

ACT 160

H.B. NO. 971

A Bill for an Act Relating to Aquatic Resources.

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

SECTION 1. Section 187A-1, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

““Fishing” or “to fish” means catching, taking, or harvesting, or attempting to catch, take, or harvest, aquatic life. The use of a pole, line, hook, net, trap, spear, or other gear which is designed to catch, take, or harvest aquatic life, by any person who is in the water, or in a vessel on the water, or on or about the shore where aquatic life can be caught, taken, or harvested, shall be deemed to be fishing.”

SECTION 2. Chapter 187A is amended by adding a new section to be appropriately designated and to read as follows:

“§187A- Applicability of statutes and rules. This subtitle and any rules under this subtitle relating to fishing which are applicable to state marine waters shall also apply to the following persons in waters outside state marine waters but within the federal conservation zone:

- (1) Residents of the state;
- (2) Any commercial marine licensee; and
- (3) Any permittee or licensee under this subtitle.”

SECTION 3. Section 187A-6, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

ACT 160

“(b) Notwithstanding the provisions of any other law, the department may issue permits to any person to [take] fish [aquatic life] or possess or use fishing gear otherwise prohibited by law, in any part of the State, for scientific, educational, or propagation purposes, except as prohibited by chapter 195D, and subject to those restrictions the department deems desirable. 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 Any person whose permit has been revoked shall not be eligible to apply for another permit until the expiration of one year from the date of revocation.”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 187A-1, Hawaii Revised Statutes, is amended by deleting the definition of “take”.

[““Take” means to fish, trap, hook, net, spear, harvest, pick, or withdraw aquatic life from the water.”]

SECTION 5. Statutory material to be repealed is bracketed. New statutory material is underscored.¹

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

(Approved May 23, 1991.)

Note

1. Edited pursuant to HRS §23G-16.5.