



Gov. Msg. No. ~~17-447~~

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Benigno R. Fitial

Governor

Eloy S. Inos

Lt. Governor

OCT 06 2011

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

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

10-6-11
3:45 PM
[Signature]

Dear Mr. President and Mr. Speaker:

This is to inform you that I have signed into law Senate Bill No. 17-53, HD1 entitled, "To amend 2 CMC § 5631 and § 5634, as it applies to the surrounding waters of the municipality of Tinian, to ensure that such regulations do not restrict the rights of persons to engage in 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. 17-57**. Copies bearing my signature are forwarded for your reference.

Sincerely,

[Handwritten Signature]
BENIGNO R. FITIAL
Governor

cc: Lt. Governor; Lt. Governor's Legal Counsel; Press Secretary; Mayor of Tinian; Commonwealth's Law Revision Commission, Special Assistant for Administration; Special Assistant for Programs and Legislative Review

10/6/11 4:35 PM
[Signature]
Caller Box 10007 Saipan, MP 96950 Telephone: (670) 664-2200/2201 Facsimile: (670) 664-2211



THE SENATE
SEVENTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

SENATE BILL NO. 17-53, HD1

AN ACT

To amend 2 CMC § 5631 and § 5634, as it applies to the surrounding waters of the municipality of Tinian, to ensure that such regulations do not restrict the rights of persons to engage in non-commercial net-fishing; and for other purposes.

SENATE ACTION

Offered by Senator(s): Francisco Q. Cruz

Date: December 01, 2010

Referred to: None

Standing Committee Report No.: None

Final Reading: December 09, 2010

HOUSE ACTION

Referred to: Committee on Natural Resources

Standing Committee Report No. 17-89 (Adopted on August 09, 2011)

First and Final Reading: August 09, 2011

A handwritten signature in black ink, appearing to read "J. Taimanao", written over a horizontal line.

SENATOR JOVITA M. TAIMANAO
SENATE LEGISLATIVE SECRETARY

**THE SENATE
SEVENTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE**

SECOND REGULAR SESSION, 2010

SENATE BILL NO. 17-53, HD1

AN ACT

To amend 2 CMC § 5631 and § 5634, as it applies to the surrounding waters of the municipality of Tinian, to ensure that such regulations do not restrict the rights of persons to engage in 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 Tinian finds that Article XIV, Section 1
2 of the Commonwealth Constitution, mandates that “the marine resources shall be managed,
3 controlled, protected and preserved by the Legislature for the benefit of the people.” The
4 Division of Fish and Wildlife, in furtherance of Public Law 12-14, “the Fair Fishing Act of
5 2000,” further discussed herein, recently proposed the promulgation of regulations banning
6 the use of many forms of nets for fishing, such regulations to be imposed throughout the
7 CNMI. The Legislature finds that such proposed regulations fail to take into account the
8 economic and social realities of the CNMI and the need for non-commercial net-fishing as a
9 source of food for the people of the CNMI that have traditionally relied on such fishing
10 methods to support and sustain themselves and their families. The Legislature notes that the
11 Division of Fish and Wildlife has adopted a narrow interpretation of “non-traditional”
12 fishing methods including the use of all fishing nets except the throw net (talaya). The

1 Legislature finds that current law must be specifically amended to ensure that the rights of
2 persons to engage in non-commercial net-fishing be safeguarded, provided that such rights
3 be restricted to non-commercial net-fishing for the purpose of obtaining fish for personal or
4 immediate family consumption.

5 **Section 2. Amendments.** (a) Subject to codification by the Law Revision
6 Commission, 2 CMC § 5631, as amended by PL 17-13, is hereby amended by adding a new
7 subsection to read as follows:

8 “101. The use of the following types of nets, provided the net mesh size are no
9 smaller than three inches, drag nets (chenchulun lagua), surround nets (chenchulun
10 umesugon) or trap nets (chenchulun managam) shall be legal in the waters
11 surrounding the Second Senatorial District when used for non-commercial purposes
12 only. Non-commercial purpose means fish caught for personal or immediate family
13 use. Any sales or distribution beyond ones immediate family shall be a violation of
14 this law.”

15 (b) 2 CMC § 5634 is amended to read as follows:

16 “§ 5634: All violations of this law shall be punished as follows, first violation, \$200
17 fine, second violation \$400 fine, and the third violation up to \$1000 fine, all
18 subsequent violations shall be punished by up to a \$1000 fine and up to 10 days in
19 jail.”

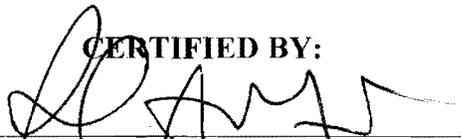
20 **Section 3. Severability.** If any provisions of this Act or the application of any such
21 provision to any person or circumstance should be held invalid by a court of competent
22 jurisdiction, the remainder of this Act or the application of its provisions to persons or

1 circumstances other than those to which it is held invalid shall not be affected thereby.

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

9 **Section 5. Effective Date.** This Act shall take effect upon its approval by the
10 Governor, or it's becoming law without such approval.

CERTIFIED BY:



PAUL A. MANGLONA
PRESIDENT OF THE SENATE

ATTESTED BY:



GOVITA M. TAIMANAO
SENATE LEGISLATIVE SECRETARY

APPROVED this 6th day of OCTOBER, 2011



BENIGNO R. FITIAL
Governor
Commonwealth of the Northern Mariana Islands