

ACT 113

S.B. NO. 93

A Bill for an Act Relating to Fish Catch Reports.

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

SECTION 1. Section 189-3, Hawaii Revised Statutes, is amended to read:

“§189-3 Monthly catch report. (a) Every commercial marine licensee [who sells or offers to sell or profits from any sale of marine life anywhere in the State] shall furnish to the department [of land and natural resources] a report with respect to the marine life taken and any live, fresh, or frozen bait used for each month upon a form prescribed by the department, the form to be known as the “monthly catch report”; provided that whenever the total marine life taken monthly in respect to any commercial marine licensee is insufficient in the judgment of the department to require the submission of a monthly catch report, a certificate of exemption may be issued, and thereafter the exempted commercial marine licensee [to whom the certificate of exemption is issued] shall not be required to submit monthly catch reports until the [certificate] exemption is canceled by the department. [Certificates of exemption] Exemptions may be canceled at any time. The monthly catch report shall be submitted to the department not later than the tenth day of the month following the month in which the marine life was taken. Failure or refusal on the part of any commercial marine licensee to submit a monthly catch report as prescribed in this section shall be sufficient cause for the revocation by the department of the commercial marine license. In any proceeding for the revocation of a commercial marine license, the licensee shall be given notice and opportunity for hearing in conformity with chapter 91. Upon revoking the license, the department may specify a period of time during which the commercial marine licensee shall not be eligible to apply for another license; provided that the period shall not exceed one year from the date of revocation.

(b) Any information submitted to the department by any person in compliance with any requirement under this section shall be confidential and shall not be disclosed, except when required under court order or pursuant to

subpoena issued by the state attorney general's office, or with the prior written consent of the person submitting the information[.], or under cooperative agreements with government agencies of the United States for exchange and use of the information specifically to manage marine life. The department, by rule, may establish [such] procedures [as may be] necessary to preserve [such] the confidentiality, except that the department may release or make public any [such] of the information in [any] the aggregate or summary form which does not directly or indirectly disclose the identity of any person who submits [such] information.

This subsection shall not be construed to include the wet weight harvest of *Corallium secundum*, *Corallium regale*, *Corallium laauense*, *Geradia*, *Callogorgia gilberti*, *Narella*, *Calyptrophora*, *Lepidisis olapa*, and *Acanella*. The wet weight harvest for each of the above shall be reported to the public by the department."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved May 28, 1985.)