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SIXTH CONGRESS OF THE FEDERATED STATES OF MICRONESIA

SECOND SPECIAL SESSION, 1990

C.B. No. 6-170

A BILL FOR AN ACT

To amend title 22 of the Code of the Federated States of Micronesia by amending sections 501, 502, 503, 504, 505, 507, 508, 512, 513, 521, 522, 528, 530, 531, 532, 537, 539, 542, 543, 544, and 546 which contain obsolete references to the Trust Territory and the High Court of the Trust Territory, and for other purposes.

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

1 Section 1. Section 501 of title 22 of the Code of the Federated
2 States of Micronesia is hereby amended to read as follows:

3 "Section 501. Short title. This chapter shall be
4 designated as the '~~Trust Territory~~ Federated States of
5 Micronesia Export Meat Inspection Act.'"

6 Section 2. Section 502 of title 22 of the Code of the Federated
7 States of Micronesia is hereby amended to read as follows:

8 "Section 502. Definitions. As used in this chapter, except
9 as otherwise specified, the following terms shall have the
10 meanings stated below:

11 (1) 'Adulterated' shall apply to any carcass, part
12 thereof, meat, or meat food product under one or more of
13 the following circumstances:

14 (a) if it bears or contains any poisonous or
15 deleterious substance which may render it injurious to
16 health; but, in case the substance is not an added
17 substance, such article shall not be considered adulterated
18 under this clause if the quantity of such substance in or
19 on such article does not ordinarily render it injurious to
20 health;

21 (b) (i) if it bears or contains (by reason of
22 administration of any substance to the live animal or
23 otherwise) any added poisonous or added deleterious
24 substance (other than one which is a pesticide chemical
25 in or on a raw agricultural commodity, a food additive, a

1 color additive, or antibiotic or other medication) which
2 may, in the judgment of the chief of agriculture make such
3 article unfit for human food;

4 (ii) if it is, in whole or in part, a raw
5 agricultural commodity, and such commodity bears or contains
6 a pesticide chemical which is unsafe as defined by the
7 chief of agriculture;

8 (iii) if it bears or contains any food
9 additive which is unsafe as defined by the chief of
10 agriculture;

11 (iv) if it bears or contains any color
12 additive which is unsafe as defined by the chief of
13 agriculture; provided, that an article which is not
14 adulterated under clauses (ii), (iii) or this clause shall
15 nevertheless be deemed adulterated if use of the pesticide
16 chemical, food additive, color additive, or antibiotic in
17 or on such article is prohibited by regulations of the chief
18 of agriculture in establishments at which inspection is
19 maintained under this chapter;

20 (c) if it consists in whole or in part of any
21 filthy, putrid, or decomposed substance or is for any other
22 reason unsound, unhealthful, unwholesome, or otherwise
23 unfit for human food;

24 (d) if it has been prepared, packed, or held
25 under unsanitary conditions whereby it may have become

1 contaminated with filth, or whereby it may have been
2 rendered injurious to health;

3 (e) if it is, in whole or in part, the product of
4 an animal which has died otherwise than by slaughter;

5 (f) if its container is composed, in whole or in
6 part, of any poisonous or deleterious substance which may
7 render the contents injurious to health;

8 (g) if it has been intentionally subjected to
9 radiation, unless the use of the radiation was in conformity
10 with a regulation or exemption in effect pursuant to regula-
11 tions issued by the chief of agriculture;

12 (h) if any valuable constituent has been in whole
13 or in part omitted or abstracted therefrom; or if any sub-
14 stance has been substituted, wholly or in part therefor; or
15 if damage or inferiority has been concealed in any manner;
16 or if any substance has been added thereto or mixed or
17 packed therewith so as to increase its bulk or weight, or
18 reduce its quality or strength, or make it appear better or
19 of greater value than it is; or

20 (i) if it is margarine containing animal fat and
21 any of the raw material used therein consisting in whole or
22 in part of filthy, putrid, or decomposed substance.

23 (2) 'Animal-food manufacturer' means any person, firm,
24 or corporation engaged in the business of manufacturing or
25 processing animal food derived wholly or in part from

1 carcasses, or parts or products of the carcasses, of cattle,
2 sheep, swine, or goats.

3 (3) 'Capable of use as human food' shall apply to any
4 carcass, or part or product of a carcass, of any animal,
5 unless it is denatured or otherwise identified as required
6 by regulations prescribed by the chief of agriculture to
7 deter its use as human food, or it is naturally inedible by
8 humans.

9 (4) 'Chief of agriculture' means the chief of agri-
10 culture or his designated representative.

11 (5) 'Export' means commerce from the ~~Trust Territory~~
12 Federated States of Micronesia to any foreign country or the
13 United States, its territories, and possessions.

14 (6) 'Firm' means any partnership, association, or
15 other unincorporated business organization.

16 (7) 'Label' means a display of written, printed, or
17 graphic matter upon the immediate container (not including
18 package liners) of any article.

19 (8) 'Labeling' means all labels and other written,
20 printed, or graphic matter

21 (a) upon any article or any of its containers or
22 wrappers; or

23 (b) accompanying such article.

24 (9) 'Meat broker' means any person, firm, or
25 corporation engaged in the business of buying or selling

1 carcasses, parts of carcasses, meat, or meat food products
2 of cattle, sheep, swine, or goats, on commission, or
3 otherwise negotiating purchases or sales of such articles
4 other than for his own account or as an employee of another
5 person, firm, or corporation.

6 (10) 'Meat food product' means any product capable of
7 use as human food which is made wholly or in part from any
8 meat or other portion of the carcass of any cattle, sheep,
9 swine, or goats, excepting products which contain meat or
10 other portions of such carcasses only in a relatively small
11 proportion or historically have not been considered by
12 consumers as products of the meat food industry, and which
13 are exempted from definition as a meat food product by the
14 chief of agriculture under such conditions as he may pre-
15 scribe to assure that the meat or other portions of such
16 carcasses contained in such product are not adulterated and
17 that such products are not represented as meat food
18 products.

19 (11) 'Misbranded' shall apply to any carcass, part
20 thereof, meat, or meat food product under one or more of
21 the following circumstances:

22 (a) if its labeling is false or misleading in any
23 particular;

24 (b) if it is offered for sale under the name of
25 another food;

1 (c) if it is an imitation of another food, unless
2 its label bears, in type of uniform size and prominence, the
3 word 'imitation' and immediately thereafter, the name of the
4 food imitated;

5 (d) if its container is so made, formed, or
6 filled as to be misleading;

7 (e) if in a package or other container unless it
8 bears a label showing

9 (i) the name and place of business of the
10 manufacturer, packer, or distributor; and

11 (ii) an accurate statement of the quantity of
12 the contents in terms of weight, measure, or numerical
13 count; provided, that under clause (ii) of this paragraph,
14 reasonable variations may be permitted, and exemptions as
15 to small packages may be established, by regulations
16 prescribed by the chief of agriculture.

17 (f) if any word, statement, or other information
18 required by or under authority of this chapter to appear on
19 the label or other labeling is not prominently placed
20 thereon with such conspicuousness (as compared with other
21 words, statements, designs, or devices, in the labeling) and
22 in such terms as to render it likely to be used and under-
23 stood by the ordinary individual under customary conditions
24 of purchase and use;

25 (g) if it purports to be or is represented as a

1 food for which a definition and standard of identity or
2 composition has been prescribed by regulations of the chief
3 of agriculture under sections 508 through 512 of this
4 chapter unless

5 (i) it conforms to such definition and
6 standard; and

7 (ii) its label bears the name of the food
8 specified in the definition and standard and, insofar as
9 may be required by such regulations, the common names of
10 optional ingredients (other than spices, flavoring, and
11 coloring) present in such food;

12 (h) if it purports to be or is represented as a
13 food for which a standard or standards of fill of container
14 have been prescribed by regulations of the chief of agricul-
15 ture under paragraph (g) of this subsection, and it falls
16 below the standard of fill of container applicable thereto,
17 unless its label bears, in such manner and form as such reg-
18 ulations specify, a statement that it falls below such
19 standard;

20 (i) if it is not subject to the provisions of
21 paragraph (g) of this subsection, unless its label bears

22 (i) the common or usual name of the food,
23 if any there be; and

24 (ii) in case it is fabricated from two or
25 more ingredients, the common or usual name of each such

