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**SB 1088 S.D.1
RELATING TO ENFORCEMENT
SB 1091 S.D.1
RELATING TO AQUATIC RESOURCES**

House Committee on Ocean Recreation and Marine Resources

**Public Hearing - March 16, 1999
9:00 a.m., Room 312, State Capitol**

By
John Harrison, Environmental Center
M. Casey Jarman, School of Law
James Parrish, Hawaii Cooperative Fishery Unit

SB 1088 S.D. 1 would amend Sections 199-7 and 712A-6, HRS, to provide procedures for the seizure, forfeiture and disposal of natural resources involved in statutory violations. SB 1091 S.D.1 consolidates and standardizes various penalty provisions, establishing minimum fines and graduated penalties within Chapters 187A, 188, 189, and 190, HRS.

Our comments on this measure are compiled from voluntarily submitted opinions of the listed academic sources, and as such, do not constitute an institutional position of the University of Hawaii.

These measures establish procedures and penalties relating to enforcement of statutes providing for aquatic resource management., finally putting teeth into the management of fishery resources in Hawaii that for too long have been allowed to decline. We strongly concur with the intent of the Department to impose management of Hawaii's aquatic resources based on scientific principles and enforced by deterrents to malfeasance that are effective. However, we view with some dismay the watering down of the original penalty and forfeiture provisions of SB 1091. Too often, penalties have been viewed by violators as the "cost of doing business", and we fear that this attitude may prevail under the terms presently imposed by this draft of SB 1091.