A BILL FOR AN ACT

To further amend sections 503, 913 and 914 of title 24 of the Code of the Federated States of Micronesia (Annotated), as amended by Public Laws Nos. 18-108 and 19-12, to allow the disposal at sea of by-catch after recording the by-catch in a daily catch report form, to allow alternate methods of reporting and disposal of sharks, to clarify the standards of criminal and civil penalties, and to allow for clarification of the penalty provision, and for other purposes."

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

Section 1. Section 503 of title 24 of the Code of the Federated States of Micronesia, as amended by Public Law No. 18-108, is hereby further amended to read as follows:

"Section 503. [Compulsory landing] Disposal of by-catch by fishing vessels.

(1) By-catch caught by a fishing vessel, either by purse seine or longline vessels, may either be landed at a transshipment port in the Federated States of Micronesia in accordance with any regulation promulgated pursuant to this act or recorded in the daily catch report form for the vessel and discard. If the sharks are caught alive they are to be released.

(2) It shall be unlawful for fishing vessels to retain, discard or otherwise dispose of by-catch in contravention of this section.
(3) Any person who commits an act in violation of this section shall be subject to a civil penalty of not less than $100,000 and not more than $500,000.

(4) Any by-catch pursuant to this title may be disposed of in such manner as prescribed by regulation.”

Section 2. Section 913 of title 24 of the Code of the Federated States of Micronesia (Annotated), as amended by Public Laws Nos. 18-108 and 19-12, is hereby further amended to read as follows:

“Section 913. Possession, handling and sale of fish, shark, or shark fin, unlawfully taken.

(1) No person shall knowingly and intentionally capture ship, transport, offer for sale sell, purchase, import, export or have custody, control or possession of any fish taken or retained in contravention of this subtitle or any access agreement, permit or applicable law, except as defined in this section.

(2) It shall be unlawful to remove shark fins from sharks on board fishing vessels, and to retain on board, transship or land sharks or shark fins, subject to subsections (4) and (6).

(3) It shall be unlawful for fishing vessels to possess wire leaders, steel trace, or wire trace.”

(4) All sharks caught by a fishing vessel shall be either: (a) if still alive, immediately released back
into the ocean. Fishing vessels must ensure that sharks are released whole, and that sharks are not unnecessarily harmed during the release process; or (b) if dead, may be landed at a transshipment port in the Federated States of Micronesia, or recorded in the daily catch report form for the vessel and disarded. Fishing vessels must ensure that sharks are landed whole with all shark fins attached to the carcass. Any sharks caught as by-catch should be handled in the above manner[,] PROVIDED THAT the application of subsection 913(4)(b) to Purse Seine vessels shall commence on October 31, 2015].

(5) It shall be unlawful to purchase, offer for sale or sell sharks or shark parts, including shark fins which have been removed on board a vessel, transshipped or landed in contravention of this section.

(6) Any person who holds a license or permit from the Authority to conduct scientific research on sharks and carries out activities in accordance with that license or permit shall not be held in contravention of this section.”

(7) Any person who intentionally and knowingly commits an act in violation of this section shall be subject to a civil penalty of not less than $50,000 and not more than $250,000.
(8) It shall be a rebuttable presumption that any sharks caught or shark fins possessed by a fishing vessel fishing in the EEZ of the Federated States of Micronesia, originated from the EEZ of the Federated States of Micronesia.

(9) All shark or shark fins seized and forfeited shall be destroyed by incineration.”

Section 3. Section 914 of title 24 of the Code of the Federated States of Micronesia (Annotated), as amended by Public Laws Nos. 18-108 and 19-21, is hereby further amended to read as follows:

“Section 914. Destruction of evidence

(1) No person shall destroy, dispose of, conceal, tamper with or abandon any fish, shark, shark fin, fish product, fishing gear, net or other fish appliance, record, document, electric shock device, explosive, poison or other noxious substance, or any other thing with intent to avoid seizure or the detection of an offense against this subtitle, except for those actions allowed in this subtitle.

(2) Any person who commits an act in violation of this section is subject to a civil penalty of not less than $100,000 and not more than $500,000.”
Section 4. This act shall become law upon approval by the President of the Federated States of Micronesia or upon its becoming law without such approval.

Date: 10/01/15

Introduced by: /s/ Florencio S. Harper

Florencio S. Harper
(by request)