

ACT 184

S.B. NO. 1279

A Bill for an Act Relating to Marine Resources.

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

SECTION 1. Section 188-40, Hawaii Revised Statutes, is amended to read as follows:

“§188-40 Minimum sizes of fish. It shall be unlawful for any person to possess with the intent to sell, or offer for sale, [or for any peddler or dealer in fish to have in the peddler’s or dealer’s possession,] any:

- (1) Aholehole or manini less than five inches in length;
- (2) Mullet, moi, weke, moana, or kumu less than seven inches in length;

- (3) Awa, oio, kala, or opelu kala less than nine inches in length; provided that this section shall not apply to the kala, Naso lituratus;
- (4) Opakapaka, [ulaula,] onaga, uku, ulua or papio, uhu, or [squid] octopus less than one pound in weight;
- (5) Kuahonu crab or Kona crab less than four inches in length or in width across or along its back;
- (6) Clams less than one and one-half inches measured the long way[;] across or along the shell; or
- (7) Ahi less than three pounds in weight.”

SECTION 2. Section 188-44, Hawaii Revised Statutes, is amended to read as follows:

“**§188-44 Mullet, catching prohibited, when; exceptions.** (a) It is unlawful for any person to willfully fish for, or attempt to take by any means whatsoever, from any of the waters within the jurisdiction of the State, or to sell, offer for sale, or have in possession any mullet, known as amaama, or anaeholo during the months of December, January, or February; provided that any owner or operator of a fish pond, may lawfully catch the young mullet, known as pua, during the closed season, for the purpose of stocking the owner’s or operator’s pond; and provided further that any owner or operator of a fish pond or any commercial marine dealer may lawfully sell pond raised mullet during the closed season after first procuring a license granting privilege.

[Licenses to sell pond raised mullet shall be issued by the department of land and natural resources upon the payment of \$5, but any]

(b) Any commercial marine dealer having more than one market or establishment shall take out a separate license for each market or [wagon] establishment from which mullet are sold. The department may adopt rules pursuant to chapter 91 necessary for the purpose of this section and to set reasonable fees for selling pond raised mullet during the closed season.

(c) All licenses shall expire [on June 30 of each year.] one year from the date of issuance.

[Any licensee who sells, offers for sale, or has in the licensee’s possession any sea mullet shall, on conviction, forfeit the licensee’s license to sell mullet during the closed season. The department may also revoke any license for any infraction of the terms and conditions of the license. 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 3. Section 188-57, Hawaii Revised Statutes, is amended to read as follows:

“**§188-57 Certain crustaceans protected.** (a) It is unlawful for any person to take, kill, sell, or offer for sale, or have in possession any Kona crabs taken from the waters within the jurisdiction of the State during the months of May, June, July, and August, or spiny lobster (ula), or slipper lobster (ula-papapa), taken from the waters within the jurisdiction of the State during the months of June, July, and August. The possession of any Kona crabs, by any person during the months of May, June, July, and August, and the possession of any spiny lobster (ula), or slipper lobster (ula-papapa), by any person during the months of June, July, and August shall be prima facie evidence that the person is guilty of a violation of this section; provided that any commercial marine dealer may sell, or

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any hotel, restaurant, or other public eating house may serve Kona crabs or lobsters lawfully caught during the open season by first procuring a license granting this privilege.

[Licenses to sell or serve Kona crab during May, June, July, and August, or lobster during June, July, and August shall be issued by the department of land and natural resources upon the payment of \$5 by wholesale dealers, \$2.50 by retail markets and \$1 for any hotel or other class of restaurant; provided that each license holder]

(b) Each licensee shall submit a report to the department within five days after the end of each of the months on blanks furnished by the department[which report shall give the name of the person or firm from whom the Kona crabs or lobsters were purchased, to whom sold, the number and weight bought or sold and the number and weight on hand the first and last day of each month]. The department may adopt rules pursuant to chapter 91 necessary for the purpose of this chapter and to set fees for selling or serving Kona crab and lobster during the closed season.

(c) All licenses shall expire one year from the date of issuance.

[The department may revoke any license for any infraction of the terms and conditions of the license. 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 4. Section 188-68, Hawaii Revised Statutes, is amended to read as follows:

“§188-68 Stony coral; rock with marine life attached; taking and selling prohibited. (a) The taking of any rock to which marine life is visibly attached or affixed, or live stony coral of the taxonomic order, Madreporaria, including the Fungidae or Pocilloporidae families, for any reason, is prohibited except with a permit authorized under section 187A-6 or section 183-41[.] or by the department under rules adopted pursuant to chapter 91 necessary for collecting marine life visibly attached to rocks placed in the water for a commercial purpose.

(b) After July 1, 1992, no person shall sell or offer for sale as souvenirs any stony coral of the taxonomic order, Madreporaria, of the species *Montipora verrucosa*, *Fungia scutaria*, *Pocillopora damicornis*, *Pocillopora meandrina*, *Pocillopora eydouxi*, *Porites compressa*, *Porites lobata*, and *Tubastraea coccinea*, provided that stony coral souvenirs shall not include coral rubble pieces or fragments imported for the manufacture and sale of coral jewelry or obtained through dredging operations in Hawaii for agricultural or other industrial uses.”

SECTION 5. The fees required by sections 188-44 and 188-57 shall remain in effect until the effective date of the rules required by this Act.

SECTION 6. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 7. This Act shall take effect on July 1, 1991.

(Approved May 23, 1991.)