

ACT 96

H.B. NO. 3059

A Bill for an Act Relating to Fishing Permits.

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

SECTION 1. Section 187A-6, Hawaii Revised Statutes, is amended by

amending subsections (b) and (c) to read as follows:

"(b) Notwithstanding the provisions of any other law, the department may issue permits, not longer than one year in duration, to any person to fish 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 Any person whose permit has been revoked shall not be eligible to apply for another permit until the expiration of one year from the date of revocation.

(c) [Any aquatic life taken under the authority of the permit shall be accompanied by the permit while being taken or transported and shall be exempt from seizure while being transported or while in possession, in accordance with the permit.] The department may adopt rules pursuant to chapter 91 for the purpose of this section."

SECTION 2. Section 188-31, Hawaii Revised Statutes, is amended to read as follows:

"§188-31 [Nets and traps] Permits to take aquatic life for aquarium purposes.¹ [The board of land and natural resources or agents designated by the board] (a) Except as prohibited by law, the department [may], upon receipt of a written application, may issue [a] an aquarium fish permit, not longer than one year in duration, to use fine meshed traps, or fine meshed nets[,], other than throw nets, for the taking of marine or [fresh water] freshwater nongame fish and other aquatic life for aquarium purposes. [The]

(b) Except as prohibited by law, the permits shall be issued only to persons who can satisfy the [board or its agents] department that they possess facilities to and can maintain fish and other aquatic life alive and in reasonable health. [The board may cancel any aquarium fish permit for any infraction of the terms of the permit when such fact is made evident to the satisfaction of the board; provided that no new aquarium fish permit shall be issued to any such permittee for a period of two years after the cancellation of the permittee's permit.]

(c) It shall be illegal to sell or offer for sale any fish and other aquatic life taken under [authority of] an aquarium fish permit unless [the] those fish [is] and other aquatic life are sold alive for aquarium purposes.

The department may adopt rules pursuant to chapter 91 for the purpose of this section.

(d) For the purposes of this section:

- (1) "[aquarium] Aquarium purposes" means to hold salt water fish, fresh water nongame fish, or other aquatic life alive in a state of captivity as pets, for scientific study, or for public exhibition or display, or for sale for these purposes; and
- (2) "[aquarium] Aquarium fish permit" means a permit issued by the board for the use of fine mesh nets and traps to take salt water fish, fresh water nongame fish, or other aquatic life for aquarium purposes."

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

SECTION 4. This Act shall take effect upon its approval.
(Approved May 27, 1992.)

Note

1. "For aquarium purposes" should not be underscored.