1 ingredient; except that spices, flavorings, and colorings
2 may, when authorized by the chief of agriculture, be
3 designated as spices, flavorings, and colorings without
4 naming each; provided, that, to the extent that compliance
5 with the requirements of clause (ii) of this subsection is
6 impracticable, or results in deception or unfair competi-
7 tion, exemptions shall be established by regulations
8 promulgated by the chief of agriculture;

9 (j) if it purports to be or is represented for
10 special dietary uses, unless its label bears such informa-
11 tion concerning its vitamin, mineral, and other dietary
12 properties as the chief of agriculture, after consultation
13 with the ~~director~~ Assistant Secretary for Health in the De-
14 partment of Human Resources Services, determines to be, and
15 by regulations prescribes as necessary in order fully to
16 inform purchasers as to its value for such uses;

17 (k) if it bears or contains any artificial
18 flavoring, artificial coloring, or chemical preservative,
19 unless it bears labeling stating that fact; provided, that,
20 to the extent that compliance with the requirements of this
21 paragraph is impracticable, exemptions shall be established
22 by regulations promulgated by the chief of agriculture; or

23 (l) if it fails to bear the inspection legend
24 directly thereon or on its container as the chief of agri-
25 culture may by regulations prescribe, and, unrestricted by

1 any of the foregoing, such information as the chief of
2 agriculture may require in such regulations to assure that
3 it will not have false or misleading labeling and that the
4 public will be informed of the manner of handling required
5 to maintain the article in a wholesome condition.

6 (12) 'Official certificate' means any certificate
7 prescribed by regulations of the chief of agriculture for
8 issuance by an inspector or other person performing
9 official functions under this chapter.

10 (13) 'Official device' means any device prescribed or
11 authorized by the chief of agriculture for use in applying
12 any official mark.

13 (14) 'Official inspection legend' means any symbol
14 prescribed by regulations of the chief of agriculture
15 showing that an article was inspected and passed in
16 accordance with this chapter.

17 (15) 'Official mark' means the official inspection
18 legend or any other symbol prescribed by regulations of the
19 chief of agriculture to identify the status of any article
20 or animal under this chapter.

21 (16) 'Pesticide chemical,' 'food additive,' 'color
22 additive,' 'antibiotic' or other medication, and 'raw agri-
23 cultural commodity' shall be defined by the chief of agri-
24 culture.

25 (17) 'Prepared' means slaughtered, canned, salted,

1 rendered, boned, cut up, or otherwise manufactured or
2 processed.

3 (18) 'Renderer' means any person, firm, or corporation
4 engaged in the business of rendering carcasses, or parts or
5 products of carcasses, of cattle, sheep, swine, or goats,
6 except rendering conducted under inspection under this
7 chapter."

8 Section 3. Section 503 of title 22 of the Code of the Federated
9 States of Micronesia is hereby amended to read as follows:

10 "Section 503. Examination and inspection of animals prior
11 to slaughtering.

12 (1) For the purpose of preventing the use in export
13 commerce, as hereinafter provided, of meat and meat food
14 products which are adulterated, the chief of agriculture
15 shall cause to be made, by inspectors appointed for that
16 purpose, an examination and inspection of all cattle, sheep,
17 swine, and goats before they shall be allowed to enter into
18 any slaughtering, packing, meat canning, rendering, or
19 similar establishment in the ~~Trust Territory~~ Federated
20 States of Micronesia in which slaughtering and preparation
21 of meat and meat food products of such animals are conducted
22 solely for export commerce.

23 (2) All cattle, sheep, swine, and goats found on such
24 inspection to show symptoms of disease shall be set apart
25 and slaughtered separately from all other cattle, sheep,

1 swine, or goats, and when so slaughtered, the carcasses of
2 said cattle, sheep, swine, or goats shall be subject to
3 a careful examination and inspection, all as provided by
4 the rules and regulations to be prescribed by the chief of
5 agriculture.

6 (3) The chief of agriculture may, with the approval
7 of the ~~High Commissioner~~ President of the Federated States
8 of Micronesia, promulgate and issue rules and regulations
9 covering the disposition of condemned carcasses and
10 materials classified as inedible. Such rules and regula-
11 tions shall have the force and effect of law."

