
1 (2) The principal shipping officer shall issue
2 certificates to qualified applicants.

3 (3) The holder of a valid certificate of competency
4 is a qualified seaman of the grade and designation
5 specified.

6 (4) The holder of a valid certificate of service is a
7 qualified seaman of the grade and designation specified,
8 subject to the conditions contained in the certificate."

9 Section 89. Title 19 of the Code of the Federated States of
10 Micronesia is hereby enacted by adding a new section 505 of chapter 5
11 to read as follows:

12 "Section 505. Production of certificate. Upon request, a
13 qualified seaman must produce his or her certificate to any
14 shipping officer or to the owner or master of a vessel on
15 which he or she is employed."

16 Section 90. Title 19 of the Code of the Federated States of
17 Micronesia is hereby enacted by adding a new section 506 of chapter 5
18 to read as follows:

19 "Section 506. Identity cards and record books. The
20 Secretary may, by regulation, require all or certain
21 classes of seamen to carry a seaman's identity card or to
22 keep a seaman's employment record book."

23 Section 91. Title 19 of the Code of the Federated States of
24 Micronesia is hereby enacted by adding a new section 507 of
25 chapter 5 to read as follows:

1 "Section 507. Register of seamen. The principal shipping
2 officer shall keep a register of seamen, which may be
3 inspected by any person during normal business hours."

4 Section 92. Title 19 of the Code of the Federated States of
5 Micronesia is hereby enacted by adding a new section 508 of chapter 5
6 to read as follows:

7 "Section 508. Offenses related to qualifications of
8 seamen. It is unlawful for a person to go to sea falsely
9 purporting to be a seaman qualified at a particular grade
10 or designation."

11 Section 93. Title 19 of the Code of the Federated States of
12 Micronesia is hereby enacted by adding a new section 509 of chapter 5
13 to read as follows:

14 "Section 509. Suspension or cancellation of certificate.

15 (1) Where it appears that the holder of a certificate
16 of competency or a certificate of service is unfit for duty
17 for any reason, the principal shipping officer may give the
18 holder written notice of hearing, which shall state why the
19 holder appears unfit, and the date and place of hearing.

20 (2) The hearing shall be conducted in the manner
21 prescribed in section 109 of title 17 of this Code.

22 (3) The principal shipping officer may suspend or
23 cancel the certificate, or censure the seaman.

24 (4) Where the decision is to suspend or cancel, the
25 written notice of decision shall:

1 (a) State the reasons for the suspension or the
2 cancellation;

3 (b) State the dates of suspension or the date
4 of cancellation; and

5 (c) Require delivery of the certificate to the
6 principal shipping officer.

7 (5) A seaman whose certificate has been canceled or
8 suspended must deliver the certificate to the principal
9 shipping officer within 15 days."

10 Section 94. Title 19 of the Code of the Federated States of
11 Micronesia is hereby enacted by adding a new section 510 of chapter 5
12 to read as follows:

13 "Section 510. Appeals. Where a certificate is canceled
14 or suspended or a seaman is censured, the seaman may seek
15 judicial review in the Trial Division of the Supreme Court
16 of the Federated States of Micronesia. The decision of the
17 principal shipping officer shall remain in effect pending
18 appeal. The Court shall set aside the decision of the
19 principal shipping officer only if it is found on the
20 record to be arbitrary, capricious, an abuse of discretion,
21 or otherwise not in accordance with law, and in that case,
22 shall try the case de novo. The Court may award lost wages
23 and costs, if proven. ||

24 Section 95. Title 19 of the Code of the Federated States of
25 Micronesia is hereby enacted by adding a new section 511 of chapter 5

1 to read as follows:

2 "Section 511. Regulations. The Secretary may promulgate
3 regulations to implement this chapter, and these
4 regulations shall have the force and effect of law."

5 Section 96. Title 19 of the Code of the Federated States of
6 Micronesia is hereby enacted by adding a new section 601 of chapter 6
7 to read as follows:

8 "Section 601. Application of chapter. This chapter
9 applies to registered vessels, and to any citizen of the
10 Federated States of Micronesia employed on a vessel."

11 Section 97. Title 19 of the Code of the Federated States of
12 Micronesia is hereby enacted by adding a new section 602 of chapter 6
13 to read as follows:

14 "Section 602. Appointments of shipping officers. The
15 Secretary shall appoint a principal shipping officer and
16 other shipping officers."

17 Section 98. Title 19 of the Code of the Federated States of
18 Micronesia is hereby enacted by adding a new section 603 of chapter 6
19 to read as follows:

20 "Section 603. Exemption of particular vessels. The
21 Secretary may by regulation exempt a particular vessel or
22 class of vessels from any requirement of this chapter, for
23 a particular period or for one or more
24 particular voyages."

