shall refuse to
13 renew, reinstate, or restore, or shall deny any license issued
14 under this section if the department has received certification
15 from the child support enforcement agency pursuant to
16 section 576D-13 that the licensee or applicant is not in
17 compliance with an order of support or has failed to comply with
18 a subpoena or warrant relating to a paternity or child support
19 proceeding. The department shall issue, renew, reinstate, or
20 restore an affected license only upon receipt of authorization



1 from the child support enforcement agency, the office of child
2 support hearings, or the family court."

3 SECTION 3. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 4. This Act shall take effect on January 1, 2050.



Report Title:

Commercial Marine Licenses; Commercial Marine Vessel Licenses;
Charter Services

Description:

Clarifies that a 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. Requires any person who provides fishing charter services to obtain a commercial marine license. Effective 1/1/2050. (HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

