

Twentieth Northern Marianas Commonwealth Legislature

IN THE HOUSE OF REPRESENTATIVES

January 31, 2017

First

Regular Session, 2017

H. B. 20- *37*

A BILL FOR AN ACT

To prohibit the taking and selling of certain sizes of fish species by adding a new section 5645 to Article 4, Chapter 6, Division 5 of Title 2 of the Commonwealth Code; and for other purposes.

BE IT ENACTED BY THE TWENTIETH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1 **Section 1. Findings and Purpose.** The Legislature finds that research
2 studies have shown a decline in the number of marine resources especially fish
3 species in our marine ecosystem and across the globe. The CNMI economy,
4 community, culture, and people are highly dependent on the fish species around
5 our islands for commercial and personal use and sustenance.

6 The Legislature finds that research shows that the decline in the number of
7 fish species is primarily due to overfishing, which is the taking of a fish before it
8 has the chance to reproduce. When overfishing occurs, the taking of the pre-
9 productive fish exceeds the rate at which the population can replenish itself. In
10 order to reduce the risk of overfishing, it is necessary to establish size restrictions
11 on the fish species that are being overfished at or below its respective size/age at
12 maturity, where the fish has no opportunity to contribute to the next generation.

1 The Legislature finds that a report conducted by the Division of Fish and
2 Wildlife, Fisheries Research Section in 2013 established a list of fish species that
3 make up the highest proportion of the fish market in the CNMI and determined
4 the appropriate size that such fish species may be taken without risk of
5 overfishing. The purpose of this legislation is to prohibit the taking or selling of
6 several fish species in the CNMI as listed in this Act that are below the minimum
7 size limit and to establish criminal penalties for violations of this Act.

8 **Section 2. Amendment.** Title 2, Division 5, Chapter 6, Article 4 of the
9 Commonwealth Code is hereby amended by adding new section 5645 to read as
10 follows:

11 **“5645. Prohibiting the taking and selling of certain sizes of fish**
12 **species for commercial purposes.**

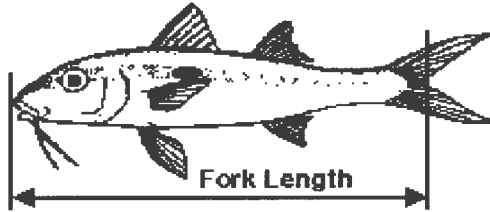
13 (a) *Prohibited Act.* It shall be unlawful for any person or business
14 establishment to sell, purchase, barter, or trade for any commercial
15 purpose, fish species listed in subsection (c) of this section that is less than
16 the minimum length and size limit.

17 (b) *Definitions.*

18 (1) “Length” or “Fork Length” means the straight-line
19 measurement from the tip of the snout to the middle of the trailing edge of
20 the tail. See diagram below.

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How to Measure Fish



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Measure Fork Length, the straight-line distance from tip of snout to middle of trailing edge of tail.

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(c) *Fish species name, local name, common name, and minimum size for sales.* Size limits were established based upon the best available estimates of reproductive maturity for reef fish that are commonly found in our markets. Highest marketed fish species were binned into nine size-class categories based upon reproductive size, to establish a simple means for education and enforcement of this section.

Fish Species	Local name	Common name	Size regulation
<i>Myripristis violacea,</i> <i>Myripristis amaena,</i> <i>Myripristis adusta,</i> <i>Myripristis woodsi,</i> <i>Myripristis pralinia,</i> <i>Myripristis kuntee,</i> <i>Myripristis berndti,</i> <i>Myripristis murdjan</i>	Sagamelon	Lattice soldierfish, Brick soldierfish, Shadow soldierfish, White spot soldierfish, Scarlet soldierfish, Pearly soldierfish, Bigscale soldierfish, Blotcheye soldierfish	5.0 inches minimum size
<i>Naso lituratus</i>	Hagon	Orangespine unicornfish	5.5 inches minimum size

<i>Acanthurus lineatus</i>	Hiyok	Blueband surgeonfish	6.5 inches minimum size
<i>Lethrinus harak</i> , <i>Chlorurus sordidus</i>	Mafuti, Palaksi, Laggua	Thumbprint emperor, Bullethead parrotfish	8.0 inches minimum size
<i>Lethrinus obsoletus</i> , <i>Lethrinus atkinsonii</i>	Mafuti	Orangestripe emperor, Yellow emperor	8.5 inches minimum size
<i>Naso unicornis</i>	Tataga	Bluespine unicornfish	10.0 inches minimum size
<i>Parupeneus barberinus</i>	Satmoneti pintu	Dashdot goatfish	12.0 inches maximum <u>minimum</u> size
<i>Scarus rubrovviolaceus</i>	Laggua	Redlip parrotfish	13.0 inches maximum <u>minimum</u> size
<i>Cheilinus undulatus</i>	Tangisun	Humphead wrasse	16.0 inches maximum <u>minimum</u> size

1 (d) *Enforcement.* The Secretary of the Department of Lands and
2 Natural Resources, in consultation with the Director of the Division of
3 Fish and Wildlife and the Resident Director of Department of Lands and
4 Natural Resources in the First and Second Senatorial Districts shall
5 enforce the provisions of this section. The Secretary of the Department of
6 Lands and Natural Resources, in accordance with existing statutes, shall

1 promulgate such regulations necessary to carry out the purposes of this
2 section.

3 (e) *Criminal Penalties.* A person convicted under this section shall
4 be punishable as follows:

5 (1) First Offense. A person may be punished by
6 imprisonment of not more than six months, or a fine of not more
7 than \$500, or both.

8 (2) Second or Subsequent Offense. A person convicted of a
9 second or subsequent offense may be punished by imprisonment of
10 not more than one year, or a fine of not less than \$1,000 but not
11 more than \$5,000, or both.

12 (3) The commission of each act prohibited by this section
13 with respect to a fish species shall constitute a separate violation of
14 this section.”

15 **Section 3. Severability.** If any provisions of this Act or the application
16 of any such provision to any person or circumstance should be held invalid by a
17 court of competent jurisdiction, the remainder of this Act or the application of its
18 provisions to persons or circumstances other than those to which it is held invalid
19 shall not be affected thereby.

20 **Section 4. Savings Clause.** This Act and any repealer contained herein
21 shall not be construed as affecting any existing right acquired under contract or

1 acquired under statutes repealed or under any rule, regulation, or order adopted
2 under the statutes. Repealers contained in this Act shall not affect any proceeding
3 instituted under or pursuant to prior law. The enactment of the Act shall not have
4 the effect of terminating, or in any way modifying, any liability, civil or criminal,
5 which shall already be in existence on the date this Act becomes effective.

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


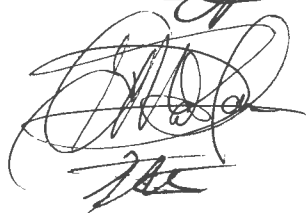

Prefiled: 11/31/17

Date: 11/31/17

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