



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Benigno R. Fitial
Governor

Eloy S. Inos
Lt. Governor

OCT 19 2010

Honorable Paul A. Manglona
Senate President, The Senate
Seventeenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Honorable Froilan C. Tenorio
Speaker, House of Representatives
Seventeenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Dear Mr. President and Mr. Speaker:

This is to inform you that I have signed into law S.B. 17-13, HD1, entitled, "To domesticate or allow the raising of Sambar Deer in captivity", which was passed by the House of Representatives and the Senate of the Seventeenth Northern Marianas Commonwealth Legislature.

This bill becomes **Public Law No. 17-23**. Copies bearing my signature are forwarded for your reference.

Sincerely,

A handwritten signature in cursive script that reads "Benigno R. Fitial".

BENIGNO R. FITIAL

cc: Lt. Governor
Attorney General
Press Secretary
Department of Lands and Natural Resources
Mayor of Saipan
Mayor of Tinian and Aguiguan
Mayor of Rota
Commonwealth's Law Revision Commission
Special Assistant for Programs and Legislative Review

Caller Box 10007 Saipan, MP 96950 Telephone: (670) 664-2200/2201 Facsimile: (670) 664-2211



NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
THE SENATE

September 10, 2010

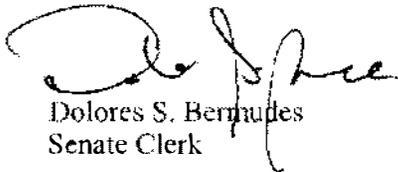
Public Law No. 17-23

The Honorable Benigno R. Fitial
Governor
Commonwealth of the Northern
Mariana Islands
Capital Hill
Saipan, MP 96950

Dear Governor Fitial:

I have the honor of transmitting herewith Senate Bill No. 17-13, HD1, entitled, "To domesticate or allow the raising of sambar deer in captivity; and for other purposes," which was passed by the Senate and the House of Representatives of the Seventeenth Northern Marianas Commonwealth Legislature.

Sincerely yours,



Dolores S. Bernudes
Senate Clerk

Attachment



THE SENATE
SEVENTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

Public Law No. 17-23
SENATE BILL NO. 17-13, HD1

AN ACT

TO DOMESTICATE OR ALLOW THE RAISING OF SAMBAR DEER IN
CAPTIVITY; AND FOR OTHER PURPOSES.

SENATE ACTION

Offered by Senator(s): Jovita M. Taimanao

Date: February 12, 2010

Referred to: Committee on Resources, Economic Development & Programs

Standing Committee Report No.: None

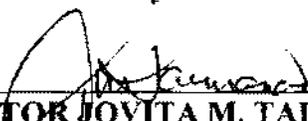
Final Reading: Accepted and Passed on 09/03/10

HOUSE ACTION

Referred to: Committee on Natural Resources

Standing Committee Report No. : 17-19 Adopted on 07/22/10

First and Final Reading: August 10, 2010


SENATOR JOVITA M. TAIMANAO
SENATE LEGISLATIVE SECRETARY

SEVENTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

FIRST REGULAR SESSION, 2010

Public Law No. 17-23
SENATE BILL NO. 17-13, HD1

AN ACT

To domesticate or allow the raising of Sambar Deer in captivity; and for other purposes.

BE IT ENACTED BY THE SEVENTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1 **Section 1. Short Title.** This act may be cited as “The Raising of Sambar Deer in
2 Captivity Act of 2010.”

3 **Section 2. Findings and Purpose.** The Commonwealth Legislature finds that
4 hunting of Sambar Deer is seasonal as established by regulation to control their continued
5 existence and to prevent its extinction. The Commonwealth Legislature further finds that
6 there are several people in the CNMI who are presently raising Sambar Deer in captivity and
7 many have express similar interest if the law or regulation would allow them. It is the
8 purpose of this Act to legalize or allow the raising of Sambar Deer in captivity.

9 **Section 3. Captive/Domesticated Sambar Deer (Binado).** It is hereby legal in the
10 Commonwealth to capture alive Sambar Deer (Binado) during authorize hunting season as
11 provided by regulation.

