

§13-75-12.4 Lay nets. (a) It is unlawful for any person within the jurisdiction of state waters to:

- (1) Possess or use a lay net that has not been registered with the department;
- (2) Possess or use a lay net which is, or lay nets which, except as provided in section 13-60.4-6, are:
 - (A) Longer than one hundred twenty-five feet in length when set end to end, and more than seven feet in stretched height; and
 - (B) Of less than two and three-fourths inches stretched mesh, except as provided in section 13-52-2(2)(A);
- (3) Possess or use a multi-panel lay net;
- (4) Possess or use a lay net that does not have at least four identification tags as specified or provided by the department. One identification tag must be attached at each end of both the net float line and the net lead line for a total of four attachment points on each lay net; or
- (5) Fish with more than one lay net at a time.

(b) It is unlawful for any person using the lay net fishing method to:

- (1) Use a lay net that is not marked by surface buoys as specified or provided by the department. The buoys shall display the lay net registration number, be marked with reflective tape, and be visible above the surface of the water. The buoys shall be attached to each end of the float line for a total of two buoys for each lay net;
- (2) Use a lay net within two hundred fifty feet of another lay net, except as provided in section 13-60.4-6;
- (3) Use a lay net in water greater than twenty-five feet in depth; provided that a person with a commercial marine license may use a lay net in water depths up to eighty feet, except as provided in section 13-60.4-6;
- (4) Use a lay net for more than four hours during any one set; provided that after one set, the same lay net may not be used again within twenty-four hours after the ending of

the set; and provided further that the same person shall not set any other lay net within that twenty-four hour period after the ending of the set;

- (5) Leave a lay net unattended for more than one-half hour;
- (6) Retrieve a lay net in such a manner as to cause any stony coral to break from its attachment to the bottom or to break into smaller pieces. Any stony coral brought to the surface in the net shall be considered prima facie evidence of a violation of this section;
- (7) Fail to complete inspection of an entire lay net within two hours after the beginning of the set. The person lay net fishing shall inspect the lay net and release any threatened, endangered, prohibited, or unwanted species;
- (8) Discard, abandon, or leave any lay net, or portion thereof, in the water for longer than four hours;
- (9) Use a lay net in freshwater streams or stream mouths; or
- (10) Use a lay net during the period from one-half hour after sunset to one-half hour before sunrise.

(c) It is unlawful for any person to falsely identify, with identification tags, any lay net that is not registered with the department as required in subsection (a).

(d) Should any registered net be lost, destroyed, sold, traded, stolen, given away, or otherwise no longer the property of, or no longer in the possession of the registered owner, then the registered owner shall be responsible for the lay net until a report is filed and confirmed by the department.

(e) Any lay net, within the jurisdiction of state waters, that is not registered or that does not have proper identification tags or surface buoys as required in subsections (a) and (b), shall be considered contraband and subject to immediate seizure by the department.

(f) It is unlawful for any person to use a lay net in the following areas as provided in the table describing the boundary coordinates or locations for the prohibited fishing areas, located at the end of this chapter, entitled, "Table of Descriptions of Lay Net Fishing Prohibited Areas", dated April 19, 2006; and in the maps located at the end of this chapter, entitled, "Map of Lay Net Fishing Prohibited Area: Maui", dated April 19, 2006; "Map of Lay Net Fishing Prohibited Areas: O'ahu", dated April 19, 2006; and "Map of Lay Net Fishing Prohibited Area: Kane'ohē Bay, O'ahu", dated April 19, 2006:

- (1) Island of Maui;
- (2) Kawaihoa Point to Keahi Point, O'ahu;
- (3) Mokapu Point to Wailea Point, O'ahu; or
- (4) Kane'ohē Bay, O'ahu.

(g) Any person violating any subsection of this provision shall be subject to penalty as provided under chapter 187A, HRS. Each violation may constitute a separate offense." [Eff and comp 3/2/07; am DEC 26 2013] (Auth: HRS §§187A-5, 188-53)
(Imp: HRS §§187A-5, 188-53)