12 Section 4. Section 504 of title 22 of the Code of the Federated
13 States of Micronesia is hereby amended to read as follows:

14 "Section 504. Methods of salughtering allowed. No method
15 of slaughtering or handling in connection with slaughtering
16 shall be deemed to comply with the public policy of the
17 ~~That Territory~~ Federated States of Micronesia unless it is
18 humane. The following methods of slaughtering and handling
19 are hereby found to be humane in the case of cattle, calves,
20 sheep, swine, goats, and other livestock: where all animals
21 are rendered insensible to pain by a single blow or gunshot
22 or an electric, chemical, or other means that is rapid and
23 effective before being shackled, hoisted, thrown, cast, or
24 cut."

25 Section 5. Section 505 of title 22 of the Code of the Federated

1 States of Micronesia is hereby amended to read as follows:

2 "Section 505. Post-mortem examination. For the purposes
3 set forth in sections 502 through 504 of this chapter:

4 (1) The chief of agriculture shall appoint inspectors
5 and cause the same to make post-mortem examination and
6 inspection of the carcasses and parts thereof of all
7 cattle, sheep, swine, and goats capable of use as human
8 food, to be prepared at any slaughtering, meat canning,
9 salting, packing, rendering, or similar establishment in
10 the ~~Trust Territory~~ Federated States of Micronesia in which
11 such articles are prepared solely for export commerce.

12 (2) The carcasses and parts of all such animals found
13 to be unadulterated shall be marked, stamped, tagged, or
14 labeled as 'Inspected and Passed.' The carcasses and parts
15 of all such animals found to be adulterated shall be marked,
16 stamped, tagged, or labeled as 'Inspected and Condemned.'
17 The carcasses and parts of all such inspected and condemned
18 animals shall be destroyed for food purposes by said estab-
19 lishment in the presence of an inspector, and the chief of
20 agriculture may remove inspectors from any such establish-
21 ment which fails to so destroy any such condemned carcass
22 or part thereof.

23 (3) After the first inspection authorized under sub-
24 section (1) of this section, the inspectors shall, when
25 they deem it necessary, reinspect said animal carcasses or

1 parts thereof to determine whether the same have become
2 adulterated, and, if any carcass or any parts thereof shall
3 be found to have become adulterated, the same shall be
4 destroyed for food purposes by the establishment in the
5 presence of an inspector.

6 (4) The chief of agriculture may remove inspectors
7 from any establishment which fails to so destroy any such
8 condemned carcass or part thereof."

9 Section 6. Section 507 of title 22 of the Code of the Federated
10 States of Micronesia is hereby amended to read as follows:

11 "Section 507. Examination and inspection of meat products
12 prepared for export.

13 (1) For the purposes of this chapter, the chief of
14 agriculture shall appoint inspectors and cause the same to
15 make an examination and inspection of all meat food products
16 prepared in any slaughtering, meat canning, salting,
17 packing, rendering, or similar establishment, where such
18 articles are prepared solely for export commerce.

19 (2) For the purposes of any examination and
20 inspection, said inspectors shall have access at all times,
21 by day or by night, whether the establishment be then in
22 operation or not, to every part of the establishment.

23 (3) The inspectors shall mark, stamp, tag, or label
24 as '~~That Territory~~ Federated States of Micronesia - In-
25 spected and Passed' all such products found to be un-

1 adulterated.

2 (4) The inspectors shall label, mark, stamp, or tag
3 as '~~Tinai Tattitoty~~ Federated States of Micronesia - In-
4 spected and Condemned' all such products found adulterated,
5 and all such condemned meat food products shall be destroyed
6 for food purposes as provided in subsection (2) of section
7 505 of this chapter.

8 (5) The chief of agriculture may remove inspectors
9 from any establishment which fails to so destroy such con-
10 demned meat food products.'

