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A BILL FOR AN ACT

To further amend title 24 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 5-20, 5-37, 5-72, 6-1 and 6-11, by amending section 111, as established by Public Law No. 6-11, to prohibit the Micronesian Maritime Authority from issuing fishing permits to domestic or foreign vessels fishing by means of drift net, gill net, or other substantially similar methods of catching fish, and for other purposes.

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

1 Section 12. Section 111 of title 24 of the Code of the Federated
2 States of Micronesia, as established by Public Law No. 6-11, is hereby
3 amended to read as follows:

4 "Section 111. Application for permit -- Issuance and
5 denial.

6 (1) The Authority shall notify the applicant of the
7 decision to issue or deny a permit within 30 days of the
8 date of receipt of the application. If no such
9 notification is given within 30 days, the request for a
10 permit is deemed granted.

11 (2) The Authority may approve the application on such
12 terms and conditions and with such restrictions as it deems
13 appropriate.

14 (3) A permit may be denied:

15 (a) Where the application is not in accordance
16 with the requirements of this title;

17 (b) Where the application is made in respect of
18 a foreign fishing vessel, and such vessel does not have
19 good standing on the Regional Register of Foreign Fishing
20 Vessels maintained by the South Pacific Forum Fisheries
21 Agency;

22 (c) Where the owner or charterer is the subject
23 of proceedings under the bankruptcy laws of any
24 jurisdiction and reasonable financial assurances have not
25 been provided;

1 (d) Where there has been a failure to satisfy a
2 judgment or other determination for breach of this title or
3 an agreement entered into pursuant to this title by the
4 operator of the vessel in respect to which application for
5 a permit has been made, until such time as the judgment or
6 other determination is satisfied;

7 (e) Where an operator of the vessel has
8 contravened, or the vessel has been used for contravention
9 of a fishing agreement, or has committed an offense against
10 the laws of the Federated States of Micronesia; or

11 (f) Where the Authority determines that the
12 issuance of a permit would not be in the best interests of
13 the Federated States of Micronesia.

14 (4) A permit shall be denied:

15 (a) Where the Authority determines that the
16 permit would authorize foreign fishing or domestic-based
17 fishing on, over, or within one nautical mile of the edge
18 of a coral reef that is wholly submerged at mean high tide
19 within the exclusive economic zone; or

20 (b) Where the Authority determines that the
21 permit would authorize fishing on, over, or within one
22 nautical mile of the edge of a coral reef that is wholly
23 submerged at mean high tide within the exclusive economic
24 zone, and that subsection (a) of this section does not
25 apply to the permit application; and

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(i) The Authority has submitted a copy of the application to the State, to the customary inhabitants of which, the authority to control the fishing over such reef has been traditionally ascribed. The Authority shall have the power to prescribe by regulation the ascription of such reefs to each of the the States. For the purposes of this subsection (b), the State shall mean the Governor thereof, and the councils of traditional leaders established by law having the constitutional authority to affect the enactment of State legislation; and

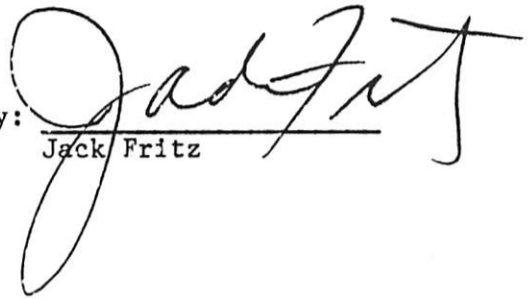
(ii) Within 30 days of such submission, the State, or any constituent part thereof, has communicated in writing to the Authority its objection to the issuance of the permit with respect to the reef or reefs traditionally ascribed to its customary inhabitants.

(c) Where the Authority determines that the permit would authorize fishing with or by means of the use of a drift net or gill net or other substantially similar method of catching fish.

(5) If the Authority denies an application submitted by an applicant, the Authority shall notify such applicant of the disapproval and the reasons therefore. The applicant may then submit a revised application taking into consideration the reasons for disapproval."

1 Section 2. 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.

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5 Date: 9/19/89

Introduced by: 
Jack Fritz

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