

AN ACT

To prohibit non-traditional fishing methods in the Commonwealth; and for other purposes.

**BE IT ENACTED BY THE TWELFTH NORTHERN MARIANAS COMMONWEALTH
LEGISLATURE:**

Section 1. Short Title. This act shall be cited as "The Fair Fishing Act of 2000."

Section 2. Findings. The First CNMI Youth Congress introduced and passed a bill to prohibit non-traditional fishing methods in the CNMI. The First CNMI Youth Congress further finds that non-traditional fishing methods allow for a greater catch than traditional methods. Traditionally, the purpose of fishing was to provide food for the family, not for commercial gain. Non-traditional fishing methods, such as breathing assistance devices and the use of explosive devices are being used to harvest more fish which reduces the number of fish available for people who fish using traditional methods.

The Legislature supports the urgency of such legislative measure to preserve the very limited supply of edible fish in our waters.

Section 3. Non-traditional Fishing Methods Prohibited. It shall be unlawful for any commercial and non-commercial fishermen to use explosives, poisons, electric shocking devices, scuba tank or hookah when fishing for reef fish and harvesting other marine life within the lagoon or reef and one thousand feet (1,000 ft.) outside the lagoon or reef on the coastal waters of the Commonwealth.

Section 4. Exceptions. The use of explosives, poisons, electric shocking devices, SCUBA or hookah is allowed when authorized by the director of Fish and Wildlife strictly for scientific collections and other purpose as determined by the Secretary of Lands and Natural Resources and the Director of Fish and Wildlife. Special permit shall be issued by the director of Fish and Wildlife for all exceptions.

Section 5. Enforcement. The enforcement of this Act shall be the responsibility of the Secretary of the Department of Lands and Natural Resources, in consultation with the Director of Fish and Wildlife and the resident director of the Department of Land and Natural Resources in each senatorial district. Such enforcement shall be pursuant to the provisions in 2 CMC, Div. 5, Chap. 1, § 5109.

Section 6. Penalty. Any person convicted of violating this Act shall be imprisoned for not more than 30 days or fined up to \$1,500, or both.

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

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

Section 9. Effective Date. This Act shall take effect upon its approval by the Governor or upon its becoming law without such approval.

CERTIFIED BY:

ATTESTED TO BY:

/s/ Benigno R. Fitial
BENIGNO R. FITIAL
SPEAKER OF THE HOUSE

/s/ Evelyn C. Fleming
EVELYN C. FLEMING
HOUSE CLERK

Approved this 25th day of August, 2000

/s/ Pedro P. Tenorio
PEDRO P. TENORIO
GOVERNOR
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS