

**Charter Commission Comments**

**July 13, 2011**

**Paul Laub**

**1) The Constitution is not an instrument for the government to restrain the people; it is an instrument for the people to restrain the government-lest it come to dominate our lives and interests!! Patrick Henry**

**The 2011 study from the Mercatus Center of George Washington University puts the state of Hawaii at 46 out of the 50 states for economic freedom, 43 out of 50 for personal freedom, and 47 out of 50 for overall freedom.**

**Listed are some of the problems and at the bottom is a possible solution.**

**1) We are in the middle of a recession and people cannot pay their bills, they are losing their homes and it is becoming worse daily as the prices for food and energy skyrocket, and the equity in the homes decrease.**

**A) This county prohibits people from working in their home even though cottage industry and garage workshops have been the historic foundation of small businesses which are widely acknowledged to be the largest employers of our workers.**

**B) This county restricts the renting of one's home to 180 days or more without a special permit which has been substantially shown to not actually be available thru a reasonable process. The homeowner needs to be able to make use of his most costly asset to make it thru difficult times.**

**Possible solution: The addition of the Patrick Henry quote and a statement that the use of the home for either small business or rental for any period of time shall not be infringed upon EXCEPT in cases of health, safety, welfare and nuisance being established. In other words, "no harm, no foul".**

**2) It has been well established that the average person cannot get a building permit in a reasonable time frame with some permits taking years. Building permits were NOT required until 1957 and all older homes did not, and do not have permits.**

*071311 - Pub - Paul Laub Testimony*

**Possible solution : All required permits for single family homes be able to be executed by the average High School graduate and must be deemed granted if not issued or denied for cause by permitting authorities within 30 days of completed submission.**

**3) The current requirement of 20% of the previous elections voters to exercise initiatives is excessive and has never been accomplished and seems to be designed to STOP the public will. Reduce the amount required to 5%.**

**4) The county has unilaterally closed beach access during the night and early morning with metal pipe barriers.**

**Possible solution: The county shall not prohibit the public from reasonable lawful access to public property except in times of limited need for health, safety and welfare.**

**5) It currently takes a minimum of 30 days to get a certificate of occupancy for a business and some take up to half a year. All the while the applicant is being drained of needed cash flow without the ability to operate. Most jurisdictions take 3 days.**

**Possible solution: A statement that all permitting authorities have 30 days after filing of requisite applications to accept or reject for cause an application or it shall be deemed granted. Further, applications must be able to be filled out and filed by the average person with a High School education.**

**It is requested that these proposals should be inserted on page 1 under Powers of the county.**

**9.08.010 Prohibited--Penalty.**

Any person within the county who shall promote, conduct or maintain a cockfight, or who shall assist in promoting, conducting or maintaining a cockfight, or any person who is present at any cockfight, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not to exceed five hundred dollars and costs, or be imprisoned until such fine and costs have been discharged by operation of law. (Prior code § 22-8.1)

**Dear Charter Commission members**

**SUBJECT: REPEAL AND OR REMOVE CHAPTER 9.08 COCKFIGHTING  
MAUI COUNTY CODE**

The purpose of my letter is to request your assistance to repeal and or remove chapter 9.08.010, from the Maui County Code.

This same type of Ordinances were dismiss by the **Supreme Court of Hawaii** back in May 23, 1968, on grounds that the ordinance is: null and void as being in conflict with State statute (and) unconstitutionally and unreasonably infringes upon a person's freedom of locomotion and movement.

Cockfighting is one of the oldest recognized sports in the history of mankind, it also was a highly regarded esteemed pastime in the Hawaiian Cultural Heritage.

It is also the cultural and heritage that is recognized and acceptance by many ethnic groups here in Maui and in Hawaii.

Furthermore, in March of 1972, the Maui County Council certified and adopted a **RESOLUTION # 45.**

**REQUESTING THE RECOGNITION, PRESERVATION  
AND ACCEPTANCE OF COCKFIGHTING IN THE  
STATE OF HAWAII AS A CULTURAL HERITAGE.**

I ask for your consideration to have this matter reviewed on facts of the Hawaii Supreme Court ruling, and the Resolution #45 adopted by County Council.

The MPD has been enforcing the State Law Hawaii P.C. 711-1109, Cruelty to Animals on cockfighting here on Maui. There is no need for this county law to be on the books anymore.

I am available to answer any questions that you may have. I can be contacted at 250-4291. Thank you for your consideration to my request. I look forward to hearing from you.

Aloha Ke Akua  
Alton De Gama

071311 - Pub - Alton DeGama

PRIDE IN OUR CULTURE  
Provision of Culturally Sensitive Health Services

The importance of Cultural Pride and Cultural Practices to it native people has been documented in a number of sources. The federally funded 1985 E Ola Mau ,Hawaiian Health Needs Study documented in its recommendations, that Pride of Heritage was Paramount .This study set the groundwork for P.L. 100-579, the 1988 Native Hawaiian Health Care Act, which also emphasizes the importance of Culture in restoration of health..

The 1989 Session of the Fifteenth Legislature of State of Hawai'i Senate Concurrent Resolution Number 106,S. D. 1, resulted in the Hui 'Imi Task Force for Hawaiian Services report . Culture was found to be a critical need . Among the three major themes of the recommendations of this report, was the Incorporation of Hawaiian Cultural values and Practices into everyday activity." (Vol. 2, p. 9).

