

TWELFTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

FOURTH REGULAR SESSION, 2001

Public Law 12-87

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 purpose.

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

Section 1. Findings & Purpose. Public Law 12-14 was enacted to protect the supply of edible fish in the local waters. It prohibited non-traditional fishing methods when fishing for reef fish and harvesting other marine life within the lagoon or reef and within 1000 feet outside the lagoon or reef in the coastal waters of the Commonwealth. The Division of Fish and Wildlife, however, pointed the difficulty of enforcing the 1000 feet limitations. Therefore, Public Law 12-77 was enacted to amend Public Law 12-14 by eliminating the 1000 feet restriction, thus prohibiting all nontraditional fishing methods within the entire waters of the Commonwealth. This Act now authorized fishing by SCUBA and hookah throughout the waters of the Commonwealth except as herein prohibited.

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

“Section 3. Non-Traditional Fishing Methods Prohibited.

- (a) It shall be unlawful for any commercial or non-commercial fisherman to use explosives, poison, or electric shocking devices when fishing for reef fish and harvesting other marine life within the waters of the Commonwealth.
- (b) It shall be unlawful for any commercial or non-commercial fisherman to fish with SCUBA or hookah within the lagoon or reef or outside the lagoon or reef on the coastal waters of Saipan from Puntan Agingan to Puntan Sabaneta.
- (c) Fishing with SCUBA or hookah by commercial or non-commercial fisherman in the First and Second Senatorial Districts is hereby defined as a subject of local law as permitted by Article II, Section 6 of the NMI Constitution and members

of the First and Second Senatorial Districts may enact laws prohibiting commercial or non-commercial fisherman to fish with SCUBA or hookah within the lagoon or reef or outside the lagoon or reef on the coastal waters of their respective districts.”

Section 4. 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 person or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 5. Saving 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 6. 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
SPEAKER OF THE HOUSE

/S/ _____

EVELYN C. FLEMING
HOUSE CLERK

Approved this 19th day of February, 2002

/S/ _____

DIEGO T. BENAVENTE
ACTING GOVERNOR
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS