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A BILL FOR AN ACT

To amend title 23 of the Code of the Federated States of Micronesia by amending sections 301, 302, 303, 304, 305, 307, 308, 310, 311, 313, 314, 315 and 316 which contain obsolete references to the Trust Territory and a Trust Territory official, and for other purposes.

BE IT ENACTED BY THE CONGRESS OF THE FEDERATED STATES OF MICRONESIA:

1 Section 1. Section 301 of title 23 of the Code of the Federated
2 States of Micronesia is hereby amended to read as follows:

3 "Section 301. Short title. This chapter is known and may
4 be cited as the '~~Trust Territory~~ Federated States of Micro-
5 nesia Endangered Species Act ~~of 1978.~~'"

6 Section 2. Section 302 of title 23 of the Code of the Federated
7 States of Micronesia is hereby amended to read as follows:

8 "Section 302. Findings. The Congress ~~of Micronesia~~ has
9 determined that certain species of plants and animals are
10 threatened with or in danger of becoming extinct in the
11 ~~Trust Territory~~ Federated States of Micronesia."

12 Section 3. Section 303 of title 23 of the Code of the Federated
13 States of Micronesia is hereby amended to read as follows:

14 "Section 303. Policy. The indigenous plants and animals of
15 the ~~Trust Territory~~ Federated States of Micronesia are of
16 esthetic, ecological, historical, recreational, scientific,
17 and economic value and it is the policy of the Government
18 of the ~~Trust Territory~~ Federated States of Micronesia to
19 foster the well-being of these plants and animals by what-
20 ever means necessary to prevent the extinction of any
21 species or subspecies from our islands or the water
22 surrounding them."

23 Section 4. Section 304 of title 23 of the Code of the Federated
24 States of Micronesia is hereby amended to read as follows:

25 "Section 304. Administration of chapter. The provisions

1 of the chapter will be administered by the ~~Director~~
2 Secretary of the Department of Resources and Development
3 through the office of the chief conservationist within his
4 department. This administration of the chapter will include
5 the authority to set up conservation programs aimed at con-
6 serving endangered and threatened species, including re-
7 search programs to adequately define which species are in
8 fact endangered or threatened, and including, when neces-
9 sary, the acquisition of land or aquatic habitat or interest
10 therein for the conservation of resident endangered or
11 threatened species."

12 Section 5. Section 305 of title 23 of the Code of the Federated
13 States of Micronesia is hereby amended to read as follows:

14 "Section 305. Definitions. As used in this chapter, unless
15 the context otherwise requires:

16 (1) 'Animal' means any species of organism in the
17 animal kingdom including, but not restricted to, mammals,
18 birds, reptiles, amphibians, fish, clams, crustaceans, and
19 corals.

20 (2) 'Commercial activity' means all activities of
21 industry and trade including, but not limited to, buying or
22 selling of commodities, and activities conducted for the
23 purpose of facilitating such buying or selling.

24 (3) '~~Director~~ Secretary,' when used alone, means
25 the ~~Director~~ Secretary of the Department of Resources and

1 Development of the ~~Trust Territory~~ Federated States of
2 Micronesia.

3 (4) 'Endangered species' means any species which is
4 in danger of extinction throughout all or a significant
5 portion of its range.

6 (5) 'Export' means to remove from any land or water
7 area under the jurisdiction of the ~~Trust Territory~~ Feder-
8 ated States of Micronesia to any other place in the world.

9 (6) 'Import' means to land on, bring into, or attempt
10 to land on, bring into, or introduce into any place subject
11 to the jurisdiction of the ~~Trust Territory~~ Federated States
12 of Micronesia.

13 (7) 'Or parts thereof' means, in the case of animals
14 and fish, hide, hair, bone, skeleton, teeth, feathers, skin,
15 scales, tissues, or internal organs. In the case of plants,
16 the term means any root, leaf, stem, trunk, bark, fiber,
17 seed, fruit, flower, tissue, or extract.

18 (8) 'Person' means any individual, corporation, part-
19 nership, trust, association, or any other private entity, or
20 any officer, employee, agent, department, or instrumentality
21 of the Government of the ~~Trust Territory~~ Federated States of
22 Micronesia, or of any ~~Trust Territory District or Municip-~~
23 ~~ality~~ State in the Federated States of Micronesia.

24 (9) 'Plant' means any species of organism in the
25 plant kingdom including, but not restricted to, trees,

1 shrubs, flowers, grasses, algae, and fungi.

2 (10) 'Possession' means the personal holding of any
3 endangered or threatened species of plant or animal or parts
4 thereof by any person, or possession of that species on his
5 or her property, land, vehicle, home, place of business, or
6 place of work.

7 (11) 'Species' means any species or subspecies of
8 scientifically described plant or animal.

9 (12) 'Take' means to harass, harm, pursue, hunt,
10 shoot, wound, kill, trap, capture, or collect, or to attempt
11 to engage in any such activity.

12 (13) 'Threatened species' means any species which is
13 likely to become an endangered species within the fore-
14 seeable future throughout all or a significant portion of
15 its range.

