

A Bill for an Act Relating to Commercial Marine License.

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

SECTION 1. Section 187-1, Hawaii Revised Statutes, is amended by amending the definitions of "commercial purpose" and "commercial marine license" to read as follows:

- "(4) "Commercial purpose" means the taking of marine life for profit or gain or as a means of livelihood[, provided] regardless of whether the marine life is taken in or outside of the [waters of the] State [or], and where the marine life is sold [or], offered for sale, landed, or transported anywhere in the State.
- (6) "Commercial marine license" means a license issued to take marine life within [the waters] or outside of the State for commercial purpose."

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

"§189-2 Commercial marine license. (a) [It is unlawful for any] No person [to engage in any taking of] shall take marine life for commercial purposes [in the waters of the State or to sell or offer for sale or to profit from any sale of marine life anywhere in the State] whether the marine life is caught or taken [in the waters] within or outside of the State [or outside the waters of the State], without first obtaining a commercial marine license as provided in this section. Additionally, any person providing vessel charter services in the State for the taking of marine life in or outside of the State shall obtain a commercial marine license.

(b) The department [of land and natural resources] shall issue commercial marine licenses to persons engaging in the activities described in subsection (a), upon payment of the prescribed fees and receipt of properly completed applications upon [such] forms [as may be] prescribed by the department[.]; provided that the department may issue a commercial marine license to a vessel with the fee determined by the number of persons on the vessel contributing to the taking of marine life for commercial purpose in or outside of the State. The applications for commercial marine licenses shall [require a statement of] state the applicant's name, address, age, place of birth, length of residence in the State, height, weight, color of hair and eyes, citizenship, and [such] any other information [as the department may require.] required by the department.

(c) No commercial marine licensee shall permit any other person or fishing vessel to carry, display, or use the license for any purpose. Every commercial marine licensee shall show the license upon demand of any officer authorized to enforce the fishing laws of the State. Failure or refusal to<sup>1</sup> show the license shall be sufficient cause for the immediate cancellation of [such] the license by the department.

(d) All licenses issued under this section shall be in force from the date of issuance to June 30 following the date of issuance. Duplicate licenses may be issued to any person upon affidavit that [he has lost the license,] the license was lost, and upon payment of a fee of 50 cents. The fee for a commercial marine license shall be:

- (1) [\$10] \$25 for any person who has resided in the State for one year or longer, and
- (2) [\$20] \$50 for all other persons,

except that anyone who qualifies as a "trainee" under rules prescribed by the department [of land and natural resources] shall have the fee waived for a period of not more than one hundred eighty calendar days from the date on which the license is issued.

(e) The department may revoke any license for any infraction of the terms and conditions of the 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 licensee shall not be eligible to apply for another license; provided that the period shall not exceed one year from the date of revocation."

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

**SECTION 4.** This Act shall take effect on July 1, 1985.

(Approved June 5, 1985.)

**Note**

1. Prior to amendment, "so" appeared here.