25 Section 99. Title 19 of the Code of the Federated States of

1 Micronesia is hereby enacted by adding a new section 604 of chapter 6
2 to read as follows:

3 "Section 604. Seamen employed on Government vessels. The
4 Secretary may regulate the employment of seamen on
5 Government vessels."

6 Section 100. Title 19 of the Code of the Federated States of
7 Micronesia is hereby enacted by adding a new section 605 of chapter 6
8 to read as follows:

9 "Section 605. Freedom of association. Seamen shall have
10 the right to establish and to become members of any
11 lawful organizations."

12 Section 101. Title 19 of the Code of the Federated States of
13 Micronesia is hereby enacted by adding a new section 606 of chapter 6
14 to read as follows:

15 "Section 606. Agreements.

16 (1) A master shall not take a vessel to sea unless
17 each seaman aboard has an approved written agreement with
18 the owner or his agent for one or more voyages, or for a
19 time not more than 1 year, or for employment on a
20 particular vessel.

21 (2) The managing owner shall ensure that the seaman
22 has read the agreement or has had it read to him, and that
23 the seaman understands the agreement.

24 (3) The managing owner shall file a copy of the a
25 agreement with a shipping officer, who shall approve it if

1 it adequately protects the interests of the seaman and
2 complies with the law."

3 Section 102. Title 19 of the Code of the Federated States of
4 Micronesia is hereby enacted by adding a new section 607 of chapter 6
5 to read as follows:

6 "Section 607. Seaman's compliance. A seaman who complies
7 with a lawful order of the Secretary is not thereby in
8 breach of his agreement."

9 Section 103. Title 19 of the Code of the Federated States of
10 Micronesia is hereby enacted by adding a new section 608 of chapter 6
11 to read as follows:

12 "Section 608. Seaman cannot waive protection of the
13 chapter.

14 (1) No contract shall be approved which purports to
15 modify any rights under this chapter.

16 (2) An agreement may not waive a seaman's right to
17 salvage, unless the vessel is employed for salvage services.

18 (3) Every agreement shall provide that any vessel in
19 which the seaman is employed is and shall remain seaworthy."

20 Section 104. Title 19 of the Code of the Federated States
21 of Micronesia is hereby enacted by adding a new section 609 of
22 chapter 6 to read as follows:

23 "Section 609. Termination of agreement.

24 (1) An agreement is terminated by:

25 (a) Mutual consent;

1 (b) The total inability of the vessel to go to
2 sea;

3 (c) The vessel ceasing to be
4 registered;

5 (d) The lawful discharge of the seaman; or

6 (e) The suspension of the seaman.

7 (2) An agreement may not be terminated at a place
8 away from the proper return port of the seaman without the
9 consent of a shipping officer."

10 Section 105. Title 19 of the Code of the Federated States
11 of Micronesia is hereby enacted by adding a new section 610 of
12 chapter 6 to read as follows:

13 "Section 610. Minimum age for employment.

14 (1) Children under the age of 16 years shall not be
15 employed on registered vessels engaged in foreign trade,
16 except on vessels on which only members of the same family
17 are employed, schoolships, or training ships.

18 (2) The master shall keep a register of all persons
19 under the age of 16 years employed on board his vessel,
20 as required by regulations."

21 Section 106. Title 19 of the Code of the Federated States
22 of Micronesia is hereby enacted by adding a new section 611 of
23 chapter 6 to read as follows:

24 "Section 611. Working hours; Overtime. In relation to the
25 members of the crew on a vessel other than a fishing vessel

1 engaged in foreign trade:

2 (1) The normal hours of work in port and at sea shall
3 be 8 per day; PROVIDED, that Saturdays shall be included as
4 weekdays;

5 (2) Work performed over and above the 8-hour period
6 shall be considered as overtime and shall be compensated
7 for at overtime rate; and

8 (3) A reasonable number of men shall be employed to
9 promote safety of life at sea and to avoid excessive work
10 burdens."

11 Section 107. Title 19 of the Code of the Federated States of
12 Micronesia is hereby enacted by adding a new section 612 of chapter 6
13 to read as follows:

14 "Section 612. Vacation allowances and holidays.

✓ 15 (1) Every master and seaman on a vessel other than a
✓ 16 fishing vessel shall be entitled after 12 months of
17 continuous service on a vessel or for the same employer to
✓ 18 receive and shall take an annual paid
✓ 19 vacation equivalent to:

20 (a) In the case of masters and officers, not
21 less than 12 days' base wages; and

22 (b) In the case of other members of the crew,
23 not less than 8 days' base wages.

