

TITLE 85: DEPARTMENT OF LANDS AND NATURAL RESOURCES

SUBCHAPTER 85-60.3 REGULATIONS TO PLACE A QUARANTINE UPON FRUITS AND VEGETABLES FROM GUAM, THE UNITED STATES AND OTHER COUNTRIES

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§ 85-60.3-101	Quarantine			

Subchapter Authority: PL 1-8 (formerly codified at 1 CMC §§ 2651, et seq.); 1 CMC § 2654; 2 CMC §§ 5301-5310.

Subchapter History: Amdts Adopted 13 Com. Reg. 7705 (May 15, 1991) (repealing the quarantine measure published Mar. 15, 1989 on fruits and vegetable entering Rota and extending such measure); Amdts Proposed 13 Com. Reg. 7658 (Mar. 15, 1991); Adopted 11 Com. Reg. 6060 (Mar. 15, 1989); Emergency and Proposed 11 Com. Reg. 5841 (Jan. 15, 1989) (effective for 120 days from Dec. 14, 1988).

Commission Comment: PL 1-8, tit. 1, ch. 13 (effective Aug. 10, 1978), formerly codified at 1 CMC §§ 2651, et seq., originally created a Department of Natural Resources within the Commonwealth government.

Executive Order 94-3 (effective August 23, 1994) reorganized the Commonwealth government executive branch, changed agency names and official titles and effected numerous other revisions. According to Executive Order 94-3 § 104:

Section 104. Department of Lands and Natural Resources.

The Department of Natural Resources is re-designated the Department of Lands and Natural Resources.

The full text of Executive Order 94-3 is set forth in the commission comment to 1 CMC § 2001.

In 1997, the Legislature passed the “Public Lands and Natural Resources Administration Act of 1997,” PL 10-57 (effective Apr. 18, 1997), codified as amended at 1 CMC §§ 2651-2691. PL 10-57 repealed and reenacted chapter 13, division 2 of title 1 of the Commonwealth Code, 1 CMC §§ 2651, et seq., and statutorily established the Department of Lands and Natural Resources (DLNR) with the structure, duties and responsibilities set forth in the act. See 1 CMC § 2651 and the commission comment thereto.

1 CMC § 2653(j) authorizes DLNR to “promote, develop, and administer agricultural programs, including but not limited to, plant industry, agricultural extension services, and animal industry and health.” 1 CMC § 2654 authorizes the Department of Lands and Natural Resources to adopt rules and regulations in furtherance of its duties and responsibilities.

Title 2, division 5, chapter 3 of the Commonwealth Code specifically addresses quarantine regulations. See 2 CMC §§ 5301-5310. 2 CMC §§ 5302 and 5303 direct the Director of Natural Resources (now the Secretary of Lands and Natural Resources) to issue plant and animal quarantines and regulations and administer their provisions.

Prior to 1989, the Director of Natural Resources issued the following emergency quarantine measures and regulations regarding the shipment of fruits and vegetables from Rota under the authority of PL 1-8 and 2 CMC §§ 5301-5310: Proposed 10 Com. Reg. 5538 (Apr. 15, 1988) (“Regulations Lifting the Quarantine of Fruits and Vegetables from Rota into Saipan and Tinian and Extending Quarantine from Rota, Tinian and Saipan into Northern Islands); Emergency and Proposed 5 Com. Reg. 2123 (May 27, 1983) (effective for

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120 days from April 28, 1983) (“Regulations Establishing a Quarantine for Rota Fruits and Vegetables.”); Emergency and Proposed 5 Com. Reg. 1789 (Feb. 28, 1983) (effective for 120 days from Feb. 1, 1983) (“Regulations to Place a Quarantine upon Fruits and Vegetables from Rota.”); 3 Com. Reg. 1283 (June 30, 1981) (emergency quarantine measure prohibiting shipments of fruits and vegetables from Rota to other areas of the CNMI effective June 26, 1981).

The 1988 proposed regulations provided: “The quarantine measure imposed by regulations issued by the Director on January 28, 1983 (Commonwealth Register Vol. 5 No. 2 dated February 28, 1983 Page 1789) in regard to fruits and vegetable entering Saipan and Tinian from Rota by any means will be repealed effective 30 days from the date of this notice is published in the Commonwealth Register.” 10 Com. Reg. at 5538 (Apr. 15, 1988). Section 4 of the proposed 1988 regulations also stated: “Except as provided herein, the previous regulations regarding the quarantine of fruits and vegetables from the island of Rota into the islands of Saipan and Tinian, published in the Vol. 5, No. 2 of the Commonwealth Register, dated February 28, 1983, are hereby repealed.” 10 Com. Reg. at 5531 (Apr. 15, 1988).

The Director of Natural Resources also issued “Emergency Regulations Establishing a Quarantine for Citrus Fruits from the Federated States of Micronesia, the Republic of Belau and the Republic of the Marshall Islands.” See 6 Com. Reg. 2601 (Mar. 15, 1984) (effective for 120 days from Feb. 23, 1984).

Part 001 - General Provisions

[Reserved.]

Part 100 - Quarantine Established

§ 85-60.3-101 Quarantine

There is hereby established in the Commonwealth of the Northern Mariana Islands a quarantine upon all fruits and vegetables transported by any means from Guam, the United States, and other countries outside of the U.S. soil into the islands of the Commonwealth of the Northern Mariana Islands. No fruits and vegetables that have been present on Guam, the United States and other countries outside of the U.S. soil shall be allowed into the Commonwealth of the Northern Mariana Islands. (See addendum for reference.)

Modified, 1 CMC § 3806(f), (g).

History: Amdts Adopted 13 Com. Reg. 7705 (May 15, 1991) (repealing the quarantine measure published Mar. 15, 1989 on fruits and vegetable entering Rota and extending such measure); Amdts Proposed 13 Com. Reg. 7658 (Mar. 15, 1991); Adopted 11 Com. Reg. 6060 (Mar. 15, 1989); Emergency and Proposed 11 Com. Reg. 5841 (Jan. 15, 1989) (effective for 120 days from Dec. 14, 1988).

Commission Comment: The text of the 1991 repeal and extension of this quarantine measure was not published with the public notice of adoption. The Commission changed this section to reflect the language of the May 1991 notice of adoption.

§ 85-60.3-105 Exceptions

Those fruits or vegetables which are “root crop” shall not be subject to exclusion. “Root crops” consist of plants in which the edible portion is the root, including, but not limited to taro.

Modified, 1 CMC § 3806(f).

History: Adopted 11 Com. Reg. 6060 (Mar. 15, 1989); Emergency and Proposed 11 Com. Reg. 5841 (Jan. 15, 1989) (effective for 120 days from Dec. 14, 1988).

§ 85-60.3-110 Inspection

All plants or parts thereof from Guam, the United States, and other countries outside of the U.S. soil into the islands of the Commonwealth of the Northern Mariana Islands are subject to inspection. All aircrafts and vessels, or their cargoes and passengers, and their baggage are stopped on these mentioned islands.

Modified, 1 CMC § 3806(f), (g).

History: Amdts Adopted 13 Com. Reg. 7705 (May 15, 1991) (repealing the quarantine measure published Mar. 15, 1989 on fruits and vegetable entering Rota and extending such measure); Amdts Proposed 13 Com. Reg. 7658 (Mar. 15, 1991); Adopted 11 Com. Reg. 6060 (Mar. 15, 1989); Emergency and Proposed 11 Com. Reg. 5841 (Jan. 15, 1989) (effective for 120 days from Dec. 14, 1988).

Commission Comment: See the commission comment to § 85-60.3-101.

The Commission changed “baggages” to “baggage” to correct a manifest error.

**Appendix A
Melon Fly Hosts**

The melon fly host list has been separated into lists that indicate those that are preferred hosts and other recorded hosts.

Preferred

Common Name	Scientific Name
Balsam apple	<i>Momordica balsamina</i>
Balsam pear	<i>Momordica charantica</i>
Bottle gourds	<i>Lagenaria vulgaris</i> <i>Lagenaria leucantha</i> <i>Lagenaria siceraria</i>
Canada pumpkin	<i>Cucurbita moschata</i>
Cantaloupe	<i>Cucumis melo</i> and <i>Cucumis melo var. cantalupensis</i>
Chayote	<i>Sechium edule</i>
Chiles, peppers	<i>Capsicum annum</i>
Chinese cucumber (gourd)	<i>Momordica</i> sp.
Chinese melon	<i>Benincasa hispida</i>
Cowpea	<i>Vigna sinensis</i>
Cowpea, sitao	<i>Vigna</i> sp.
Cowpea, yardlong	<i>Vigna sesquipedalis</i>
Cucumber	<i>Cucumis sativus</i>
Dishcloth gourd	<i>Luffa aegyptiaca</i>
Eggplant	<i>Solanum melongena</i> = (<i>Luffa cylindrica</i>)
Fig, common	<i>Ficus carica</i>
Guava, cattley	<i>Psidium cattleianum</i>
Hubbard, squash	<i>Cucurbita maxima</i>

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Hyacinth bean	<i>Dolichos lablab</i>
Lima bean	<i>Phaseolus lunatus = (limensis)</i>
Long melon	<i>Cucumis utillissimus</i>
Mandarin	<i>Citrus reticulate</i>
Mango	<i>Mangifera indica</i>
Melon	<i>Citrullus colocynthis</i>
Orange, king	<i>Citrus nobilis</i>
Orange, sweet	<i>Citrus sinensis</i>
Oriental pickling melon	<i>Cucumis melo var. conomon</i>
Papaya, common	<i>Carica papaya</i>
Peach	<i>Prunus persica</i>
Pumpkin	<i>Cucurbita pepo</i>
Ribbed gourd	<i>Luffa acutangula</i>
Scarlet wisteria tree	<i>Sesbania grandiflora</i>
String bean	<i>Phaseolus vulgaris</i>
Squash melon	<i>Citrullus vulgaris var. fistulosus</i>
Tomato	<i>Lycopersicon esculentum</i>
Tree tomato	<i>Cyphomandra betacaea</i>
Water lemon	<i>Passiflora laurifolia</i>
Watermelon	<i>Citrullus lanatus = (Citrullus vulgaris)</i>

Modified, 1 CMC § 3806(f), (g).

History: Adopted 11 Com. Reg. 6060 (Mar. 15, 1989); Emergency and Proposed 11 Com. Reg. 5841 (Jan. 15, 1989) (effective for 120 days from Dec. 14, 1988).