1983, Kamehameha School Native Hawaiian Educational Assessment Final Report , that the most poignant reflection of this study was; Consequences of Cultural loss is the Culture loss / stress hypothesis model set forth shows how the native people loss of their Culture results in negative social outcomes, family and other stresses, and finally, poor physical health, depression, lower academic performance..

Sadly that these type of consequences still exist today, but it could be prevented by the truth , if modern society of today could only accept and appreciate Cultural sensitivity and respect for Cultural differences and stop judging and condemning our people for preserving and perpetuating our Culture; for this is our God giving right . And also our inalienable rights of Life, Liberty, and the Pursuit of happiness, in the Bill of Rights of the Hawaii State Constitution.

## UNITED STATES DECLARATION OF INDEPENDENCE

Declared : We hold these truths to be self evident, that all man are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness.”

Our nation was founded on these principles and our court system is duty-bound to uphold them.

We are a nation built on the foundation of Freedom and Equality.

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### President: Abraham Lincoln

It is clearly recorded in history that at one time Abraham Lincoln admonished a group of supposedly sinless or impeccable citizens, apparently members of the SPCA (Society for the prevention of Cruelty to Animals) who were bent to wipe out cocking by Federal legislation. Lincoln told them frankly: **“As long as Almighty God permits intelligent men, created in His image and likeness to fight in public and kill each other while the world looks on approvingly, it not for me to deprive the chickens of the same privilege.”** Thus spoke the wise and liberty-loving President of America. Please take note of the characteristic tenor of the language of Lincoln.

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### Cockfighting

The actual act of cockfighting is a really small part of the raising our gamecocks. But it's a minuscule part of the gamecock, an essential part. And it's definitely a combination of all the efforts too. Also when you consider the amount of time 2 to 3 years that has been spent nurturing them, from the egg to maturity, and then only after thoughtful consideration is given, to their health, abilities and potential, are they chosen to go through another test, the pre-keep and conditioning cycle, that is 3 to 4 weeks before they are selected to enter the keep. The final part of their preparation with special feed and moisture control is given. At this point only the best we feel that are ready, will be selected to have the opportunity to fight for their lives, or dieing trying, of clinical death that will take from ten to twenty seconds, then you realize that the fighting part is a minor part of the whole ritual and cultural tradition

WHEREAS, the State of Hawaii has neglected to recognize cockfighting as a prominent cultural heritage; now, therefore,

BE IT RESOLVED by the Council of the County of Maui that it does hereby respectfully request the Governor of the State of Hawaii, the members of the 1972 Legislature, and the Mayors and Councils of the several counties to recognize the great significance of cockfighting as a cultural-heritage contribution to the State of Hawaii and that its promotion, recognition and preservation be given just consideration; and

BE IT FURTHER RESOLVED that certified copies of this resolution be transmitted to the Governor of the State of Hawaii, to the President of the Senate, to the Speaker of the House, to each legislator of the County of Maui serving in the Legislature of the State of Hawaii, and to all the Mayors and Councils of the several counties in the State of Hawaii.

*Richard Caldito*  
*Chairman*

| COUNCIL OF THE COUNTY OF MAUI<br>WAILUKU, HAWAII 96793  |                 |                      |               |                         |                    |                |                   |                     |                  |
|---|-----------------|----------------------|---------------|-------------------------|--------------------|----------------|-------------------|---------------------|------------------|
| CERTIFICATION OF ADOPTION   |                 |                      |               |                         |                    |                |                   |                     |                  |
| It is HEREBY CERTIFIED that the foregoing resolution was adopted by the Council of the County of Maui, State of Hawaii, on the <u>3rd</u> day of <u>March</u> , 19 <u>72</u> by the following vote: |                 |                      |               |                         |                    |                |                   |                     |                  |
| MEMBERS   | Joseph E. BULGO | Richard I.C. CALDITO | E. Loy CLUNEY | Goro HOKAMA<br>Chairman | Harry N. KOBAYASHI | Marco M. MEYER | Lanny H. MORISAKI | Bernard H. TOKUNAGA | Yoneto YAMAGUCHI |
| ROLL CALL   | Aye             | Aye                  | Aye           | Aye                     | Aye                | Aye            | Excused           | Aye                 | Aye              |
| <p><i>James S. Williams</i></p>   |                 |                      |               |                         |                    |                |                   |                     |                  |

# Resolution

No 45 Introduced By JOSEPH E. BULGO Councilman

REQUESTING THE RECOGNITION, PRESERVATION  
AND ACCEPTANCE OF COCKFIGHTING IN THE  
STATE OF HAWAII AS A CULTURAL HERITAGE

WHEREAS, the State of Hawaii is an outstanding symbol of East and West cultural heritages; and

WHEREAS, millions of dollars have been appropriated by government for the establishment of an East-West Center in Hawaii, where all East-West cultural heritages are recognized, preserved and fostered; and

WHEREAS, government's indifference and unacceptance of cockfighting in the State of Hawaii is contrary to the aims and philosophies represented in the establishment of an East-West cultural center; and

WHEREAS, the State of Hawaii is known throughout the world for its recognition and acceptance of all ethnic groups and cultures; and

WHEREAS, cockfighting is one of the oldest recognized sports in the history of mankind and today internationally recognized as a game sport based on highly skilled training techniques; and

WHEREAS, cockfighting is as honorable and recreational a sport as the All-American football, baseball, soccer, tennis, golfing, bowling, horse racing, basketball, rodeo, drag racing, hockey, boxing and all other sports enjoyed by the American society; and