

ACT 256

H.B. NO. 1671

A Bill for an Act Relating to Aquatic Resources.

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

SECTION 1. Chapter 187A, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§187A- Release and confiscation of harmful aquatic life; penalty.

(a) No person shall release any live non-native fish or other live non-native aquatic life being held in an aquarium or other confinement for scientific study, exhibition, display, sale, or for any other purpose, into any waters of the State, except as provided in section 187A-2(4).

(b) The department or its agents may seize, confiscate, or destroy, as a public nuisance, any fish or other aquatic life found in any waters of the State and whose importation is prohibited or restricted pursuant to rules of the department of agriculture.

(c) Any person violating this section shall be guilty of a petty misdemeanor and upon conviction thereof shall be punished as provided by section 188-70.”

SECTION 2. Section 188-29, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“§188-29 Nets and traps.¹ (a) It is unlawful for any person to use nets made of or using netting, or bullpen traps with a stretched mesh of less than two inches, except that:

- (1) Persons engaged in sport fishing may use throw nets with stretched mesh of not less than one and one-half inches until December 31, 1994; thereafter, persons engaged in sport fishing may not use throw nets with stretched mesh of less than two inches;

- (2) Pond owners or operators who hold a license issued under section 188-44 may use nets of smaller mesh to take young mullet or pua for stocking their fish ponds;
- (3) Commercial marine licensees who hold a license issued under section 188-45 may use nets of smaller mesh to take nehu, iao, marquesan sardine, or any other species for which an open season may be declared by the department of land and natural resources for use as bait;
- (4) All persons may use nets of smaller mesh to take shrimp or opae, opelu, makiawa, or mikiawa;
- (5) Aquarium fish collectors with a valid aquarium fish permit issued by the department pursuant to section 188-31 may use nets of smaller mesh, but not thrownets, to [take] fish for aquarium fish in conformance with the conditions of the permit[;], provided that noncommercial aquarium fish collectors shall be limited to a combined total of five fish or aquatic life specimens per person per day;
- (6) All persons may use a net with mesh of not less than one and one-half inches to take akule; provided that no akule measuring less than eight and one-half inches in total length from the tip of the snout to the tip of the tail shall be taken with a net during the months of July, August, September, and October; and
- (7) All persons engaged in surround net fishing with scuba, may use nets with mesh of not less than one and one-half inches only to bag and transport the fish captured with legal gear to the shore or the boat.”

SECTION 3. 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 intentional taking, breaking, or damaging with crowbar, chisel, or any other implement of any rock or coral 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] 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 4. Section 188-70, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) In addition to the above penalties, for the first conviction a fine of up to \$100 may be levied for each specimen of aquatic life taken or rock or coral broken or damaged illegally under this chapter; provided that for every subsequent conviction within five years of the first conviction, a fine of up to \$100 shall be levied for each specimen of aquatic life taken or rock or coral broken or damaged illegally under this chapter.”

SECTION 5. This Act does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before its effective date.

SECTION 6. Statutory material to be repealed is bracketed. New statutory material is underscored.²

SECTION 7. This Act shall take effect upon its approval.

(Approved June 18, 1993.)

Notes

1. So in original.
2. Edited pursuant to HRS §23G-16.5.