

TITLE 2: NATURAL RESOURCES
DIVISION 1: MARITIME AND COASTAL RESOURCES

§ 1231. Remedies and Penalties.

(a)(1) The director or the authorized representative of the director may take such measures, including the boarding or inspection of any vessel, artificial island, installation, or structure, or the arrest of any person or vessel, as may be necessary to ensure compliance with the provisions of this chapter or any rule or regulation issued under this chapter, and the right of hot pursuit shall apply.

(2) Any vessel or aircraft utilized to carry out the provisions of this subsection shall be clearly marked and identifiable as being on government service and shall be specifically authorized to such effect.

(3) In any case of arrest or detention of a foreign vessel pursuant to this chapter, the director shall promptly notify or cause to be notified, through any appropriate channel, the flag state of such vessel regarding the action taken and any penalty subsequently imposed.

(b) At the request of the director, the Attorney General shall institute a civil action in any court of record having jurisdiction for a temporary restraining order, injunction, or other appropriate remedy to enforce any provision of this chapter or any rule or regulation issued under this chapter.

(c) If any person fails to comply with any provision of this chapter, or any rule or regulation issued under this chapter, after notice of such failure and expiration of any reasonable period allowed for corrective action, such person shall be liable for a civil penalty of not more than \$10,000 for each day of the continuance of such failure. The director may assess and collect any such penalty. No penalty shall be assessed until the person charged with a violation has been given an opportunity for a hearing.

(d) Whenever the holder of any license, lease or permit fails to comply with any of the provisions of this chapter, or of the license, lease, or permit, or of any rule or regulation issued under this chapter, such license, lease or permit may be forfeited and canceled by an appropriate proceeding in any court of record having jurisdiction.

(e) Any person who knowingly and willfully:

(1) Violates any provision of this chapter, or any rule or regulation issued under this chapter; or

(2) Makes any false statement, representation, or certification to the director or the director's authorized representative taking action pursuant to subsection (a) of this section, or in any application, record, report, or other document filed or required to be maintained under this chapter; or

(3) Falsifies, tampers with, or renders inaccurate any monitoring device or method record required to be maintained under any rule or regulation issued pursuant to this chapter;

shall, upon conviction, be punished by a fine of not more than \$200,000, or by imprisonment for not more than 10 years, or both.

Each day that a violation under subsection (e)(1) of this section continues, or each day that any monitoring device or data recorder remains inoperative or inaccurate because of any activity described in subsection (e)(3) of this section, shall constitute a separate violation.

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(f) Whenever a corporation or other entity is subject to prosecution under subsection (e) of this section, any officer or agent of such corporation or entity who knowingly and willfully authorized, ordered, or carried out the proscribed activity shall be subject to the same fines or imprisonment, or both, as provided for under such subsection.

(g) The remedies and penalties prescribed in this section shall be concurrent and cumulative and the exercise of one shall not preclude the exercise of the others. Further, the remedies and penalties prescribed in this section shall be in addition to any other remedies and penalties afforded by any other law or regulation.

Source: PL 6-42, § 2.

Commission Comment: PL 6-13 inadvertently repealed former 2 CMC § 1231, also entitled “Remedies and Penalties.” PL 6-42 reinstated this section, effective January 23, 1990.

With respect to the references to the “director” of the Department of Natural Resources, see Executive Order 94-3 (effective August 23, 1994), reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the Commission comment to 1 CMC § 2001.