

JAN 27 2021

A BILL FOR AN ACT

RELATING TO LAY NETS.

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

1 SECTION 1. Despite detailed lay net rules implemented by
2 the department of land and natural resources (department),
3 including lay net registration and identification requirements
4 and restrictions on lay net dimensions, mesh size, soak time,
5 time of day, frequency between sets, water depth, and location,
6 the illegal and irresponsible use of lay nets continues with
7 adverse impacts to both fishery resources and protected species.

8 Furthermore, lay net violations are primary fishery-related
9 infractions that the department investigates, and that a lay net
10 permit system is necessary to better regulate this gear type.

11 The purpose of this Act is to authorize the department to
12 adopt rules to establish a lay net permit for the use or
13 possession of lay nets, including reasonable permit fees and
14 provisions for revocation, suspension, and withholding of
15 permits for non-compliance with lay net rules.

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

1 "**§187A-5 Rules.** Subject to chapter 91, the department
2 shall adopt, amend, and repeal rules for and concerning the
3 protection and propagation of introduced and transplanted
4 aquatic life, or the conservation and allocation of the natural
5 supply of aquatic life in any area. The rules may include the
6 following:

7 (1) Size limits;

8 (2) Bag limits;

9 (3) Open and closed fishing seasons;

10 (4) Permits for the use and possession of lay nets,
11 including reasonable permit fees and provisions for
12 revocation, suspension, and withholding of permits for
13 non-compliance with lay net rules;

14 ~~(4)~~ (5) Specifications and numbers of fishing or taking
15 gear ~~which~~ that may be used or possessed; and

16 ~~(5)~~ (6) Prescribe and limit the kind and amount of bait
17 that may be used in taking aquatic life, and the
18 conditions for entry into areas for taking aquatic
19 life.

20 The rules may vary from one county to another and may specify
21 certain days of the week or certain hours of the day in
22 designating open seasons. All rules shall have the force and

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1 effect of law. Any person who violates any of the rules adopted
2 pursuant to this section shall be guilty of a petty misdemeanor
3 and upon conviction thereof shall be punished as provided by
4 section 188-70."

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

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

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INTRODUCED BY:

Tom A. G. H.

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BY REQUEST

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Report Title:

Fishing; Lay Nets; Permit

Description:

Authorizes 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 non-compliance with lay net rules.

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

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JUSTIFICATION SHEET

DEPARTMENT: Land and Natural Resources

TITLE: A BILL FOR AN ACT RELATING TO LAY NETS.

PURPOSE: To authorize the Department 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 non-compliance with lay net rules.

MEANS: Amend section 187A-5, Hawaii Revised Statutes.

JUSTIFICATION: Despite detailed lay net rules implemented by the Department, 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.

Lay net violations are primary fishery-related infractions that the Department investigates. A lay net permit system is necessary to better regulate this gear type.

Impact on the public: Lay net fishers would be required to obtain a permit from the Department. The general public would not be impacted but would benefit from improvements to the management of marine resources.

Impact on the Department and other agencies: A lay net permit would enhance the Department's ability to enforce lay net rules by allowing the Department to revoke, suspend, or withhold a permit for non-compliance.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: LNR 153.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon approval.