

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

§ 1141. Remedies and Penalties.

(a) (1) The Director of Commerce and Labor or his authorized representative, with regard to archipelagic sea lanes passage, and the Governor or any person designated pursuant to any executive order issued pursuant to 2 CMC § 1135(b), or the authorized representative of the Governor or of his designee, with regard to other matters, may take such measures, including boarding, inspection, and arrest of any person, vessel, or aircraft, as may be necessary to ensure compliance with this chapter, or any 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 subsection (a) of this section 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 or aircraft pursuant to this section, the Commonwealth official taking that action shall promptly notify, or cause to be notified, through any appropriate channel, the flag state of the vessel or aircraft regarding the action taken and any penalty subsequently imposed.

(4) Any foreign vessel or crew arrested in the enforcement of any law or regulation regarding the taking of living resources in or from the exclusive economic zone shall be promptly released upon the posting of reasonable bond or other security.

(b) At the request of any person authorized to take action pursuant to subsection (a) of this section, 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 regulation issued under this chapter.

(c) Any person who violates any provision of this chapter or any regulation issued under this chapter, or who makes any false statement or representation to any official authorized to take action pursuant to subsection (a) of this section, shall, upon conviction, be punished by a fine of not more than \$10,000 plus forfeit of any resources taken in violation (or the value of such resources), or by imprisonment for not more than one year, or both, except that imprisonment shall not be imposed for any violation regarding the taking of living resources in or from the exclusive economic zone by a foreign vessel in the absence of any agreement to the contrary between the Commonwealth and the flag state of such vessel. In the case of a knowing and willful violation subject to punishment by imprisonment, the court may, in addition to any other penalty, declare a vessel or aircraft forfeit to the Commonwealth. Each day that a violation continues shall constitute a separate violation.

(d) Whenever a corporation or other entity is subject to prosecution under subsection (c) 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 that subsection.

(e) 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

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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 2-7, § 16.

Commission Comment: With respect to the reference to the “Director of Commerce and Labor,” 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.