

A Bill for an Act Relating to Lay Nets.

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

SECTION 1. The legislature finds that despite detailed lay net rules implemented by the department of land and natural resources, including lay net registration and identification requirements and restrictions on lay net dimensions, mesh size, soak time, time of day, frequency between sets, water depth, and location, the illegal and irresponsible use of lay nets continues with adverse impacts to both fishery resources and protected species.

The legislature further finds that lay net violations are primarily fishery-related infractions that the department of land and natural resources investigates and that a lay net permit system is necessary to better regulate this gear type.

The purpose of this Act is to authorize the department of land and natural resources to adopt rules to establish a lay net permit for the use or possession of lay nets, including reasonable permit fees and provisions for revocation, suspension, and withholding of permits for noncompliance with lay net rules.

SECTION 2. Section 187A-5, Hawaii Revised Statutes, is amended to read as follows:

“**§187A-5 Rules.** Subject to chapter 91, the department shall adopt, amend, and repeal rules for and concerning the protection and propagation of introduced and transplanted aquatic life[;] or the conservation and allocation of the natural supply of aquatic life in any area. The rules may include the following:

- (1) Size limits;
- (2) Bag limits;
- (3) Open and closed fishing seasons;
- (4) Permits for the use and possession of lay nets, including reasonable permit fees and provisions for revocation, suspension, and withholding of permits for noncompliance with lay net rules;
- [(4)] (5) Specifications and numbers of fishing or taking gear [~~which~~] that may be used or possessed; and
- [(5)] (6) [~~Prescribe~~] Prescriptions and [~~limit~~] limits on the kind and amount of bait that may be used in taking aquatic life[;] and the conditions for entry into areas for taking aquatic life.

The rules may vary from one county to another and may specify certain days of the week or certain hours of the day in designating open seasons. All rules shall have the force and effect of law. Any person who violates any of the rules adopted pursuant to this section shall be guilty of a petty misdemeanor and upon conviction thereof shall be punished as provided by section 188-70.”

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

SECTION 4. This Act shall take effect upon its approval.

(Approved June 8, 2021.)