

JAN 24 2019

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# A BILL FOR AN ACT

RELATING TO FISHING.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. The legislature finds that night scuba  
2 spearfishing could potentially deplete the ocean of aquatic  
3 life, which is necessary for the preservation of Hawaii's ocean  
4 environment and coral reefs. Most fish sleep at night and are  
5 easy prey to scuba spearfishers. Many night scuba spearfishers  
6 target larger fish, which subsequently reduces the mean size of  
7 species left to be fished. This is a concern because the larger  
8 fish lay more eggs, and the offspring of larger female fish are  
9 healthier and have a better chance of survival than the  
10 offspring of younger, smaller fish. Selective size-based  
11 fishing is concerning to fishery managers because as mean fish  
12 size decreases, reproductive output declines exponentially.

13       The purpose of this Act is to protect the State's  
14 environment, aquatic species, and fishing stocks by prohibiting  
15 scuba spearfishing at night.

16       SECTION 2. Section 188-23, Hawaii Revised Statutes, is  
17 amended to read as follows:



1           "§188-23 Possession or use of [~~explosives, electrofishing~~  
2 ~~devices, and poisonous substances~~] certain methods of taking  
3 aquatic life in state waters prohibited; exception. (a) It is  
4 unlawful to possess or use on, in, or near state waters, any  
5 explosives, electrofishing devices, or any source of electrical  
6 energy with appurtenant devices for the introduction of  
7 electricity into the water, or to conduct scuba spearfishing at  
8 night, for the purpose of taking aquatic life, except under the  
9 terms and conditions of a permit first obtained by the user from  
10 the department. The department may issue permits for the  
11 possession or use of electrofishing devices consistent with  
12 other legal requirements.

13           (b) It is unlawful to deposit in, permit to pass into, or  
14 place where it can pass into the state waters for the purpose of  
15 taking aquatic life any of the following:

16           (1) Any petroleum, coal or oil tar, lampblack, aniline,  
17           asphalt, bitumen, or residuary product of petroleum or  
18           carbonaceous material or substance;

19           (2) Hypochlorous acid or any of its salts, including  
20           bleaches commonly sold under various trade names, such  
21           as Clorox and Purex, and bleaching powders;



1 (3) Preparations containing rotenone, tephrosin, saponins,  
2 or plant materials from *Barringtonia acutangula*,  
3 *Barringtonia asiatica*, *Barringtonia racemosa*,  
4 *Barringtonia longiracemosa*, *Barringtonia speciosa*,  
5 *Careya australis*, *Cocculus ferrandianus*, *Cocculus*  
6 *trilobus*, *Cocos nucifera*, *Hura crepitans*, *Hura*  
7 *polyandra*, *Piscidia acuminata*, *Piscidia*  
8 *carthagenensis*, *Piscidia erythrina*, *Planchonia careya*,  
9 *Tephrosia purpurea*, *Tephrosia piscatoria*, *Wikstroemia*;  
10 and

11 (4) Any other substance or material deleterious to aquatic  
12 life; except under the terms and conditions of a  
13 permit first obtained by the user from the department.

14 The department may issue permits to allow the possession or  
15 use of stated amounts of these substances poisonous to aquatic  
16 life if the department deems the amount in possession is for  
17 legitimate purposes or in quantities too small to harm aquatic  
18 life.

19 The possession or use of these substances without a permit  
20 by any person on, in, or near the water where aquatic life can



1 be taken, or aboard any fishing vessel or boat is prima facie  
2 evidence of a violation of this section.

3 The department may revoke any permit for any infraction of  
4 the terms and conditions of the permit. Any person whose permit  
5 has been revoked shall not be eligible to apply for another  
6 permit until the expiration of one year from the date of  
7 revocation.

8 (c) The department shall adopt rules pursuant to chapter  
9 91 necessary for the purposes of this section, including  
10 enforcement of and exemptions to this section.

11 Nothing in this section shall be held or construed to be an  
12 amendment of the rules of the department of transportation."

13 SECTION 3. This Act does not affect rights and duties that  
14 matured, penalties that were incurred, and proceedings that were  
15 begun before its effective date.

16 SECTION 4. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

18 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

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# S.B. NO. 1136

**Report Title:**

Scuba; Spearfishing; Night; Prohibition; Aquatic Life

**Description:**

Prohibits scuba spearfishing at night for the purpose of taking aquatic life, except through a permit.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

