

Gov. Msg. No. 17-211



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Benigno R. Fitial
Governor

Eloy S. Inos
Lt. Governor

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

AUG 24 2010

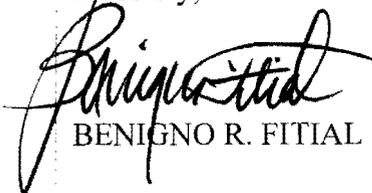
8/25/10
11:30am
J. Inos

Dear Mr. President and Mr. Speaker:

This is to inform you that I have signed into law H.B. 17-33, HD1, entitled, "To amend Section 3 of Public Law 12-14, as it applies to the surrounding waters of the municipality of Rota, to ensure that such regulations do not restrict the rights of persons to engage in non-commercial net-fishing, provided that such right be restricted to non-commercial net-fishing for the purpose of obtaining fish for personal or immediate family consumption, to also ensure that the definition of "non-traditional fishing methods" is not misinterpreted to include non-commercial net-fishing; and for other purposes.", which was passed by the House of Representatives and the Senate of the Seventeenth Northern Marianas Commonwealth Legislature.

This bill becomes Public Law No. 17-13. Copies bearing my signature are forwarded for your reference.

Sincerely,


BENIGNO R. FITIAL

cc: Lt. Governor
Attorney General
Press Secretary
Department Lands & Natural Resources
Mayor of Rota

Commonwealth's Law Revision Commission
Special Assistant for Programs and Legislative Review



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

First Regular Session

March 11, 2010

Representative Teresita A. Santos of Rota, Precinct 7 (*for herself*, Representatives Ramon S. Basa, Felicidad T. Ogomoro, and Edmund S. Villagomez) in an open and public meeting with an opportunity for the public to comment, introduced the following Bill:

H. B. 17-33

AN ACT

To amend Section 3 of Public Law 12-14, as it applies to the surrounding waters of the municipality of Rota, to ensure that such regulations do not restrict the rights of persons to engage in non-commercial net-fishing, provided that such right be restricted to non-commercial net-fishing for the purpose of obtaining fish for personal or immediate family consumption, to also ensure that the definition of “non-traditional fishing methods” is not misinterpreted to include non-commercial net-fishing; and for other purposes.

The Bill was referred to the House Committee on Natural Resources, which submitted Standing Committee Report 17-15.

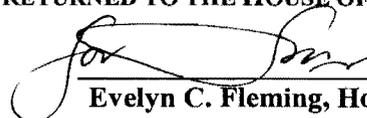
**THE BILL WAS PASSED BY THE HOUSE OF REPRESENTATIVES ON FIRST AND FINAL READING,
MAY 25, 2010;**

with amendments in the form of H. B. 17-33, HD1 and transmitted to the
THE SENATE.

The Bill was referred to the Senate Committee on Resources, Economic Development, and Programs and was placed on the Senate Calendar on July 29, 2010.

THE BILL WAS PASSED BY THE SENATE ON FIRST AND FINAL READING, JULY 29, 2010;
without amendments.

H. B. 17-33, HD1 WAS RETURNED TO THE HOUSE OF REPRESENTATIVES ON AUGUST 2, 2010


Evelyn C. Fleming, House Clerk



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

1st Day, Third Special Session

May 25, 2010

H. B. 17-33, HD1

AN ACT

To amend Section 3 of Public Law 12-14, as it applies to the surrounding waters of the municipality of Rota, to ensure that such regulations do not restrict the rights of persons to engage in non-commercial net-fishing, provided that such right be restricted to non-commercial net-fishing for the purpose of obtaining fish for personal or immediate family consumption, to also ensure that the definition of “non-traditional fishing methods” is not misinterpreted to include non-commercial net-fishing; and for other purposes.