11 Section 7. Section 508 of title 22 of the Code of the Federated
12 States of Micronesia is hereby amended to read as follows:

13 "Section 508. Labeling of packaged meat products - General
14 requirements. When any meat or meat food product prepared
15 for export commerce which has been inspected as provided in
16 section 507 of this chapter and marked '~~Tinai Tattitoty~~
17 Federated States of Micronesia - Inspected and Passed' shall
18 be placed or packed in any can, pot, tin, canvas, or other
19 receptacle or covering in any establishment where inspection
20 under the provisions of this chapter is maintained, the
21 person, firm, or corporation preparing said product shall
22 cause a label to be attached to said can, pot, tin, canvas,
23 or other receptacle or covering, under supervision of an
24 inspector, which label shall state that the contents thereof
25 have been inspected and passed under the provisions of this

1 chapter, and no inspection and examination of meat or meat
2 food products deposited or enclosed in cans, tins,
3 pots, canvas, or other receptacle or covering in any
4 establishment where inspection under the provisions of this
5 chapter is maintained shall be deemed to be complete until
6 such meat or meat food products have been sealed or en-
7 closed in said can, tin, pot, canvas, or other receptacle or
8 covering under the supervision of an inspector."

9 Section 8. Section 512 of title 22 of the Code of the Federated
10 States of Micronesia is hereby amended to read as follows:

11 "Section 512. Labeling of packaged meat products - Enforce-
12 ment.

13 (1) If the chief of agriculture has reason to
14 believe that any marking or labeling, or the size or form of
15 any container in use or proposed for use with respect to any
16 article subject to this chapter, is false or misleading in
17 any particular, he may direct that such use be withheld
18 unless the marking, labeling, or container is modified in
19 such manner as he may prescribe so that it will not be false
20 or misleading.

21 (2) If the person, firm, or corporation using or
22 proposing to use the marking, labeling, or container does
23 not accept the determination of the chief of agriculture,
24 such person, firm, or corporation may request a hearing, but
25 the use of the marking, labeling, or container shall, if the

1 chief of agriculture so directs, be withheld pending
2 hearing and final determination by the chief of agriculture.

3 (3) Any such determination by the chief of agricul-
4 ture shall be conclusive unless, within thirty days
5 after receipt of notice of such final determination, the
6 person, firm, or corporation adversely affected thereby
7 appears before the ~~Trial Division of the High~~ Supreme Court
8 of the Federated States of Micronesia."

9 Section 9. Section 513 of title 22 of the Code of the Federated
10 States of Micronesia is hereby amended to read as follows:

11 "Section 513. Sanitation inspections - Authorized; Action
12 on discovery of insanitary conditions.

13 (1) The chief of agriculture shall cause to be made,
14 by experts in sanitation or by other competent inspectors,
15 such inspection of all slaughtering, meat canning, salting,
16 packing, rendering, or similar establishments in which
17 cattle, sheep, swine, and goats are slaughtered and the meat
18 or meat food products thereof are prepared solely for export
19 commerce, as may be necessary to inform himself concerning
20 the sanitary conditions of the same, and to prescribe the
21 rules and regulations of sanitation under which such estab-
22 lishment shall be maintained.

23 (2) Where the sanitary conditions of any such estab-
24 lishments are such that the meat or meat food products there
25 are rendered adulterated, he shall refuse to allow said meat

1 or meat food products to be labeled, marked, stamped, or
2 tagged as '~~Trust Territory~~ Federated States of Micronesia -
3 Inspected and Passed.'"

4 Section 10. Section 521 of title 22 of the Code of the Federated
5 States of Micronesia is hereby amended to read as follows:

6 "Section 521. Bribery - Bribery of officials. Any person,
7 firm, or corporation, or any agent or employee of any
8 person, firm, or corporation, who shall give, pay, or
9 offer, directly or indirectly, to any inspector, deputy
10 inspector, chief inspector, or any other officer or
11 employee of the ~~Trust Territory~~ National Government of the
12 Federated States of Micronesia authorized to perform any of
13 the duties prescribed by this chapter or by the rules and
14 regulations of the chief of agriculture, any money or other
15 thing of value, with intent to influence said inspector,
16 deputy inspector, chief inspector, or other officer or
17 employee of the ~~Trust Territory~~ National Government of the
18 Federated States of Micronesia in the discharge of any duty
19 specified in this chapter, shall be deemed guilty of a
20 felony, and, upon conviction thereof, shall be punished by
21 a fine of not less than \$1,000 nor more than \$5,000, and by
22 imprisonment for not less than one year nor more than three
23 years."

