



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Juan N. Babauta
Governor

GOV. COMM. 13-39
(HOUSE)

Diego T. Benavente
Lieutenant Governor

FEB 19 2002

The Honorable Heinz S. Hofschneider
Speaker, House of Representatives
Thirteenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

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

Dear Mr. Speaker and Mr. President:

This is to inform you that I have approved House Bill No. 12-428, HS 1, entitled, "To amend Public Law 12-14, as amended by P.L. 12-77, to allow for fishing with SCUBA or hookah throughout the Commonwealth except in restricted areas; and for other purposes", which was passed by the Twelfth Northern Marianas Commonwealth Legislature.

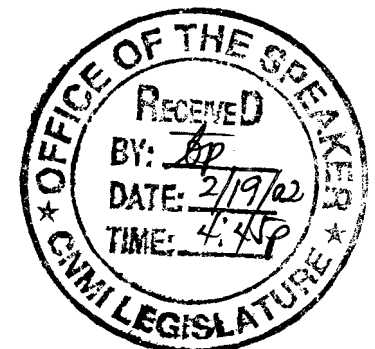
This bill provides limitation to the applicability of the former law that imposed a universal prohibition on scuba and hookah fishing throughout the Commonwealth. This measure modifies that total prohibition by allowing the First and Second Senatorial Districts to regulate the matter by local legislation. Please note that Rota has already banned SCUBA based fishing through the enactment of Rota Local Law 12-3. As for the Third Senatorial District, the bill prohibits scuba and hookah fishing along the western coast of the island of Saipan.

Although this measure represents an accommodation to the livelihood of local fishermen, it is important that the environmental concerns that initiated the original legislation, P.L. 12-14, are not forgotten. With that in mind, I urge the Secretary of Lands and Natural Resources and the Director of Fish and Wildlife restrict their authority to issue special permits for non-scientific purposes to fishing enterprises that were actively involved with scuba based spear fishing at the time of the passage of P.L. 12-77 and who hold a valid commercial fishing license from the Department of Commerce. Please note that hookah based spear fishing is prohibited under OSHA regulations and should not be permitted under any circumstances.

This bill becomes **Public Law No. 12-87**. Copies bearing my signature are forwarded for your reference.

Sincerely,

DIEGO T. BENAVENTE
Acting Governor



CC: Secretary of Lands and Natural Resources; SAPLR

HOUSE OF REPRESENTATIVES

Twelfth Northern Marianas Commonwealth Legislature

Public Law No. 12-87

HOUSE BILL NO. 12-428, HS1

AN ACT

To amend Public Law 12-14, as amended by Public Law 12-77 to allow for fishing with SCUBA or hookah throughout the Commonwealth except in restricted areas; and for other purposes.

Offered by Representative(s): Dino M. Jones,
Jesus T. Attao, and Heinz S. Hofschneider

Date: December 19,2001

HOUSE ACTION

Referred to: Committee on Natural Resources

Standing Committee Report: None

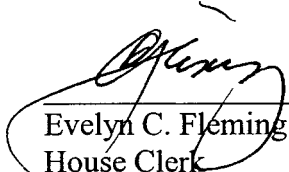
First and Final Reading: December 20,2001

Accepted Senate Amendments:

SENATE ACTION

Standing Committee Report: None

Final Reading: January 11,2002


Evelyn C. Fleming
House Clerk

TWELFTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

Public Law No. 12-87

FOURTH REGULAR SESSION, 2001

H. B. NO. 12-428, HS1

AN ACT

To amend Public Law 12-14, as amended by Public Law 12-77 to allow for fishing with SCUBA or hookah throughout the Commonwealth except in restricted areas; and for other purposes.

