



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Benigno R. Fitial
Governor

Eloy S. Inos
Lieutenant Governor

012711

The Honorable Eliceo D. Cabrera
Speaker, House of Representatives
Seventeenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

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

Dear Mr. Speaker and Mr. President:

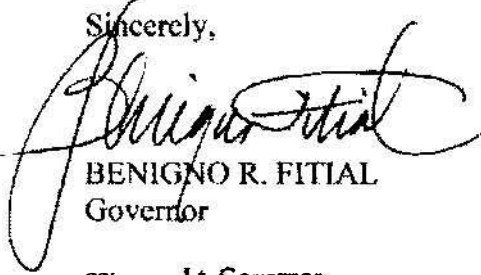
This is to inform you that I have signed into law H.B. 17-94, HD1, SD1, entitled, "To prohibit any person from possessing, selling, offering for sale, trading or distributing shark fins in the CNMI," which was passed by the House of Representatives and the Senate of the Seventeenth Northern Marianas Commonwealth Legislature.

I commend the Legislature for its proactive measures to prevent the destruction of the shark population. Sharks are now some of the ocean's most vulnerable and in some cases most depleted species. Having played a key role in maintaining the health of marine ecosystems for some 400 million years, in the span of single human lifetime, 30% of sharks are now threatened with worldwide extinction. Upwards of 73 million sharks are killed annually to support the global shark fin trade. Sharks are slow growing, reach sexual maturity late, produce few offspring, and their populations have not been able to keep up with the onslaught of fishermen targeting their fins for use in shark fin soup.

Therefore, it is with great pleasure that I have signed into law H.B. 17-94, HD1, SD1 to prohibit shark fining.

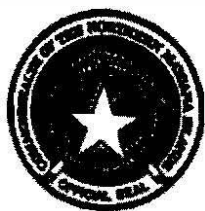
This bill becomes Public Law No. 17-27. Copies bearing my signature are forwarded for your reference.

Sincerely,

A large, stylized handwritten signature in black ink, which appears to read "Benigno R. Fitial". The signature is written over the printed name and title.

BENIGNO R. FITIAL
Governor

cc: Lt. Governor
Press Secretary
DEQ
CRM
DLNR
MINA
All Departments and Agencies
SAPLR



House of Representatives

SEVENTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

P.O. BOX 500586

SAIPAN, MP 96950

January 18, 2011

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

Dear Governor Fitial:

I have the honor of transmitting herewith for your action **H. B. 17-94, HD1, SD1**, entitled: "To prohibit any person from possessing, selling, offering for sale, trading, or distributing shark fins in the CNMI.", which was passed by the House of Representatives and the Senate of the Seventeenth Northern Marianas Commonwealth Legislature.

Sincerely yours,



Linda B. Múña
House Clerk

Attachment



*Seventeenth Legislature
of the
Commonwealth of the Northern Mariana Islands*
IN THE HOUSE OF REPRESENTATIVES

Sixth Special Session

July 22, 2010

Representative Diego T. Benavente, of Saipan, Precinct 1 (*for himself*) in an open and public meeting with an opportunity for the public to comment, introduced the following Bill:

H. B. 17-94

AN ACT

**To prohibit any person from possessing, selling, offering for sale,
trading, or distributing shark fins in the CNMI.**

The Bill was referred to the House Committee on Natural Resources, which submitted Standing Committee Report 17-37.

**THE BILL WAS PASSED BY THE HOUSE OF REPRESENTATIVES ON
FIRST AND FINAL READING, NOVEMBER 17, 2010;
with amendments in the form of H. B. 17-94, HD1 and transmitted to the
THE SENATE.**

The Bill was not referred to a Senate Committee

**THE BILL WAS PASSED BY THE SENATE ON FIRST AND FINAL READING, DECEMBER 30, 2010;
with amendments in the form of H. B. 17-94, HD1, SD1.**

H. B. 17-94, HD1, SD1 WAS RETURNED TO THE HOUSE OF REPRESENTATIVES ON JANUARY 4, 2011.

**THE HOUSE OF REPRESENTATIVES ACCEPTED THE SENATE AMENDMENTS AND PASSED H. B. 17-94,
HD1, SD1 DURING ITS 1ST DAY, THIRD REGULAR SESSION ON JANUARY 10, 2011.**

A handwritten signature in black ink, appearing to read "Linda B. Mufia".

Linda B. Mufia, House Clerk



Seventeenth Legislature
of the
Commonwealth of the Northern Mariana Islands
IN THE HOUSE OF REPRESENTATIVES

FIRST DAY, THIRD REGULAR SESSION

JANUARY 10, 2011

H. B. 17-94, HD1, SD1

AN ACT

**TO PROHIBIT ANY PERSON FROM POSSESSING, SELLING,
OFFERING FOR SALE, TRADING, OR DISTRIBUTING
SHARK FINS IN THE CNMI.**

**Be it enacted by the Seventeenth Northern Marianas
Commonwealth Legislature:**

1 **Section 1. Findings.** The Commonwealth Legislature finds that sharks
2 are one of the top predators in the marine food chain and play an important role in
3 our ocean's ecosystem. Sharks have characteristics that make them more
4 vulnerable to overfishing than most fish, and data from state, federal, and
5 international agencies show a decline in the shark populations worldwide. Unlike
6 other fish species, most sharks do not reach sexual maturity until seven to twelve
7 years of age and then only give birth to a small litter of young. Thus, sharks,
8 cannot rebuild their populations quickly once they are overfished.

