
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:

1 Section 1. Section 503 of title 24 of the Code of the
2 Federated States of Micronesia, as amended by Public Law No.
3 18-108, is hereby further amended to read as follows:

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

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

13 (2) It shall be unlawful for fishing vessels to
14 retain, discard or otherwise dispose of by-catch in
15 contravention of this section.

1 (3) Any person who commits an act in violation of
2 this section shall be subject to a civil penalty of not
3 less than \$100,000 and not more than \$500,000.

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

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

10 "Section 913. Possession, handling and sale of fish,
11 shark, or shark fin, unlawfully taken.

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

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

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

24 (4) All sharks caught by a fishing vessel shall be
25 either: (a) if still alive, immediately released back

1 into the ocean. Fishing vessels must ensure that sharks
2 are released whole, and that sharks are not
3 unnecessarily harmed during the release process; or (b)
4 if dead, may be landed at a transshipment port in the
5 Federated States of Micronesia, or recorded in the daily
6 catch report form for the vessel and discarded. Fishing
7 vessels must ensure that sharks are landed whole with
8 all shark fins attached to the carcass. Any sharks
9 caught as by-catch should be handled in the above
10 manner~~[, PROVIDED THAT the application of subsection~~
11 ~~913(4)(b) to Purse Seine vessels shall commence on~~
12 ~~October 31, 2015]~~.

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

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

22 (7) Any person who intentionally and knowingly
23 commits an act in violation of this section shall be
24 subject to a civil penalty of not less than \$50,000 and
25 not more than \$250,000.

1 (8) It shall be a rebuttable presumption that any
2 sharks caught or shark fins possessed by a fishing
3 vessel fishing in the EEZ of the Federated States of
4 Micronesia, originated from the EEZ of the Federated
5 States of Micronesia.

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

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

12 "Section 914. Destruction of evidence

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

21 (2) Any person who commits an act in violation of
22 this section is subject to a civil penalty of not less
23 than \$100,000 and not more than \$500,000."

1 Section 4. This act shall become law upon approval by the
2 President of the Federated States of Micronesia or upon its becoming
3 law without such approval.

4

5 Date: 10/01/15 Introduced by: /s/ Florencio S. Harper
6 Florencio S. Harper
7 (by request)

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25