

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

§ 1636. Enforcement, Remedies, and Penalties.

(a) The division shall develop and keep a log of daily activity relevant to the operation and management of the conservation areas. Upon request by the department, other enforcement agencies, including but not limited to, the Department of Public Safety and the Coastal Resources Management Office shall render the necessary assistance to enforce the provisions of this article.

(b) Any person who knowingly violates any provision of this article or regulations hereunder shall be fined not less than \$500 but not more than \$10,000 and if the violations have caused damages to any portion of the conservation and/or sanctuary properties, additional fines will be imposed based on the division's assessment of the total cost of the damages. Each day that a violation occurs shall constitute a separate violation. Violations of this article or any rule, regulation, or order wherein a monetary penalty is sought shall be adjudicated in an administrative proceeding as provided under the Administrative Procedure Act ([1 CMC § 9101](#) et. seq.).

(c) Any item seized pursuant to enforcement of this article and its regulations shall be held by any person authorized by the division and secured in the division's evidence room pending disposition of civil or criminal proceedings, or the institution of an action *in rem* for the forfeiture of such item, except that after notice and public hearing the department may, in lieu of holding such item, permit the owner, consignee, or other responsible person to post a bond or other surety satisfactory to the department.

(d) In their respective senatorial districts, the director and the resident directors, pursuant to the regulations issued by the secretary, shall have the power to issue any necessary order to enforce any regulation issued under this article. Such order may require that any person violating such regulation or permit condition may be issued a cease and desist from such violation immediately or within a stated period of time, and may require that such person take such mitigating measures as may be necessary to reverse or reduce any significant adverse effects of such violations.

(e) The conservation enforcement officers shall have the direct responsibility for the enforcement of this article acting under the supervision and direction of the director and resident directors.

(f) At the request, transmitted through with the approval of the secretary, provided further that upon review of the division's written report of its investigation of an alleged violation of this article, and the Attorney General has determined that the division has presented sufficient evidence that warrants filing a civil action, the Attorney General shall institute a civil action in the Commonwealth Superior Court for a temporary restraining order, injunction, or other appropriate remedy to enforce any regulation, permit, or order under this article, or collect any penalty assessed under this section.

(g) The conservation enforcement officer is authorized to search any person found within the conservation and sanctuary area and to seize any gear, supplies, or equipment used in commission of violating the regulation, permit, or order under this article. Such gear, supplies, or equipment will be returned pursuant to (c) once the violation is mitigated or addressed.

(h) Any gear, supplies, or equipment may be auctioned by the division to pay any outstanding penalty assessed by the division or the court. If the auction amount collected is greater than the assessed penalty amount, the difference will be returned to the owner of the gear, supplies, or equipment confiscated.

(i) Notwithstanding any laws or regulations to the contrary, all fines or penalties paid shall be deposited to the respective Conservation Area Management Revolving Fund where the violation occurred. The fines and fees shall not be allocated and shall be used exclusively by the respective senatorial district to carry out the intended purpose of this article.

Source: [PL 12-12](#), § 8; amended by [PL 20-44](#) § 4 (Mar. 8, 2018), modified.

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Commission Comment: In the first line of subsection (b) of this section, the word “than” has been added before the figure “\$10,000” pursuant to the Commission’s authority to correct manifest clerical or typographical errors provided by [1 CMC § 3806\(g\)](#).

In codifying [PL 20-44](#), the Commission changed “Act” to “article” throughout the section, and struck “item” and “of this section” in (g) pursuant to [1 CMC § 3806\(d\)](#). The Commission struck “.00” from the numbers “\$500” and “10,000,” struck “as” after “constitute,” struck “or” after “order,” and inserted a period after “([1 CMC § 9101](#) et. seq.)” in (b); added an “ed” to “state,” struck “to” after “person,” added an “s” to “effect” and to “measure” in (d); struck “from” after “confiscated” in (h); added an “s” to “fine” and changed “penalty” to “penalties” in (i) pursuant to [1 CMC § 3806\(g\)](#). The Commission capitalized “attorney general” in (f) and un-capitalized “Senatorial District” in (i) pursuant to [1 CMC § 3806\(f\)](#).