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

1 **Section 1. Findings.** The local delegation of Rota finds that Article XIV,
2 Section 1 of the Commonwealth Constitution, mandates that “the marine
3 resources shall be managed, controlled, protected and preserved by the
4 Legislature for the benefit of the people.” The Division of Fish and Wildlife, in
5 furtherance of Public Law 12-14, “the Fair Fishing Act of 2000,” further
6 discussed herein, recently proposed the promulgation of regulations banning the
7 use of many forms of nets for fishing, such regulations to be imposed throughout

HOUSE BILL 17-33, HD1

1 the CNMI. The Legislature finds that such proposed regulations fail to take into
2 account the economic and social realities of the CNMI and the need for
3 non-commercial net-fishing as a source of food for the people of the CNMI that
4 have traditionally relied on such fishing methods to support and sustain
5 themselves and their families. The Legislature further notes that Public Law 12-
6 14, "the Fair Fishing Act of 2000," which prohibits certain non-traditional fishing
7 methods, has been misinterpreted by the Department of Lands and Natural
8 Resources and the Division of Fish and Wildlife to extend to all "non-traditional"
9 net-fishing methods. The Legislature notes that the Division of Fish and Wildlife
10 has adopted a narrow interpretation of Public Law 12-14 and has determined, in
11 effect, that "non-traditional" fishing methods include the use of all fishing nets
12 except the throw net (talaya). The Legislature, in light of such misinterpretation of
13 the Legislature's intent in enacting Public Law 12-14, finds that Section 3 of
14 Public Law 12-14 must also be amended to ensure that the rights of persons to
15 engage in non-commercial net-fishing be safeguarded, provided that such rights
16 be restricted to non-commercial net-fishing for the purpose of obtaining fish for
17 personal or immediate family consumption.

18 **Section 2. Amendment.** Section 3 of Public Law 12-14, pertaining to the
19 prohibition of non-traditional fishing methods, is hereby amended and shall read
20 as follows:

21 "It shall be unlawful for any commercial and non-commercial fishermen
22 to use explosives, poisons, electric shocking devices, scuba tank or hookah

HOUSE BILL 17-33, HD1

1 when fishing for reef fish and harvesting other marine life within waters of
2 the Commonwealth, provided however, that the use of throw nets (talaya),
3 or the use of the following types of nets provided the net mesh size are no
4 smaller than two inches, drag nets (chenchulun lagua), surround nets
5 (chenchulun umesugon) or trap nets (chenchulun managam) shall be legal
6 in the waters surrounding the First Senatorial District when used for non-
7 commercial purposes only. Non-commercial purpose means fish caught
8 for personal or immediate family use. Any sales or distribution beyond
9 ones immediate family shall be a violation of this law.”

10 **Section 3. Penalties.** All violations of this law shall be punished as
11 follows, first violation \$200 fine, second violation \$400 fine, and the third
12 violation up to \$1000 fine, all subsequent violations shall be punished by up to a
13 \$1000 fine and up to 10 days in jail.

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

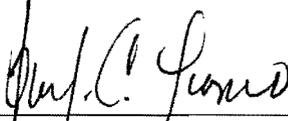
19 **Section 5. Savings Clause.** This Act and any repealer contained herein
20 shall not be construed as affecting any existing right acquired under contract or
21 acquired under statutes repealed or under any rule, regulation, or order adopted
22 under the statutes. Repealers contained in this Act shall not affect any proceeding

HOUSE BILL 17-33, HD1

1 instituted under or pursuant to prior law. The enactment of the Act shall not have
2 the effect of terminating, or in any way modifying, any liability, civil or criminal,
3 which shall already be in existence on the date this Act becomes effective.

4 **Section 6. Effective Date.** This Act shall take effect upon its approval by
5 the Governor, or its becoming law without such approval.

Attested to by: 
Evelyn C. Fleming, House Clerk

Certified by: 
FROILAN C. TENORIO, SPEAKER

APPROVED this 24th day of AUGUST, 2010


BENIGNO R. FITIAL
Governor
Commonwealth of the Northern Mariana Islands