16 ~~(14) 'Threatened species' means the threat to the~~
17 ~~the Pacific Islands."~~

18 Section 6. Section 307 of title 23 of the Code of the Federated
19 States of Micronesia is hereby amended to read as follows:

20 "Section 307. Exception - Scientific uses. This chapter
21 shall not apply to the taking, possession of, or export of
22 species of endangered or threatened plants and animals or
23 parts thereof for ~~scientific~~ scientific purposes, providing
24 the person or persons involved apply for and are issued a
25 permit for such activity by the ~~director~~ Secretary of the

1 Department of Resources and Development in accordance with
2 regulations governing the issuance of such permits."

3 Section 7. Section 308 of title 23 of the Code of the Federated
4 States of Micronesia is hereby amended to read as follows:

5 "Section 308. Exception - Public nuisances; Public safety.

6 This chapter shall not apply to any species of endangered
7 or threatened plant or animal if that plant or animal
8 becomes a public nuisance or public safety factor,
9 providing that any remedial action be taken only by the
10 ~~that~~ ~~that~~ Government of the Federated States of
11 Micronesia and in accordance with regulations issued in
12 accordance with this chapter for this purpose."

13 Section 8. Section 310 of title 23 of the Code of the Federated
14 States of Micronesia is hereby amended to read as follows:

15 "Section 310. Exception - Subsistence uses. This chapter
16 shall not apply in those cases where the ~~Director~~ Secretary
17 has determined that the taking from certain islands of
18 certain species of endangered or threatened plants or
19 animals for subsistence food or for old traditional uses
20 does not further endanger the species involved; provided,
21 that the species or parts thereof involved are not sub-
22 jected to commercial activity nor exported; and further
23 provided, that this exception will only apply to the bona
24 fide indigenous inhabitants of the islands excepted by the
25 ~~Director~~ Secretary."

1 Section 9. Section 311 of title 23 of the Code of the Federated
2 States of Micronesia is hereby amended to read as follows:

3 "Section 311. Exception - Innocent possession. This
4 chapter shall not apply to any person in innocent possession
5 of any species of endangered or threatened plant or animal
6 or parts thereof, except that such plants or animals or
7 parts thereof will be confiscated by the ~~Trust Territory~~
8 Federated States of Micronesia and disposed of in accordance
9 with regulations issued under this chapter."

10 Section 10. Section 313 of title 23 of the Code of the Federated
11 States of Micronesia is hereby amended to read as follows:

12 "Section 313. Regulations. The ~~Director of Resources and~~
13 ~~Development~~ Secretary shall issue regulations, subject to
14 the approval of the ~~High Commissioner~~ President of the
15 Federated States of Micronesia, applying to this chapter
16 and including a listing of the species of endangered and
17 threatened plants and animals of the ~~Trust Territory~~ Feder-
18 ated States of Micronesia. These regulations shall have the
19 force and effect of law."

20 Section 11. Section 314 of title 23 of the Code of the Federated
21 States of Micronesia is hereby amended to read as follows:

22 "Section 314. Importation of endangered species. In an-
23 ticipation of international cooperation and reciprocation,
24 it is prohibited to import into the ~~Trust Territory~~ Feder-
25 ated States of Micronesia any species of endangered or

1 threatened plant or animal or parts thereof which is listed
2 by the convention on international trade in endangered
3 species of wild fauna and flora. This list may be a part of
4 the regulations applying to this chapter."

5 Section 12. Section 315 of title 23 of the Code of the Federated
6 States of Micronesia is hereby amended to read as follows:

7 "Section 315. Importation of exotic plants and animals.
8 Since exotic plants and animals not already established in
9 the ~~Trust Territory~~ Federated States of Micronesia can cause
10 ecological upsets, compete with, prey upon, and introduce
11 serious or devastating diseases which could further endanger
12 our indigenous plants and animals or drive them to extinc-
13 tion, it is prohibited to import such exotic plants and
14 animals or parts thereof into the ~~Trust Territory~~ Federated
15 States of Micronesia except under permit by the ~~Director~~
16 Secretary as defined in the regulations authorized by this
17 chapter, except that beneficial insects and biological
18 control microorganisms may be imported in accordance with
19 the ~~Trust Territory~~ Federated States of Micronesia plant and
20 animal quarantine laws."

21 Section 13. Section 316 of title 23 of the Code of the Federated
22 States of Micronesia is hereby amended to read as follows:

23 "Section 316. Confiscation of plants, equipment, etc., for
24 violations. Any endangered species of plant or animal or
25 parts thereof, held by any person in contravention of any of

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C.B. No. 6-177

1 the other sections of this chapter, may be confiscated by
2 the ~~Trust Territory~~ Government of the Federated States of
3 Micronesia and disposed of in accordance with the regula-
4 tions applying to this chapter, and further, any gun,
5 weapon, spear, knife, trap, net, fishing gear, boat, engine,
6 or vehicle used for the purpose of violating any of the pro-
7 visions or regulations of this chapter may be confiscated
8 and disposed of by the ~~Trust Territory~~ Government of the
9 Federated States of Micronesia in accordance with the regu-
10 lations applying to this chapter."

11 Section 14. This act shall become law upon approval by the
12 President of the Federated States of Micronesia or upon its becoming
13 law without such approval.

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15 Date: 1/25/90

Introduced by: Redley Killion
Redley Killion

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