24 (2) Every seaman shall be entitled to a minimum of
25 five paid holidays per year.

1 (3) In the event a seaman is unable to take the
2 benefits of subsections (1) and (2) hereof for paid
3 vacation or holiday, then that person shall be entitled to
4 double time pay for each vacation day or holiday, as
5 measured by 8 hours that person was unable to take, as
6 certified by the master."

7 Section 108. Title 19 of the Code of the Federated States of
8 Micronesia is hereby enacted by adding a new section 613 of chapter 6
9 to read as follows:

10 "Section 613. Employment of stowaways. A stowaway
11 signing the vessel's articles is entitled to wages, but not
12 to maintenance and cure as provided in this chapter. ^{space} The
13 master shall discharge him at the first convenient port of
14 call. Nothing in this section shall require a stowaway to
15 be signed on shipping articles."

16 Section 109. Title 19 of the Code of the Federated States of
17 Micronesia is hereby enacted by adding a new section 614 of chapter 6
18 to read as follows:

19 "Section 614. Payment of wages.

20 (1) Wages shall commence on the day specified and
21 agreed to in the shipping articles or at the time of
22 presence on board the vessel for the purpose of commencing
23 work, whichever first occurs, and shall terminate on the
24 day of discharge or termination of the articles.

25 (2) In the absence of any agreement to the contrary

1 the owner or the master of the vessel shall pay to every
2 seaman his wages within 2 days after the termination of the
3 articles, or at the time when the seaman is discharged,
4 whichever is first.

5 (3) A seaman is entitled to receive in local
6 currency, on demand, from the master one-half of his wages
7 actually earned and payable at every intermediate port
8 where the vessel shall load or deliver cargo before the
9 voyage is ended, but not more than once in any 10-
10 day period. In case of wrongful failure to pay a seaman
11 his wages on demand, the seaman becomes entitled to a
12 payment of full wages earned.

13 (4) Every master shall deliver to the seaman, before
14 paying off, a full and true account of his wages and all
15 deductions to be made therefrom on any account whatsoever."

16 Section 110. Title 19 of the Code of the Federated States
17 of Micronesia is hereby enacted by adding a new section 615 of
18 chapter 6 to read as follows:

19 "Section 615. Advances and allotment of wages.

20 (1) It shall be unlawful to pay any seaman wages in
21 advance of the time when they are actually earned, or to
22 pay such advance wages or make any order or note or other
23 evidence of the indebtedness therefore to any other person,
24 or to pay any person for the shipment of any seaman when
25 payment is deducted or to be deducted from a seaman's wages.

1 (2) It shall be lawful for the master and any seaman
2 to agree that an allotment of a portion of the seaman's
3 earnings may be payable to a spouse, children, ~~grand-~~
4 ~~grand~~children, parents, grandparents, brothers, or sisters,
5 or to a bank account in the name of the seaman."

6 Section 111. Title 19 of the Code of the Federated States
7 of Micronesia is hereby enacted by adding a new section 616 of
8 chapter 6 to read as follows:

9 "Section 616. Assignment of wages or salvage. Assignment
10 or sale of wages or of salvage made prior to the accruing
11 thereof shall not bind the seaman, except that allotments
12 shall bind the seaman."

13 Section 112. Title 19 of the Code of the Federated States of
14 Micronesia is hereby enacted by adding a new section 617 of chapter 6
15 to read as follows:

16 "Section 617. Wages and clothing exempt from attachment.
17 The wages and clothing of a seaman shall not be subject to
18 attachment or arrest from any court."

19 Section 113. Title 19 of the Code of the Federated States of
20 Micronesia is hereby enacted by adding a new section 618 of chapter 6
21 to read as follows:

22 "Section 618. Agreements void as to loss of lien or right
23 to wages. No seaman shall by any agreement forfeit his
24 lien upon the ship or be deprived of any remedy for the
25 recovery of his wages to which he would otherwise have been

1 entitled, and every stipulation by which any seaman
2 consents to abandon his right to his wages in the case of
3 the loss of the ship or to abandon any right which he may
4 have obtained in the nature of salvage shall be wholly void
5 and inoperative."

6 Section 114. Title 19 of the Code of the Federated States
7 of Micronesia is hereby enacted by adding a new section 619 of
8 chapter 6 to read as follows:

9 "Section 619. Wages not dependent on freight earned. No
10 right to wages on the part of any seaman shall be dependent
11 on the earning of freight by the vessel; PROVIDED, that
12 nothing in this section shall be construed to prevent any
13 profit-sharing plan by which officers and crew are to be
14 compensated with profits in addition to their established
15 wages."