12 **Section 4. Terms and Condition For Captive Wildlife.** Captive Wildlife may be
13 retained in the possession of an individual who holds a permit pursuant to the terms and
14 conditions set forth:

15 a. Location:

16 The location of the registered wildlife should be specified on a map that includes
17 clearly marked roads and landmarks. If requested, the permittee will assist a

1 member of the Division of Fish and Wildlife staff in locating the site where the
2 wildlife is to be kept.

3 b. Humane and enclosed environment:

4 The permittee shall erect and maintain for the duration of captivity a humane,
5 completely enclosed and secure habitat for the wildlife. A humane habitat
6 includes but is not limited to a clean environment, sheltered from harsh weather,
7 adequate food and water supply, and a suitable space, provided that it is not
8 within a residential area, for the animal to roam.

9 c. Notification of change of condition:

10 If at any time the condition of the captive registered wildlife changes, the
11 permittee must report the change to the Division of Fish and Wildlife within 12
12 hours of the event. Changes in condition of the wildlife that should be reported
13 include, but are not limited to, death, escape, or birth of new captive wildlife.

14 d. Responsibility for escaped captive wildlife:

15 Permittee is responsible for any damage that occurs as a result of the captive
16 wildlife during a period of escape. This includes, but is not limited to, damage to
17 neighboring crops, damage to conservation areas, or damage to other property.

18 e. Time to capture escaped wildlife:

19 The permittee will have a grace period of up to one (1) week from the time of
20 escape to recapture the registered wildlife. Any registered wildlife escapee that
21 is not captured within the specified one (1) week time will be captured and
22 confiscated by the Division of Fish and Wildlife.

23 f. Inspection:

24 Division of Fish and Wildlife reserves the right to inspect at any reasonable time
25 the captive wildlife, its enclosure, and any other feature that pertains to its living
26 environment.

1 g. Addition of new captive wildlife.

2 The permittee may under no conditions increase the number of captive wildlife
3 being held unless authorized by the Division of Fish and Wildlife in writing or
4 through the normal permitting process.

5 h. Compliance:

6 If the permittee fails to comply with any of the above terms and conditions, the
7 Division of Fish and Wildlife reserves the right to revoke the permit and impose
8 appropriate penalties.

9 **Section 5. General Provision for Captive Sambar Deer (Binado).**

a. A license to maintain captive deer (wild or domesticated from wild animals) is
required. Licenses to maintain captive wildlife will be renewed on an annual
basis and it is the responsibility of the permit holder to keep the license up to
date.

10 b. Permittee with a captive rearing license for deer may sell the meat or any part of
11 such animals as long as a "Certificate of Origin" accompanies the sale. This
12 certificate must include the name of the permittee, the captive rearing permit
13 number, the date of sale, the name and address of the buyer, and the destination
14 of the meat if it is to be transported off-island. One copy of the "Certificate of
15 Origin" must accompany the buyer, the seller will retain one copy, and one copy
16 must be filed with the Enforcement Section of DFW within 10 days of the
17 transaction.

18 c. Captive rearing permit holders may utilize meat and animal parts as a personal
19 food source. For example, a captive rearing permit holder during mealtime may
20 legally offer deer meat to guests. Such fare must be consumed on-premises and
21 may not be transported off-island unless accompanied by a "Certificate of
22 Origin".

23 d. All Captive deer and their progeny must be marked on the ear by the permit
24 holder (the permittee will supply the marking device) and accurate records kept

1 of births and deaths. The Enforcement Section of DFW will impound any
2 unmarked captive animals. Records on captive animals may be inspected on
3 demand by DFW Enforcement Officers, but in any case will be inspected once a
4 year by DFW at the time of license renewal. Captive permit holders will be
5 responsible for any expenses incurred to property if their captive animals escape
6 (including costs of rehabilitating habitat damaged by released animals) and for
7 the costs to DFW (including salaries, overtime and equipment) of recapturing the
8 animals.

9 e. Captive deer impounded by DFW Enforcement Officers will be humanely
10 euthanized. Meat from such animals may be sold or distributed to the elderly
11 (manamko) at the discretion of the Director. Money from the sale of such meat
12 will be used to buy equipment useful to DFW Enforcement Officers at deer
13 inspection stations and for keeping track of captive deer.

14 f. Deer must be maintained in humane and clean holding facilities. Should holding
15 pens be deemed inappropriate by DFW Enforcement Officers, the captive rearing
16 permit will be revoked and must not be reissued until such time as the facility has
17 been improved to meet minimum standards (see below). If improvements are not
18 made within one month from the time the license is revoked, captive animals will
19 be impounded by DFW.