9 The practice of shark finning, where a shark is caught, the fin is cut off,
10 and the shark is returned to the water, causes tens of millions of sharks to die a

1 slow death each year, some sharks starve to death, others are slowly eaten by
2 other fish, and some drown because most sharks need to keep moving to force
3 water through their gills for oxygen. Sharks are an essential element of the
4 ocean's ecosystem, and by reducing the demand for shark fins, the
5 Commonwealth can help ensure that sharks will not become extinct.

6 The Legislature also finds that the taking of sharks for subsistence
7 purposes is a longstanding tradition. Moreover, the Legislature recognizes that
8 incidental catching of sharks can be unavoidable. This Act is intended to address
9 the harvesting of sharks for commercial purposes only.

10 **Section 2. Enactment.** Subject to codification by the Law Revision
11 Commission, the following new provisions are hereby enacted:

12 "Section 101. Shark Fin Prohibition.

13 (a) It shall be unlawful for any person to possess, sell, offer
14 for sale, trade, or distribute shark fins in the CNMI. Restaurants in
15 possession of shark fins which are prepared for consumption upon
16 the enactment of this Act, may sell or offer for sale such shark fins
17 for a period of 90 days after the enactment of this Act.

18 (b) Notwithstanding subsection (a), any person with a valid
19 license or permit issued by the Department of Lands and Natural
20 Resources to conduct research and who possesses shark fins shall
21 not be subject to the penalties in this Act.

PUBLIC LAW NO. 17-27
HOUSE BILL 17-94, HD1, SD1

1 (c) Notwithstanding subsection (a), a person in possession
2 of a shark for subsistence purposes, (non-commercial) only shall
3 not be subject to the penalties in this Act.

4 (d) Pursuant to this Act, DLNR and DPS shall have
5 concurrent jurisdiction to enforce, investigate and request the
6 assistance of the Office of the Attorney General. Upon request the
7 Office of the Attorney General may pursue either civil or criminal
8 action to enforce this Act.

9 (e) Any person found in violation of this Act shall be fined
10 not less than \$5,000 but not more than \$30,000 and/or imprisoned
11 for not more than six (6) months.

12 (f) Any person found in violation of this Act on their third
13 or subsequent offense shall be assessed a fine of not less than
14 \$10,000 and a minimum imprisonment of 15 days.

15 (g) Any item seized pursuant to enforcement of this Act
16 and its regulations shall be held by any person authorized by
17 DLNR pending disposition of civil or criminal proceedings, or the
18 institution of an action *in rem* for the forfeiture of such item,
19 except that after Notice and Public hearing DLNR, in lieu of
20 holding such item, permit the owner, consignee, or other
21 responsible person to post a bond or other surety satisfactory to
22 DLNR.

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HOUSE BILL 17-94, HD1, SD1

1 (h) In addition to any penalties imposed under subsection
2 (e) or (f), any person violating this Act or any rule adopted under it
3 shall be subject to any other penalties authorized by 2 CMC §
4 5109, and may be assessed administrative fees and cost and
5 attorney's fees and costs.

6 (i) The Department of Lands and Natural Resources may
7 adopt rules and regulations pursuant to the Administrative
8 Procedure Act necessary for the purposes of this Act.

9 (j) For the purpose of this Act, "shark fin" means the raw or
10 dried fin or tail of a shark."

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

16 **Section 4. Savings Clause.** This Act and any repealer contained herein
17 shall not be construed as affecting any existing right acquired under contract or
18 acquired under statutes repealed or under any rule, regulation, or order adopted
19 under the statutes. Repealers contained in this Act shall not affect any proceeding
20 instituted under or pursuant to prior law. The enactment of the Act shall not have
21 the effect of terminating, or in any way modifying, any liability, civil or criminal,
22 which shall already be in existence on the date this Act becomes effective.

PUBLIC LAW NO. 17-27
HOUSE BILL 17-94, HD1, SD1

- 1 Section 5. **Effective Date.** This Act shall take effect upon its approval by
2 the Governor, or its becoming law without such approval.

Attested to by:



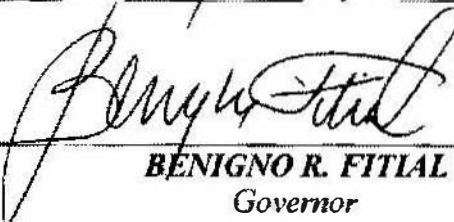
Linda B. Muña, House Clerk

Certified by:



ELICEO D. CABRERA, SPEAKER

APPROVED this 57th day of JANUARY, 2011



BENIGNO R. FITIAL

Governor

Commonwealth of the Northern Mariana Islands