

ACT 9

H.B. NO. 1179

A Bill for an Act Relating to Commercial Marine Licenses.

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

SECTION 1. Section 189-2, Hawaii Revised Statutes, is amended to read as follows:

“§189-2 Commercial marine license. (a) No person shall take marine life for commercial purposes whether the marine life is caught or taken within or outside of the State, without first obtaining a commercial marine license as provided in this section.

(b) Additionally, any person providing vessel charter services in the State for the taking of marine life in or outside of the State shall obtain a commercial marine license.

(c) The department [of land and natural resources] may adopt rules pursuant to chapter 91 necessary for the purpose of this [chapter] section and to set fees for commercial marine licensing.

[(b) All licenses issued under this section shall be in force one year from the date of issuance. Duplicate licenses may be issued to any person upon affidavit that the license was lost, and upon payment of a duplicate license fee.]

(d) The fees for commercial marine licenses and duplicate commercial marine licenses shall be established by the department by rules adopted in accordance with chapter 91. The department shall set the fees in an amount that, when combined with the fees provided for in sections 188-37 and 188-50, shall be reasonably necessary to supplement the funding for:

- (1) Enforcement of this section and chapter 188; and
- (2) The activities set forth in section 187A-11.

[Anyone who qualifies as a “trainee” under rules prescribed by the department shall have the fee waived for a period of not more than one hundred eighty calendar days from the date on which the license is issued.

(c)] (e) The department shall suspend, shall refuse to renew, reinstate, or restore, or shall deny any license issued under this section if the department has received certification from the child support enforcement agency pursuant to section 576D-13 that the licensee or applicant is not in compliance with an order of support or has failed to comply with a subpoena or warrant relating to a paternity or child support proceeding. The department shall issue, renew, reinstate, or restore such a license only upon receipt of authorization from the child support enforcement agency, the office of child support hearings, or the family court.”

SECTION 2. Section 189–3, Hawaii Revised Statutes, is amended to read as follows:

“§189-3 Monthly catch report. (a) [Every] Upon the demand of the department, every commercial marine licensee shall furnish to the department a report or reports with respect to the marine life taken and [any live, fresh, or frozen bait used for each month upon a form prescribed by the department, the form to be known as the “monthly catch report”]; provided that whenever the total marine life taken monthly in respect to any commercial marine licensee is insufficient in the judgment of the department to require the submission of a monthly catch report, a certificate of exemption may be issued, and thereafter the exempted commercial marine licensee shall not be required to submit monthly catch reports until the exemption is canceled by the department. Exemptions may be canceled at any time. The monthly catch report shall be submitted to the department not later than the tenth day of the month following the month in which the marine life was taken. Failure or refusal on the part of any commercial marine licensee to submit a monthly catch report as prescribed in this section shall be sufficient cause for the revocation by the department of the commercial marine license. In any proceeding for the revocation of a commercial marine license, the licensee shall be given notice and opportunity for hearing in conformity with chapter 91. Upon revoking the license, the department may specify a period of time during which the commercial marine licensee shall not be eligible to apply for another license; provided that the period shall not exceed one year from the date of revocation.] any other information the department may require for the purposes of this section.

(b) Any information submitted to the department by any person in compliance with any requirement under this section shall be confidential and shall not be disclosed, except when required under court order or pursuant to subpoena issued by the [state attorney general’s office,] department of the attorney general, or with the prior written consent of the person submitting the information, or under cooperative agreements with government agencies of the United States for exchange and use of the information specifically to manage marine life. The department, by rule, may establish procedures necessary to preserve the confidentiality, except that the department may release or make public any of the information in the aggregate or summary form which does not directly or indirectly disclose the identity of any person who submits information.

[This subsection shall not be construed to include the wet weight harvest of *Corallium secundum*, *Corallium regale*, *Corallium laauense*, *Geradia*, *Callogorgia gilberti*, *Narella*, *Calypthophora*, *Lepidisis olapa*, and *Acanella*. The wet weight harvest for each of the above shall be reported to the public by the department.]”

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 April 6, 1999.)