

A Bill for an Act Relating to Aquatic Life.

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

SECTION 1. Chapter 188, Hawaii Revised Statutes, is amended by adding a new section to part II to be appropriately designated and to read as follows:

“§188- Bullpen trap; description. (a) For the purpose of this chapter, a “bullpen trap” is a contraption which utilizes a length or lengths of material:

- (1) Normally foreign to the ocean; and
- (2) Which is situated to guide aquatic life into a porous or nonporous receptacle designed to prevent the escape of some or all of the aquatic life entering the receptacle;

whether or not the length or lengths of material are connected to the receptacle.

(b) If the length or lengths of material utilized in the type of trap described under subsection (a) have mesh intended to entangle aquatic life, the length or lengths shall also be considered a net under this chapter.”

SECTION 2. Section 188-29, Hawaii Revised Statutes, is amended to read as follows:

“§188-29 Nets and traps. (a) It is unlawful for any person to use nets or traps including bullpen traps of any type with a stretched mesh of less than two inches, or to use any trap which is not portable or which is more than ten feet in length or six feet in height or width; provided that:

- (1) Persons engaged in sport fishing may use throw nets with stretched mesh of not less than one and one-half inches,
- (2) Pond owners or operators who hold a license issued under section 188-44 may use nets of smaller mesh to take young mullet or pua for stocking their fish ponds,
- (3) Commercial marine licensees who hold a license issued under section 188-45 may use nets of smaller mesh to take nehu, iao, marquesan sardine, or any other species for which an open season may be declared by the department of land and natural resources for use as bait,
- (4) All persons may use nets of smaller mesh to take shrimp or opae, opelu, makiawa, or mikiawa,
- (5) Aquarium fish collectors with a valid aquarium fish permit issued by the department pursuant to section 188-31 may use nets of smaller

mesh to take aquarium fish in conformance with the conditions of the permit, and

- (6) All persons may use a net with mesh of not less than one and one-half inches to take akule; provided that no akule measuring less than eight and one-half inches in total length from the tip of the snout to the tip of the tail shall be taken with a net during the months of July, August, September, and October.
- (7) For the purposes of measuring the length of a trap under this section, the length of a bullpen trap described under section 188- shall include and be measured as the length of the material utilized to guide aquatic life into the receptacle or length of the receptacle itself.

(b) The department of land and natural resources may, pursuant to chapter 91, promulgate rules relating to requirements for escape openings or devices on any type of traps.

The rules shall include provisions describing the type, measurements, and locations of escape openings or devices on traps under this subsection and become effective three years after establishment."

SECTION 3. Statutory material to be repealed is bracketed.¹ New material is underscored.

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

(Approved May 20, 1983.)

Note

- 1. No bracketed material.