24 Section 11. Section 522 of title 22 of the Code of the Federated
25 States of Micronesia is hereby amended to read as follows:

1 "Section 522. Bribery - Accepting bribe. Any inspector,
2 deputy inspector, chief inspector, or other officer or
3 employee of the ~~Tinian Territory~~ National Government of the
4 Federated States of Micronesia authorized to perform any of
5 the duties prescribed by this chapter who shall accept any
6 money, gift, or other thing of value from any person, firm,
7 or corporation, or officers, agents, or employees thereof,
8 given with intent to influence his official action, or who
9 shall receive or accept from any person, firm, or corpora-
10 tion engaged in export commerce any gift, money, or other
11 thing of value given with any purpose or intent whatsoever,
12 shall be deemed guilty of a felony and shall, upon convic-
13 tion thereof, be summarily discharged from office and shall
14 be punished by a fine of not less than \$1,000 nor more than
15 \$5,000 and by imprisonment of not less one year nor more
16 than three years."

17 Section 12. Section 528 of title 22 of the Code of the Federated
18 States of Micronesia is hereby amended to read as follows:

19 "Section 528. Withdrawal of inspection services.

20 (1) The chief of agriculture may, indefinitely, or
21 for such period as he deems necessary to effectuate the
22 purposes of this chapter, refuse to provide, or withdraw,
23 inspection services with respect to any establishment if he
24 determines, after opportunity for a hearing is accorded to
25 the applicant for, or recipient of, such service, that such

1 applicant or recipient is unfit to engage in any
2 business requiring inspection under this chapter because the
3 applicant or recipient, or anyone responsibly connected
4 therewith, has been convicted in any court of the ~~Trust~~
5 ~~Territory of any United States Federal~~ Federated States of
6 Micronesia or State court of a violation of any law based
7 upon the acquiring, handling, or distributing of unwhole-
8 some, mislabeled, or deceptively packaged meat products or
9 upon fraud in connection with transactions in food.

10 (2) This section shall not affect in any way any
11 other provisions of this chapter for the withdrawal of
12 inspection services under this chapter from establishments
13 failing to maintain sanitary conditions or to destroy con-
14 demned carcasses, parts, meat, or meat food products.

15 (3) For the purposes of this section, a person shall
16 be deemed to be responsibly connected with the business if
17 he was a partner, officer, director, holder, or owner of ten
18 percent or more of its voting stock, or an employee thereof
19 in a managerial or executive capacity. The determination
20 and order of the chief of agriculture with respect thereto
21 under this section shall be final and conclusive unless the
22 affected applicant for, or recipient of, inspection
23 service files application for judicial review within thirty
24 days after the effective date of such order in the appro-
25 priate court as provided in section 531 of this chapter.

1 Judicial review of any such order shall be upon the record
2 upon which the determination and order were based."

3 Section 13. Section 530 of title 22 of the Code of the Federated
4 States of Micronesia is hereby amended to read as follows:

5 "Section 530. Seizure and condemnation.

6 (1) Any carcass, part of a carcass, meat, or meat
7 food product of cattle, sheep, swine, or goats or any dead,
8 dying, disabled, or diseased cattle, sheep, swine, or goat,
9 that is being transported in export commerce, and that

10 (a) is being or has been prepared, sold, trans-
11 ported, or otherwise distributed or offered or received for
12 distribution in violation of this chapter; or

13 (b) is capable of use as human food and is adul-
14 terated or misbranded; or

15 (c) in any other way is in violation of this
16 chapter, shall be liable to be proceeded against and seized
17 and condemned, at any time, on a libel of information in any
18 proper court as provided in section 531 of this chapter
19 within the jurisdiction of which the article or animal is
20 found.

21 (2) If the article or animal is condemned, it shall,
22 after entry of the decree, be disposed of by destruction or
23 sale as the court may direct and the proceeds, if sold,
24 less the court costs and fees, and storage and other proper
25 expenses, shall be paid into the ~~Treasury~~ General Fund of

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

2 (3) Such articles or animals shall not be sold con-
3 trary to the provisions of this chapter.

4 (4) Upon the execution and delivery of a good and
5 sufficient bond, conditioned that the article or animal
6 shall not be sold or otherwise disposed of contrary to the
7 provisions of this chapter, or the laws of the ~~Trust Territory~~
8 ~~of~~ Federated States of Micronesia, the court may direct
9 that such article or animal be delivered to the owner
10 thereof subject to such supervision by authorized represen-
11 tatives of the chief of agriculture as is necessary to
12 insure compliance with the applicable laws.

