
A BILL FOR AN ACT

RELATING TO COMMERCIAL MARINE LICENSES.

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



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

6 The purpose of this Act is to:

- 7 (1) Authorize the department of land and natural resources
8 to establish requirements and fees for obtaining a
9 commercial marine vessel license;
- 10 (2) Specify that a single commercial marine vessel license
11 satisfies the licensure requirement for all persons
12 aboard the licensed vessel;
- 13 (3) Require any person providing fishing charter services
14 to obtain a commercial marine license; and
- 15 (4) Allow marine charter fishing vessels to obtain
16 commercial marine vessel licenses.

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

19 "§189-2 Commercial marine license. (a) No person shall
20 take marine life for commercial purposes whether the marine life
21 is caught or taken within or outside of the State, without first



1 obtaining a commercial marine license as provided in this
2 section~~[-]~~; provided that a single valid commercial marine
3 vessel license shall satisfy the licensure requirement for all
4 persons taking marine life for commercial purposes aboard the
5 validly-licensed vessel.

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 may obtain a commercial marine
12 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 section
5 576D-13 that the licensee or applicant is not in compliance with
6 an order of support or has failed to comply with a subpoena or
7 warrant relating to a paternity or child support proceeding.
8 The department shall issue, renew, reinstate, or restore an
9 affected license only upon receipt of authorization from the
10 child support enforcement agency, the office of child support
11 hearings, or the family court."

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

14 SECTION 4. This Act shall take effect upon its approval.



Report Title:

Commercial Marine Licenses; Commercial Marine Vessel Licenses;
Charter Services

Description:

Authorizes the department of land and natural resources to establish rules and fees for the issuance of a commercial marine vessel license. 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 marine charter fishing vessels to obtain commercial marine vessel licenses. (SD1)

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