

TITLE 2: NATURAL RESOURCES
DIVISION 5: ANIMALS, PLANTS AND FOOD

§ 5642. Feeding of Sharks.

(a) *Prohibited Acts.* It is unlawful for any person, within the near shore waters of the CNMI to knowingly, or with wanton disregard for the consequences of his act feed in any manner any shark, without first obtaining a permit from the Director of the Division of Fish and Wildlife, or violates any permit or regulation issued pursuant to this section.

(b) *Criminal Penalties.* A person convicted under this section shall be punishable as follows:

(1) First Offense. A person may be punished by imprisonment of not more than six months, or a fine of not more than \$1,000, or both.

(2) Second or Subsequent Offense. A person convicted of a second or subsequent offense may be punished by imprisonment of not more than one year, or a fine of not more than \$3,000, or both.

(3) The commission of each act prohibited by this section with respect to a shark shall constitute a separate violation of this section.

(c) *Civil Penalties.* It shall be unlawful for any person, within the Commonwealth or any place subject to the jurisdiction thereof, to take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or in any manner, any shark, alive or dead, or any part thereof, without being permitted to do so as provided in this section, or violates any permit or regulation issued pursuant to this section, may be assessed a civil penalty by the Director of not more than \$5,000 for each such violation. Each violation shall be a separate offense. No penalty shall be assessed unless such person is given notice and opportunity for a hearing with respect to such violation. Upon any failure to pay the penalty assessed under this subsection, the Director shall request the Attorney General to institute a civil action in a court of the Commonwealth to collect the penalty and such court shall have jurisdiction to hear and decide any such action. In hearing any such action, the court must sustain the Director's action if supported by substantial evidence.

(d) *Application.* Nothing herein shall be construed to apply to any employee of the governments of the United States or the Commonwealth acting within the scope of their employment.

(e) *Feeding Permits.* Whenever, after investigation, the Director of the Division of Fish and Wildlife shall determine that it is compatible with the safety of the people of the Commonwealth to permit the feeding of sharks outside of the near shore waters of the CNMI, he may authorize the feeding of such fishes pursuant to regulations which he is hereby authorized to prescribe; provided, that said fishes may not be fed unless, prior to such taking, a permit to do so is procured from the Director.

(f) *Definitions.* As used in this section only, the following terms have the following definitions:

(1) "Feed" means (A) to place within or near the mouth of a shark anything edible by a shark, including but not limited to fish or meat of any kind, whether alive or dead, whole, chopped or ground; (B) to intentionally put into the ocean blood of any kind with the intent of attracting a shark or sharks; (C) to chum in any manner whatsoever when using SCUBA equipment with the

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knowledge that a shark is in the vicinity or with the intent of attracting a shark or sharks. It does not include fishing with a line and baited hook if the fisher-person is on land or in a boat.

(2) "Near shore waters of the CNMI" means: the waters extending 1000 feet seaward from the high tide line of any point of land within the Commonwealth; the waters 1000 feet from any portion of exposed reef within the jurisdiction of the Commonwealth; and the area commonly known as the Saipan Lagoon, encompassing the area from the reef crest to the shore, from Coral Ocean Point to the northern end of Wing Beach including, but not limited to: Lagunan Chalan Kanoa, Lapnan Garapan and Lagunan Tanapag.

(3) "Person" includes natural persons, associations, partnerships, corporations and any legal entity whatsoever.

(4) "Shark" means an animal commonly known as a shark and includes all animals in the Orders Hexanchiformes, Pristiophoriformes, Squatiniformes, Heterodontiformes, Orectolobiformes, Lamniformes, and Carcharhiniformes.

Source: PL 15-124, § 2(5642), modified.