

TWENTY-FIRST NORTHERN MARIANAS COMMONWEALTH
LEGISLATURE
IN THE HOUSE OF REPRESENTATIVES

SESSION, 2019

H. L. B. 21-11

**A LOCAL BILL FOR AN ACT
FOR THE SECOND SENATORIAL DISTRICT**

To establish fishing license fees in Tinian; and for other purposes.

**BE IT ENACTED BY THE SECOND SENATORIAL DISTRICT DELEGATION
PURSUANT TO CHAPTER 4, DIVISION 1, TITLE 1 OF THE
COMMONWEALTH CODE:**

1 **SECTION 1. FINDINGS AND PURPOSE.**

2 The Tinian Legislative Delegation finds that the Department of Lands and
3 Natural Resources (DLNR) is specifically charged with conserving and ensuring
4 the survival of species of fish and game of significant value for non-commercial
5 (sport, recreational, subsistence) or commercial purposes. The Delegation further
6 finds that it is the policy of Second Senatorial District (Tinian) that the fish and fish
7 resources of Tinian shall be managed to provide a sustainable yield for present and
8 future generations. In pursuing this policy, Tinian will seek the most favorable
9 traditional, economic, commercial, recreational, and aesthetic benefits for present
10 and future generations of the residents of Tinian.

1 In implementing this policy, the Delegation finds that the goals of fishery
2 management in Tinian are to:

3 (a) Maintain all fisheries at sustainable levels in within the lagoon or reef
4 and one thousand feet outside the lagoon or reef on the coastal waters of the
5 municipality and prevent overfishing;

6 (b) Restore depleted fishery resources;

7 (c) Reduce post-harvest losses and discards by encouraging improved
8 techniques of harvest, processing, distribution, and transportation;

9 (d) Prevent the degradation of essential fish habitat; and

10 (e) Develop and maintain access to the within the lagoon or reef and one
11 thousand feet outside the lagoon or reef on the coastal waters of the municipality
12 and the fishery resources therein.

13 Therefore, the purpose of this legislation is to impose a fishing license fee
14 for commercial and non-commercial fishing activity in the Second Senatorial
15 District.

16 **SECTION 2. AMENDMENT.**

17 Title 10, Division 2, Chapter 9 of the Commonwealth Code is hereby
18 amended by changing the title and by adding a new article 2 to read as follows:

19 **“Chapter 9. Fishing Prohibited Activities.**

20 **Article 1. Prohibited Activities for Fishing. [Unchanged].**

21 **Article 2. Fishing License.**

1 § 2910. Definitions.

2 § 2911. Fishing License.

3 § 2912. Penalties.

4 § 2912. Fishing License Application.

5 § 2913. Penalties.

6 § 2914. Enforcement.

7 § 2910. Definitions. For purposes of this article, the term:

8 (a) 'Commercial' means done primarily for profit from sale, barter,
9 or trade.

10 (b) 'Department' means the Department of Lands and Natural
11 Resources in the Second Senatorial District.

12 (c) 'Fish', as a noun, means finfish, mollusks, crustaceans, and all
13 other forms of marine animal, plant, and other life, other than marine
14 mammals and birds.

15 (d) 'Fishing' or 'fish', as a verb, means:

16 (1) The catching, taking, or harvesting of fish;

17 (2) The attempted catching, taking, or harvesting of fish;

18 (3) Any other activity which can reasonably be expected to
19 result in the catching, taking, or harvesting of fish; or

1 (4) Any operations at sea in support of, or in preparation for,
2 any activity described in (1) through (3), excluding any scientific
3 research activity conducted by a scientific research vessel.

4 (e) 'Non-commercial fishing' means fishing for scientific purposes,
5 sport, pleasure, recreation, or sustenance, and which is not commercial
6 fishing.

7 **§ 2911. Fishing License.**

8 (a) **Commercial Fishing License.** A person may not engage in
9 commercial fishing within the lagoon or reef and one thousand feet outside
10 the lagoon or reef on the coastal waters of the municipality without applying
11 for and, obtaining and carrying a commercial fishing license from the
12 Department.

13 (b) **Non-commercial Fishing License.** A person may not engage
14 in non-commercial fishing within the lagoon or reef and one thousand feet
15 outside the lagoon or reef on the coastal waters of the municipality without
16 applying for and, obtaining and carrying a non-commercial Fishing License
17 from the Department."

18 **§ 2912. Fishing License Application.**

19 (a) An application for a fishing license under this article shall be
20 submitted to the Department in writing, upon forms provided by the
21 Department.

1 (b) An application for a fishing license shall be accompanied by
2 information or data as the Department may be required to determine
3 compliance with the standards, requirements and purposes of the act and
4 this article.

5 (c) An application for a fishing license will be accompanied by
6 payment of the license fee to the 'Tinian Municipal Treasurer' in an amount
7 set forth in the Department's regulations.

8 (d) All fishing licenses expire one year after the date of its issuance.

9 (e) Annual fishing license fees collected pursuant to this article shall
10 be deposited into Tinian Municipal Treasury for appropriation by the Tinian
11 Legislative Delegation."

12 § 2913. **Penalties.** A person who is required by the Department to
13 pay a fishing license fee is subject to the penalty of 2 CMC § 5109.

14 § 2914. **Enforcement.** Enforcement of this article shall be the
15 responsibility of the Secretary of the Department of Land and Natural
16 Resources, through the Resident Director of the Department of Land and
17 Natural Resources in the Second Senatorial District. Such enforcement shall
18 be pursuant to the provisions in 2 CMC § 5109.

19 § 2915. **Regulations.** The Department shall promulgate rules and
20 regulations necessary to implement the provisions of this article, including
21 reasonable penalties."

1 **SECTION 3. SEVERABILITY.**

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

7 **SECTION 4. SAVINGS CLAUSE.**

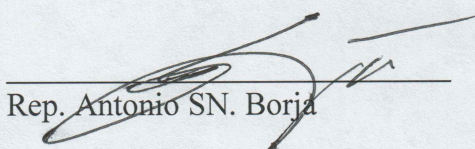
8 This Act and any repealer contained herein shall not be construed as
9 affecting any existing right acquired under contract or acquired under statutes
10 repealed or under any rule, regulation or order adopted under the statutes.
11 Repealers contained in this Act shall not affect any proceeding instituted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

15 **SECTION 5. EFFECTIVE DATE.**

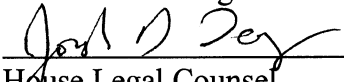
16 This Act shall take effect upon its approval by the Governor or its becoming
17 law without such approval.

Prefiled: 3/16/19

Date: 3/06/19

Introduced by: 
Rep. Antonio SN. Borja

Reviewed for Legal Sufficiency by:



House Legal Counsel