

A Bill for an Act Relating to Fish and Game.

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

SECTION 1. Section 188-26, Hawaii Revised Statutes, is amended to read as follows:

"Sec. 188-26 Fishing with chemicals, poisons, intoxicants, electricity, etc., deleterious to aquatic life prohibited; exceptions; penalty. It shall be unlawful for any person to fish for or attempt to fish for any fish or other aquatic life by means of any chemical, substance or electricity which serves to kill, intoxicate, narcotize or stun fish or other aquatic life thereby making capture possible. The possession of such chemicals, substances, or electrofishing devices by any person on or near the water where fish may be taken or aboard fishing vessels whether licensed for commercial fishing or not is declared to be prima facie evidence of a violation of this section. The department of land and natural resources may issue permits, however, to allow the possession of stated amounts of such chemicals or substances poisonous to fish and other aquatic life where, in the judgment of the department, the amounts in possession are for legitimate purposes or in quantities too small to be effective for poisoning fish. The department of land and natural resources may also issue permits for the use of electrofishing devices where, in the judgment of the department, such devices are to be used for bonafide fishery research or management purposes.

Any person who violates this section shall be fined not less than \$100 nor more than \$500, or imprisoned not more than six months, or both."

SECTION 2. Section 188-27, Hawaii Revised Statutes is amended to read as follows:

"Sec. 188-27 Fish poisons, intoxicants and electrofishing devices defined. The following named chemicals or substances are declared to be fish poisons or intoxicants within the meaning of section 188-26 to 188-28: hypochlorous acid or any of its salts, including bleaches commonly sold under various trade names, such as Clorox and Purex, and bleaching powders, preparations containing rotenone, tephrosin, or plant material from *Barringtonia asiatica*, *Cocculus ferrandianus*, *Hura crepitans*, *Piscidia erythrina*, *Tephrosia purpurea*, *Wikstroemia*, and any other substances which are specifically poisonous to fish. Within the meaning of section 188-26 to 188-28, electrofishing devices are declared to be any source of electrical energy with appurtenant devices for the introduction of electricity into water."

SECTION 3. **Repeals.** Section 188-28 is repealed.

SECTION 4. Material to be deleted is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.*

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

(Approved May 31, 1977.)

*Edited accordingly.