13 (5) When a decree of condemnation is entered against
14 the article or animal and it is released under bond, or de-
15 stroyed, court costs, fees, storage, and other proper
16 expenses shall be awarded against the person, if any, inter-
17 vening as claimant of the article or animal.

18 (6) The proceedings in such libel cases shall
19 conform, as nearly as may be, to the proceedings in
20 admiralty, and all such proceedings shall be at the suit of
21 and in the name of the ~~Trust Territory~~ Federated States of
22 Micronesia.

23 (7) The provisions of this section shall in no way
24 derogate from authority for condemnation or seizure con-
25 ferred by other provisions of this chapter, or other laws of

1 the ~~that territory~~ Federated States of Micronesia."

2 Section 14. Section 531 of title 22 of the Code of the Federated
3 States of Micronesia is hereby amended to read as follows:

4 "Section 531. Judicial enforcement. The ~~Trial Division of~~
5 ~~the High~~ Supreme Court of the Federated States of Micronesia
6 is vested with jurisdiction specifically to enforce, and to
7 prevent and restrain violations of this chapter, and shall
8 have jurisdiction in all other kinds of cases arising under
9 this chapter."

10 Section 15. Section 532 of title 22 of the Code of the Federated
11 States of Micronesia is hereby amended to read as follows:

12 "Section 532. Obstructing enforcement of chapter.

13 (1) Any person who forcibly assaults, resists,
14 opposes, impedes, intimidates, or interferes with any person
15 while engaged in or on account of the performance of his
16 official duties under this chapter shall be fined not more
17 than \$5,000, or imprisoned for not more than three years, or
18 both.

19 (2) Any person who, in the commission of any acts
20 prohibited by subsection (1) of this section, uses a deadly
21 or dangerous weapon, shall be fined not more than \$10,000,
22 or imprisoned not more than ten years, or both.

23 (3) Any person who kills any person while engaged in
24 or on account of the performance of his official duties
25 under this chapter shall be punished as provided in ~~former~~

1 ~~Section 151~~ sections 911 and 912 of title 11 of the ~~Trust~~
2 ~~Territory~~ Code of the Federated States of Micronesia."

3 Section 16. Section 537 of title 22 of the Code of the Federated
4 States of Micronesia is hereby amended to read as follows:

5 "Section 537. Investigative powers of Attorney
6 General - Judicial sanctions.

7 (1) Such attendance of witnesses, and the production
8 of such documentary evidence, may be required at any
9 designated place of hearing. In case of disobedience to a
10 subpoena the Attorney General may invoke the aid of any
11 court designated in section 531 of this chapter requiring
12 the attendance and testimony of witnesses and the produc-
13 tion of documentary evidence.

14 (2) Any of the courts designated in section 531 of
15 this chapter within the jurisdiction of which such inquiry
16 is carried on may, in case of contumacy or refusal to obey
17 a subpoena issued to any person, firm, or corporation,
18 issue an order requiring such person, firm, or corporation
19 to appear before the Attorney General, or to produce docu-
20 mentary evidence if so ordered, or to give evidence
21 touching the matter in question; and any failure to obey
22 such order of the court may be punished by such court as a
23 contempt thereof.

24 (3) Upon the application of the Attorney General of
25 the ~~Trust Territory~~ Federated States of Micronesia, the

1 ~~Trial Division of the High~~ Supreme Court of the Federated
2 States of Micronesia shall have jurisdiction to issue writs
3 of mandamus commanding any person, firm, or corporation to
4 comply with the provisions of this chapter or any order of
5 the Attorney General made in pursuance thereof."

6 Section 17. Section 539 of title 22 of the Code of the Federated
7 States of Micronesia is hereby amended to read as follows:

8 "Section 539. Investigation by Attorney General - Witness
9 fees. Witnesses summoned before the Attorney General shall
10 be paid the same fees and mileage that are paid witnesses in
11 the ~~court's~~ Supreme Court of the ~~Trust Territory~~ Federated
12 States of Micronesia, and witnesses whose depositions are
13 taken and the persons taking the same shall severally be
14 entitled to the same fees as are paid for like services in
15 such courts."

