

## ACT 16

H.B. NO. 761

A Bill for an Act Relating to the Marine Life Conservation Program.

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

SECTION 1. Section 190-1, Hawaii Revised Statutes, is amended to read:

**“§190-1 Conservation area; administration.** All marine waters of the State are hereby constituted a marine life conservation area to be administered by the department of land and natural resources subject to this chapter and any other applicable laws not inconsistent herewith or with any rules adopted pursuant hereto. No person shall fish for or take any fish, crustacean, mollusk, live coral, algae or other marine life, or take or alter any rock, coral, sand or other geological feature within any conservation district established pursuant to this chapter except in accordance with section 190-4 and rules adopted by the department pursuant hereto.”

SECTION 2. Section 190-3, Hawaii Revised Statutes, is amended to read:

**“§190-3 Rules.** The department of land and natural resources pursuant to chapter 91, shall adopt rules governing the taking or conservation of fish, crustacean, mollusk, live coral, algae, or other marine life as it determines will further the state policy of conserving, supplementing and increasing the State's marine resources. The rules may prohibit activities that may disturb, degrade, or alter the marine environment, establish open and close seasons, designate areas in which all or any one or more of certain species of fish or marine life may not be taken, prescribe and limit the methods of fishing, including the type and mesh and other description of nets, traps, and appliances, and otherwise regulate the fishing and taking of marine life either generally throughout the State or in specified districts or areas. The rules shall upon taking effect supersede any state laws inconsistent therewith.”

SECTION 3. Section 190-4, Hawaii Revised Statutes, is amended to read:

**“§190-4 Permits.** The department of land and natural resources may, in any conservation district, prohibit the taking of marine life or the engaging in activities prohibited by this chapter and rules adopted thereunder, except by permit issued by it for scientific, education, or other public purposes on such terms and conditions deemed necessary to minimize any adverse effect within the conservation district. The department may revoke any permit for any infraction of the terms and conditions of the permit. Any person whose permit has been revoked shall not be eligible to apply for another permit until the expiration of one year from the date of revocation.”

SECTION 4. Section 190-5, Hawaii Revised Statutes, is amended to read:

**“§190-5 Penalty.** Any person violating this chapter, any rule adopted pursuant thereto, or the terms and conditions of any permit issued under section 190-4, shall be guilty of a petty misdemeanor and fined not more than \$500 or

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imprisoned not more than thirty days, or both.”

**SECTION 5.** Statutory material to be repealed is bracketed. New material is underscored.\*

**SECTION 6.** This Act shall take effect upon its approval.

(Approved April 16, 1981.)

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\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.