BE IT ENACTED BY THE TWELFTH NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:

1 **Section 1. Findings and Purpose.** Public Law 12-14 was enacted to protect the
2 supply of edible fish in the local waters. It prohibited non-traditional fishing methods when
3 fishing for reef fish and harvesting other marine life within the lagoon or reef and within
4 1000 feet outside the lagoon or reef in the coastal waters of the Commonwealth. The
5 Division of Fish and Wildlife, however, pointed the difficulty of enforcing the 1000 feet
6 limitations. Therefore, Public Law 12-77 was enacted to amend Public Law 12-14 by
7 eliminating the 1000 feet restriction, thus prohibiting all nontraditional fishing methods
8 within the entire waters of the Commonwealth. The Legislature now finds that the fishing by
9 SCUBA and hookah need only be prohibited in certain areas of the Commonwealth. This Act
10 now authorizes fishing by SCUBA and hookah throughout the waters of the Commonwealth
11 except as herein prohibited.

12 **Section 2. Amendments.** Section 3 of Public Law 12-14, as amended by Public Law
13 12-77, is hereby amended to read as follows:

14 “Section 3. Non-traditional Fishing Methods Prohibited.

15 (a) It shall be unlawful for any commercial or non-commercial fisherman to
16 use explosives, poisons, or electric shocking devices when fishing for reef fish and
17 harvesting other marine life within the waters of the Commonwealth

18 (b) It shall be unlawful for any commercial or non-commercial fisherman to
19 fish with SCUBA or hookah within the lagoon or reef or outside the lagoon or reef on
2c the coastal waters of Saipan from Puntan Agingan to Puntan Sabaneta.

21 (c) Fishing with SCUBA or hookah by commercial and non-commercial
22 fisherman in the First and Second Senatorial Districts is hereby defined as a subject of

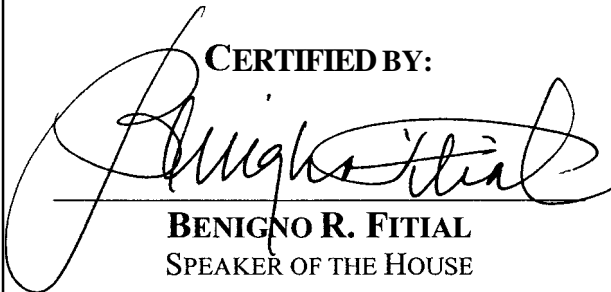
1 local law as permitted by Article II, Section 6 of the NMI Constitution and members
2 of the First and Second Senatorial Districts may enact laws prohibiting commercial or
3 non-commercial fisherman to fish with SCUBA or hookah within the lagoon or reef
4 or outside the lagoon or reef on the coastal waters of their respective districts."

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

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

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

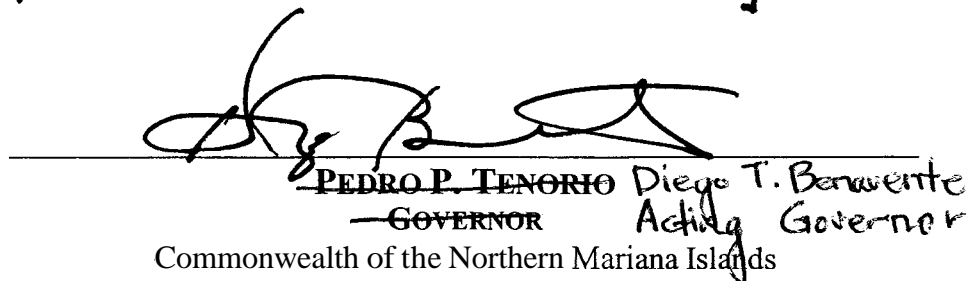
CERTIFIED BY:


BENIGNO R. FITIAL
SPEAKER OF THE HOUSE

ATTESTED TO BY:


EVELYN C. FLEMING
HOUSE CLERK

Approved this 19 day of February, 2002


PEDRO P. TENORIO Diego T. Benwente
GOVERNOR Acting Governor
Commonwealth of the Northern Mariana Islands