

I Mina'trentai Singko Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
53-35 (COR)	Sabina Flores Perez Clynton E. Ridgell Tina Rose Muña Barnes	AN ACT TO ADD A NEW § 63101(dd) TO CHAPTER 63 OF TITLE 5, AND TO ADD A NEW § 63116.3 TO CHAPTER 63 OF TITLE 5, AND TO AMEND § 63129 OF CHAPTER 63, ALL OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE PROHIBITION OF FISHING WITH THE USE OF A SELF-CONTAINED UNDERWATER BREATHING APPARATUS (SCUBA) AND SIMILAR DEVICES IN THE WATERS OF GUAM OR IN ANY VESSEL IN THE WATERS OF GUAM.	2/22/19 1:32 p.m.						

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

Bill No. **53-35(COP)**

Introduced by:

Sabina Flores Perez **SFP**
Clynton E. Ridgell
Tina Rose Muña Barnes

AN ACT TO ADD A NEW § 63101(dd) TO CHAPTER 63 OF TITLE 5, AND TO ADD A NEW § 63116.3 TO CHAPTER 63 OF TITLE 5, AND TO AMEND § 63129 OF CHAPTER 63, ALL OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE PROHIBITION OF FISHING WITH THE USE OF A SELF-CONTAINED UNDERWATER BREATHING APPARATUS (SCUBA) AND SIMILAR DEVICES IN THE WATERS OF GUAM OR IN ANY VESSEL IN THE WATERS OF GUAM.

2019 FEB 22 PM 1:32

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
3 considers it the duty of the Government of Guam to protect and preserve our island's
4 limited natural resources. Despite the establishment of marine preserves, Guam's
5 stock of certain species of fish is still declining at an alarming rate.

6 *I Liheslaturan Guåhan* finds that the Guam Department of Agriculture's
7 Division of Aquatic and Wildlife Resources in 2009 recognized SCUBA fishing as
8 a "serious threat to all reef fish stocks." These results suggest that SCUBA fishing
9 impacts reef fish populations and that the restriction of this fishing method will
10 ensure refuge for fish populations in deeper waters.

11 *I Liheslaturan Guåhan* intends to join 63 other countries/states/islands to ban
12 SCUBA fishing to preserve or aid the recovery of large, economically and culturally
13 important coral reef species and to improve the sustainability of coral reef fisheries.

1 **Section 2.** A new item (dd) is hereby *added* to § 63101 of Chapter 63, Title
2 5, Guam Code Annotated to read:

3 “(dd) Scuba Diving – is defined as a form of underwater diving in which a
4 diver uses any apparatus or device that contains compressed air or a mixture of air
5 and gas including but not limited to SCUBA (self-contained underwater breathing
6 apparatus), Nitrox, and surface supplied air and rebreathers.”

7 **Section 3.** A new § 63116.3 is hereby *added* to Chapter 63 of Title 5, Guam
8 Code Annotated to read:

9 “§ 63116.3. Fishing with SCUBA devices.

10 (a) It is unlawful to take any fish with a spear or any other
11 device used for the purpose of taking fish while Scuba Diving, as
12 defined in subsection §63101(dd) of this Chapter.”

13 (b) Enforcement. Any person empowered to enforce this
14 section and any rule or regulation adopted pursuant thereto shall have
15 the authority to stop and board any vessel subject to this section for the
16 purpose of inspection or to determine compliance with this section or
17 any such rule or regulation, and is empowered to issue a summons for
18 appearance in court, or before a magistrate for all violations of this
19 section, or of the rules and regulations prescribed thereunder.”

20 **Section 4.** § 63129 of Chapter 63 of Title 5, Guam Code Annotated is
21 hereby *amended* to read:

22 “§ 63129. Penalty.

23 Any person violating § 63104, § 63105, § 63106, § 63107, ~~or~~ §63108,
24 or §63116.3 of this Article is guilty of a felony punishable by imprisonment
25 of not more than five (5) years, or by a fine of not less than One Thousand
26 Dollars (\$1000), nor more than Five Thousand Dollars (\$5,000), or both. Any
27 person violating § 63606.1 or § 63606.2 of this Chapter shall be guilty of a
28 felony, and upon conviction thereof may be imprisoned for not more than five

1 (5) years, or fined not more than One Hundred Thousand Dollars (\$100,000),
2 or both. A violation of any other provision of this Article or its supporting
3 regulations shall be guilty of a misdemeanor, and upon conviction thereof,
4 shall be punishable by a fine of not less than Two Hundred Dollars (\$200),
5 nor more than Five Hundred Dollars (\$500), or by imprisonment of not more
6 than ninety (90) days, or by both fine and imprisonment. In addition, all
7 pelagic drift nets or their components, equipment for their manufacture,
8 containers for such nets, fish or fish products gathered through the use of a
9 pelagic drift net, and all conveyances including aircraft, vehicles and vessels
10 used for their transport shall be subject to forfeiture, and may be seized by the
11 Governor under process issued by the Superior Court, except that such seizure
12 without such process may be made when the seizure is incidental to an arrest
13 or a search pursuant to a search warrant, or as provided by §63128 of this
14 Article.”

15 **Section 5. Authorization for the Compiler of Laws to Alphabetize and**
16 **Renumber Sections as Necessary.** The Compiler of Laws *may* alphabetize, reorder
17 and renumber any provisions of this Act as needed to improve clarity or avoid
18 conflicts with other sections of public law.

19 **Section 6. Severability.** If any provision of this Act or its application to
20 any person or circumstance is found to be invalid or contrary to law, such invalidity
21 *shall not* affect other provisions or applications of this Act that can be given effect
22 without the invalid provision or application, and to this end the provisions of this
23 Act are severable.