16 Section 18. Section 542 of title 22 of the Code of the Federated
17 States of Micronesia is hereby amended to read as follows:

18 "Section 542. Penalty for willful falsification of records
19 and refusal to permit examination of documents. Any person,
20 firm, or corporation that shall willfully make, or cause to
21 be made, any false entry or statement of fact in any report
22 required to be made under this chapter, or that shall will-
23 fully make, or cause to be made, any false entry in any
24 account, record, or memorandum kept by a person, firm, or
25 corporation subject to this chapter, or that shall willfully

1 neglect or fail to make or cause to be made, full, true, and
2 correct entries in such accounts, records, or memoranda, of
3 all facts and transactions appertaining to the business of
4 such person, firm, or corporation, or that shall willfully
5 remove out of the jurisdiction of the ~~Trust Territory~~ Feder-
6 ated States of Micronesia, or willfully mutilate, alter, or
7 by any other means falsify, any documentary evidence of any
8 such person, firm, or corporation, or that shall willfully
9 refuse to submit to the Attorney General or to any of his
10 authorized agents, for the purpose of inspection and taking
11 copies, any documentary evidence of any such person, firm,
12 or corporation in his possession or within his control,
13 shall be deemed guilty of an offense and shall be subject,
14 upon conviction in any court of competent jurisdiction, to a
15 fine of not less than \$1,000, nor more than \$5,000, or to
16 imprisonment for a term of not more than three years, or to
17 both such fine and imprisonment."

18 Section 19. Section 543 of title 22 of the Code of the Federated
19 States of Micronesia is hereby amended to read as follows:

20 "Section 543. Penalty for failure to file reports. If any
21 person, firm, or corporation required by this chapter to
22 file any annual or special report shall fail to do so
23 within the time fixed by the Registrar of Corporations for
24 filing the same, and such failure shall continue for thirty
25 days after notice of such default, such person, firm, or

1 corporation shall forfeit to the ~~Trust Territory~~ Federated
 2 States of Micronesia the sum of \$100 for each and every
 3 day of the continuance of such failure, which forfeiture
 4 shall be payable into the ~~Treasurer's~~ General Fund of the ~~Trust Territory~~
 5 Federated States of Micronesia and shall be
 6 recoverable in a civil suit in the name of the ~~Trust Territory~~
 7 Federated States of Micronesia brought in the ~~Trial~~
 8 Division of the High Supreme Court of the Federated States
 9 of Micronesia. It shall be the duty of the various
 10 district attorneys, under the direction of the Attorney
 11 General of the ~~Trust Territory~~ Federated States of Micro-
 12 nesia, to prosecute for the recovery of such forfeitures."

13 Section 20. Section 544 of title 22 of the Code of the Federated
 14 States of Micronesia is hereby amended to read as follows:

15 "Section 544. Penalty for unauthorized disclosure of infor-
 16 mation. Any officer or employee of the ~~Trust Territory~~
 17 Federated States of Micronesia who shall make public any
 18 information obtained by the Registrar of Corporations with-
 19 out his authority, unless directed by a court, shall be
 20 deemed guilty of a misdemeanor, and, upon conviction there-
 21 of, shall be punished by a fine not exceeding \$5,000, or by
 22 imprisonment not exceeding one year, or by both such fine
 23 and imprisonment, in the discretion of the court."

24 Section 21. Section 546 of title 22 of the Code of the Federated
 25 States of Micronesia is hereby amended to read as follows:

H254

C.B. No. 6-171

1 "Section 546. Ratification of rules and regulations. The
2 rules and regulations authorized by this chapter to be
3 promulgated by the chief of agriculture shall be temporary
4 until their ratification by the Congress of the Federated
5 States of Micronesia; provided, that should the Congress of
6 the Federated States of Micronesia fail to reject or ratify
7 such rules and regulations within eighteen months after
8 they are published, they shall have the effect of law as if
9 they had been formally ratified."

10 Section 22. This act shall become law upon approval by the
11 President of the Federated States of Micronesia or upon its becoming
12 law without such approval.

13
14 Date: 01-13-90

Introduced by Redley Killion

Redley Killion

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