

House Clerk Jile

P.L. 8-19

Commonwealth of the Northern Mariana Islands

Office of the Governor

Capitol Hill, Saipan MP/USA 96950



U.S.

22 APR 1993

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"The Honorable Thomas P. Villagomez
Speaker, House of Representatives
Eighth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

GOV. COMM.
(HOUSE)

8-212

and

The Honorable Juan S. Demapan
Senate President
Eighth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Dear Mr. Speaker and Mr. President:

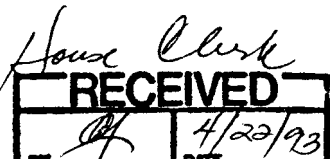
This is to inform you that I have approved House Bill No. 8-157, S.D.1, authorizing the Chief of Fish and Wildlife to give confiscated fish, game or other endangered species to the Aging Program Administrator for the consumption for the elderlies.

Although I have signed this bill into law, before it is implemented, the Chief of the Division of Fish and Wildlife and the Resident Directors on Tinian and Rota should implement sufficient procedures to ensure that the donated food items are inspected or tested prior to donation. In addition they should also accompany every donation with a clear warning notice advising the Aging Program what procedures were used to inspect the foodstuff prior to its delivery to the Aging Program.

Further, the Aging Program Administrator must be required to also inspect the foodstuff to the best of his ability, and sign a waiver of liability prior to receiving the donated food items. These procedures should be in place for the protection of the elderlies, the Chief of the Division of Fish and Wildlife, and the Resident Directors on Rota and Tinian.

Section 2 of the bill authorizes the Chief to give all fish, game or other endangered species confiscated to the Aging Program Administrator for the consumption of the elderlies; provided, **"such items are safe for human consumption"**. The bill, however, does not specify the methods acceptable for inspecting and testing of goods. Further, it contains no provision protecting the Chief of the Division of Fish and Wildlife from any liability in case of unintentional or accidental donations of items which are unsafe for consumption. Even if the Chief had the means to inspect or test the food items, there is always a possibility of accidentally donating items that are unsafe for consumption.

While the bill gives discretion to the Chief to donate only those items that are "safe for human consumption", it provides that Resident Directors **shall** make such fish, game, etc. available to the elderlies in Rota and Tinian regardless of its safety for human consumption. I am sure this is not the intent of the Legislature, however, it would be best to insure that



the Resident Directors in Rota and Tinian also exercise discretion when giving confiscated food items to the Aging Programs on the two islands.

This bill becomes Public Law No. **8-19**. Copies bearing my signature are forwarded for your ready reference.

Sincerely,


LORENZO I. DE LEON GUERRERO
Governor

CC: Director, Department of Natural Resources
Director, Community and Cultural **Affairs**
Resident Director, Dept. Natural Resources, Rota
Resident Director, Dept. Natural Resources, Tinian

HOUSE OF REPRESENTATIVES
EIGHTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
FOURTH REGULAR SESSION, 1993

PUBLIC LAW NO. 8-19

HOUSE BILL NO. 8-157, S.D.1

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AN ACT

To amend 2 CMC, Division **5**, Section 5109(f)(1) by authorizing the Chief of the Division of Fish and Wildlife to give the Division of Aging, Department of Community and Cultural Affairs for the consumption of the elderly; and for other purposes.

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Prefiled on: October 13, 1992

Offered by Representatives: Jesus P. Mafnas, Herman T. Guerrero,
Francisco A. Flores, Mametto U. Maratita and Herman T. Palacios

Date: November 9, 1992

HOUSE ACTION

First and Final Reading: November 10, 1992

Final Reading: March 10, 1993

SENATE ACTION

Second and Final Reading: January 27, 1993


Evelyn C. Fleming
House Clerk

EIGHTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

H.B. NO. 8-157, S.D.1

THIRD REGULAR SESSION, 1992

AN ACT

To amend 2 CMC, Division 5, Section 5109(f)(1) by authorizing the Chief of the Division of Fish and Wildlife to give the Division of Aging, Department of Community and Cultural Affairs for the consumption of the elderly; and for other purposes.

BE IT ENACTED BY THE EIGHTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1 Section 1. Purpose. The purpose of this amendment is to authorize the Chief of
2 the Division of Fish and Wildlife to give the Aging Program Administrator all fish, fruit
3 bats, coconut crabs, trochus and turtle meat, birds, etc., caught contrary to the
4 conservation laws and regulations and confiscated, for consumption for our elderly. These
5 are cultural foods. Who else will better appreciate our cultural foods other than our
6 elders. To dispose of these foods by burning them is an insult to the Chamorro and
7 Carolinian cultures.

8 Section 2. Amendment. 2 CMC, Division 5, Section 5109(f)(1) is amended as
9 follows:


10 "All fish, game, or threatened or endangered species, or part thereof, or any
11 item made of any threatened or endangered species in whole or in part, taken,
12 possessed, sold, purchased, offered for sale or purchase transported, delivered,

1 received, carried, shipped, exported or imported in violation of any provision of this
2 Chapter, any regulation or order issued under this Chapter, or any term of any
3 license or permit issued pursuant to this Chapter, shall be subject to forfeiture to
4 the Commonwealth. The Chief is authorized to give the Aging Program
5 Administrator all fish, game or threatened or endangered species seized or
6 confiscated for consumption by the elderly, provided, such items are safe for human
7 consumption. Provided, however, that the Resident Director of the Resident
8 Department of Natural Resources in the First Senatorial District shall make such
9 fish, game or threatened or endangered species seized or confiscated within the
10 First Senatorial District available to the Resident Aging Program Administrator in
11 the First Senatorial District. Likewise, the Resident Director of the Resident
12 Department of Natural Resources in the Second Senatorial District shall make such
13 fish, game or threatened or endangered species seized or confiscated within the
14 Second Senatorial District available to the Resident Aging Program Administrator
15 in the Second Senatorial District."

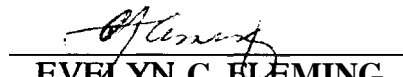
16 Section 3. Severability. If any portion of this Act is declared invalid by a court of
17 competent jurisdiction, the remaining portion shall not be affected by such holding.

1 Section 4. Effective Date. This Act shall take effect upon its approval by the
2 Governor or upon its becoming law without such approval.


CERTIFIED BY:


THOMAS P. VILLAGOMEZ
Speaker of the House

ATTESTED BY:


EVELYN C. FLEMING
House Clerk

APPROVED on this 22nd day of April, 1993


LORENZO I. DE LEON GUERRERO
Governor
Commonwealth of the Northern Mariana Islands