

ACT 161

H.B. NO. 972

A Bill for an Act Relating to Longline Fishing.

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

SECTION 1. Chapter 189, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§189- Longline fishing; description; prohibition.** (a) For the purpose of this section, longline fishing means fishing conducted with gear consisting of at least one mainline over one nautical mile in length, to which is attached a number of branchlines with baited hooks and which is suspended below the surface of the ocean by floatlines attached to surface floats.

(b) It is unlawful to engage in longline fishing or to sell or offer for sale, any marine life taken with longline fishing gear within the boundaries of the State’s territorial sea.

(c) Pursuant to and in cooperation with the joint federal-state Western Pacific Regional Fishery Management Council (WPRFMC also known as WESPAC), of which Hawaii is a member, the State adopts and incorporates by reference the rules adopted by WPRFMC through the National Oceanic and Atmospheric Administration (NOAA) for the management and regulation of longline fishing activities.

- (1) Accordingly, it is unlawful for any person to possess, land, sell, or offer for sale any marine life taken by longline fishing gear which is prohibited by or in violation of rules properly adopted by WPRFMC through NOAA, which by incorporation and acceptance are also the law of Hawaii.

(2) Any person or any fishing vessel fishing with gear of at least one mainline over one nautical mile in length within the area prohibited by rules properly adopted by WPRFMC through NOAA and incorporated by the State shall be in violation of this section.

(d) The State shall have authority to enforce this section and the rules adopted by WPRFMC through NOAA and incorporated by reference into State law within:

- (1) The State's marine waters as defined in section 189-1.5; and
- (2) Those areas under WPRFMC's jurisdiction where properly adopted rules have been established to govern, regulate, and manage longline fishing activities; provided that WPRFMC shall have accepted and entered into a mutual working agreement with the State to carry out these rules, including the joint deputizing of law enforcement officials.

(e) The commercial marine license of any person convicted of violating this section shall be revoked and penalties pursuant to section 199-7, including equipment and gear seizure and forfeiture, shall be assessed. Any person whose license has been revoked shall not be eligible to apply for another license until the expiration of one year from the date of revocation."

SECTION 2. New statutory material is underscored.<sup>1</sup>

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

(Approved May 23, 1991.)

**Note**

1. Edited pursuant to HRS §23G-16.5.