20 g. Holding/rearing facilities for captive deer must meet the following minimum
21 standards (or the captive rearing permit will be revoked):

- 22 1. a pen of at least 5 m on each side will be constructed for a single animal,
- 23 2. for each additional deer in captivity (including progeny), 3 m on each side
24 will be added to the pen (i.e., for 2 animals, the pen will measure 8 m on
25 each side, for 3 animals the pen will measure 11 m on each side, etc.),
- 26 3. pens will be constructed of materials with sufficient strength to withstand
27 the destructive force of a typhoon,
- 28 4. pens will be at least 2 m in height,

1 5. holders of permits are responsible for the safety of their animals,
2 therefore, pen gates will be secured in such a way as to prevent theft of or
3 malicious mischief to the animals,

4 6. holders of permits are responsible for the costs of damage to the
5 environment and to property by escaped or released animals,

6 7. permit holders will be given 5 working days to recapture animals that
7 have been accidentally released, after that, escaped animals are subject to
8 collection by DFW Enforcement Officers and the costs of capture will be
9 borne by the permit holder.

10 h. Sufficient fodder and water will be provided by the permit holder to maintain the
11 captive animals in good health (natural fodder and water may need to be
12 augmented by the permit holder). The health of the captive animals will be
13 judged by inspection (e.g., physical appearance). DFW Enforcement Officers
14 will perform regular inspections of both the physical state of captive animals and
15 the state of the holding facility on at least an annual basis and prior to renewal of
16 captive rearing license. DFW Enforcement Officers may be accompanied by a
17 licensed veterinarian to help adjudge the health of captive animals.

18 i. Purposeful release of captive deer, especially domesticated progeny, into the wild
19 is prohibited. Penalties for purposeful release of captive animals will be imposed
20 and set by the Director but will not exceed \$1,000 per animal. A person who has
21 previously held a captive rearing permit and purposefully released animals into
22 the wild will not be eligible to renew or obtain another permit.

23 **Section 6. Rules and Regulations.** The Secretary of the Department of Lands and
24 Natural Resources may promulgate additional rules and regulations to carry out the purpose
25 and intent of this Act.

26 **Section 7. Amnesty.** Those individual who are in possession of Captive Sambar
27 Deer (Binado) that are unregistered or non compliance with existing regulation shall comply

1 with the provision of this act without being penalized within 365 days following the
2 approval of this act into law.

3 **Section 8. Severability.** If any provision of this Act or the application of any such
4 provision to any person or circumstance should be held invalid by a court of competent
5 jurisdiction, the remainder of this Act or the application of its provisions to persons or
6 circumstances other than those to which it is held invalid shall not be affected thereby.

7 **Section 9. Savings Clause.** This Act and any repealer contained herein shall not be
8 construed as affecting any existing right acquired under contract or acquired under statutes
9 repealed or under any rule, regulation or order adopted under the statutes. Repealers
10 contained in this Act shall not affect any proceeding instituted under or pursuant to prior
11 law. The enactment of this Act shall not have the effect of terminating, or in any way
12 modifying, any liability civil or criminal, which shall already be in existence at the date this
13 Act becomes effective.

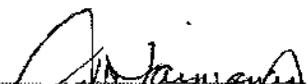
14 **Section 10. Effective Date.** This Act shall take effect upon its approval by the
15 Governor or upon its becoming law without such approval.

CERTIFIED BY:

ATTESTED BY:

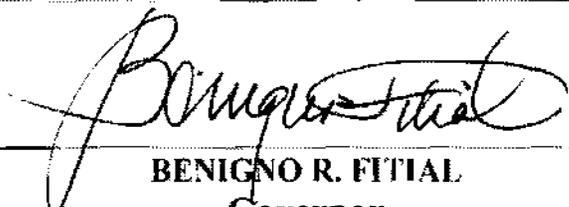


PAUL A. MANGLONA
PRESIDENT OF THE SENATE



JOVITA M. TAIMANAO
SENATE LEGISLATIVE SECRETARY

APPROVED this 19th day of OCTOBER, 2010



BENIGNO R. FITIAL
Governor
Commonwealth of the Northern Mariana Islands