
A BILL FOR AN ACT

RELATING TO THE TAKING OF MARINE LIFE.

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

1 SECTION 1. The legislature finds that fishing is an
2 important pastime for many Hawaii residents, providing not only
3 recreational and subsistence benefits, but also an additional
4 source of income for many small-scale commercial fishers who
5 often sell a portion of their catch to cover costs of fuel or
6 fishing gear.

7 The legislature further finds that the existing commercial
8 marine license laws can be unnecessarily burdensome on boat-
9 based fishers due to the requirement that each individual on a
10 fishing vessel must have a commercial marine license to
11 participate in a commercial fishing trip where any portion of
12 the resulting catch may be sold. The legislature additionally
13 finds that this requirement places logistical and financial
14 burdens on vessel captains when part-time crew members are
15 needed for a commercial fishing trip or when unscheduled or
16 infrequent visitors are invited aboard. It can also lead to



1 confusion regarding who is responsible for submitting commercial
2 catch reports for fishing activities aboard a vessel.

3 The legislature also finds that although existing statutory
4 language requires vessel-based fishing charters to obtain a
5 commercial marine license, it is unclear whether shore-based
6 charters are also required to obtain a commercial marine
7 license.

8 The purpose of this Act is to:

- 9 (1) Authorize the department of land and natural resources
10 to establish requirements and fees for obtaining a
11 commercial marine vessel license;
- 12 (2) Specify that a single commercial marine vessel license
13 satisfies the commercial marine license requirement
14 for all persons aboard a licensed vessel that is on a
15 trip of seventy-two hours or less;
- 16 (3) Require any person providing fishing charter services
17 to obtain a commercial marine license;
- 18 (4) Allow marine charter fishing vessels on trips of
19 seventy-two hours or less to obtain commercial marine
20 vessel licenses; and



1 (5) Require the department of land and natural resources
2 to submit a report to the legislature regarding the
3 status of its administrative rules establishing a new
4 commercial marine vessel license category.

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

7 "§189-2 Commercial marine license~~[-]~~ and commercial marine
8 vessel license. (a) No person shall take marine life for
9 commercial purposes whether the marine life is caught or taken
10 within or outside of the State, without first obtaining a
11 commercial marine license as provided in this section~~[-]~~;
12 provided that a single valid commercial marine vessel license
13 shall satisfy the commercial marine license requirement for all
14 persons taking marine life for commercial purposes aboard a
15 validly-licensed vessel that is on a trip of seventy-two hours
16 or less.

17 (b) [~~Additionally, any~~] Any person providing [~~vessel~~]
18 charter services in the State for the taking of marine life in
19 or outside of the State shall obtain a commercial marine
20 license.



1 (c) Any vessel used for or engaged in the taking of marine
2 life for commercial purposes that is on a trip of seventy-two
3 hours or less may obtain a commercial marine vessel license.

4 [~~e~~] (d) The department may adopt rules pursuant to
5 chapter 91 necessary for the purpose of this section and to set
6 fees for commercial marine [~~licensing~~] and commercial marine
7 vessel licenses.

8 [~~d~~] (e) The fees for commercial marine and commercial
9 marine vessel licenses and duplicate commercial marine and
10 commercial marine vessel licenses shall be established by the
11 department by rules adopted in accordance with chapter 91.

12 [~~e~~] (f) The department shall suspend, shall refuse to
13 renew, reinstate, or restore, or shall deny any license issued
14 under this section if the department has received certification
15 from the child support enforcement agency pursuant to section
16 576D-13 that the licensee or applicant is not in compliance with
17 an order of support or has failed to comply with a subpoena or
18 warrant relating to a paternity or child support proceeding.
19 The department shall issue, renew, reinstate, or restore an
20 affected license only upon receipt of authorization from the



1 child support enforcement agency, the office of child support
2 hearings, or the family court."

3 SECTION 3. The department of land and natural resources
4 shall submit a report, including any proposed legislation, to
5 the legislature no later than thirty days prior to the convening
6 of the regular session of 2022, concerning the status of its
7 administrative rules establishing a new commercial marine vessel
8 license category.

9 SECTION 4. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 5. This Act shall take effect on May 6, 2137.



Report Title:

Commercial Marine Licenses; Commercial Marine Vessel Licenses;
Charter Services

Description:

Authorizes the department of land and natural resources to establish rules and fees for the issuance of a commercial marine vessel license. Provides that a single valid commercial marine vessel license satisfies the licensure requirement for all persons aboard the licensed vessel on a trip of seventy-two hours or less. Requires any person who provides fishing charter services to obtain a commercial marine license. Allows marine charter fishing vessels on a trip of seventy-two hours or less to obtain commercial marine vessel licenses. Requires the department of land and natural resources to submit a report to the legislature regarding the status of its administrative rules establishing a new commercial marine vessel license category. Effective 5/6/2137. (SD2)

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