16 Section 115. Title 19 of the Code of the Federated States
17 of Micronesia is hereby enacted by adding a new section 620 of
18 chapter 6 to read as follows:

19 "Section 620. Wages, maintenance, and benefits for sick
20 and injured seamen.

21 (1) This section shall not apply to seamen on board
22 fishing vessels.

23 (2) In the event of disabling sickness or injury
24 while a seaman is on board a vessel other than a fishing
25 vessel under signed shipping articles, or off the vessel

1 pursuant to an actual mission assigned to him by, or by the
2 authority of, the master, the seaman shall be entitled to:

3 (a) Full wages, as long as he is sick or
4 injured and remains on board the vessel;

5 (b) Medical and surgical treatment and supply
6 of proper and sufficient medicines and therapeutical
7 appliances, until medically declared to have reached a
8 maximum cure or to be incurable, but in no event more than
9 30 weeks from the day of the injury or commencement of the
10 sickness;

11 (c) An amount equal to board and lodging up to
12 a maximum period of 30 weeks, and one-third of his base
13 wages during any portion of such period subsequent to
14 his landing from the vessel, but not to exceed a maximum
15 period of 16 weeks commencing from the day of injury or
16 commencement of the sickness;

17 (d) Repatriation including, in addition, all
18 charges for his transportation, accommodation, and food
19 during the journey and his maintenance up to the time fixed
20 for his departure.

21 (3) The master shall take adequate measures for
22 safeguarding property left on board by a sick, injured, or
23 deceased seaman, and shall deliver all property of a
24 deceased seaman to a shipping officer.

25 (4) The seaman shall not be entitled to any of the

1 foregoing benefits:

2 (a) If such sickness or injury resulted from
3 his willful act, default, or misconduct;

4 (b) If such sickness or injury developed from a
5 condition which was intentionally concealed from the
6 employer at or prior to his engagement under the articles;

7 (c) If he refuses medical treatment for such
8 sickness or injury or is denied such treatment because of
9 misconduct or default;

10 (d) If at the time of his engagement, he
11 refused to be medically examined.

12 (5) The seaman shall have a maritime lien against
13 the vessel for any wages due him under this section."

✓ 14 Section 116. Title 19 of the Code of the Federated States ✓
✓ 15 of Micronesia is hereby enacted by adding a new section 621 of ✓
✓ 16 chapter 6 to read as follows:

17 "Section 621. Wages, maintenance, and benefits for sick
18 and injured seamen, masters and officers on board fishing
19 vessels.

20 (1) In the event of disabling sickness or injury
21 while a seaman, master or officer is on board a fishing
22 vessel under signed shipping articles or a contract of
23 employment, or off the fishing vessel pursuant to an actual
24 mission assigned to him by, or by the authority of, the
25 master, employer or owner, the seaman, master or officer

shall be entitled to:

(a) Full wages, as long as he is disabled from working due to sickness or injury and remains on board the fishing vessel, or for the duration of the seaman's or master's employment contract, whichever is the longer period of time; PROVIDED, that if the seaman, master or officer recovers and is declared by a licensed physician to be medically fit for duty prior to removal from the fishing vessel or the termination of the employment contract, the right to unearned wages terminates;

(b) Medical and surgical treatment and supply of proper and sufficient medicines and therapeutical appliances, until medically declared by a licensed physician to have reached a maximum cure or to be incurable;

(c) An amount equal to board and lodging equivalent to the quality of that received on board the fishing vessel upon landing of the seaman, master or officer from the fishing vessel; PROVIDED, that such payments shall terminate when the seaman or master is medically declared by a licensed physician to have reached maximum cure or to be incurable;

(d) Repatriation including, in addition, all charges for his transportation, accommodation, and food during the journey and his maintenance as provided for in subsection (c) above;

in the payment schedule established by the Secretary after reaching maximum care or being medically declared by a licensed physician to be permanently disabled from working as a seaman, master or officer.

(e) A lump sum payment in the payment schedule established by the Secretary after reaching maximum care or being medically declared by a licensed physician to be permanently disabled from working as a seaman, master or officer.

(2) The master shall take adequate measures for safeguarding property left on board by a sick, injured, or deceased seaman, master or officer, and shall deliver all property of a deceased seaman to a shipping officer.

(3) The seaman, master or officer shall not be entitled to any of the foregoing benefits:

(a) If such sickness or injury resulted from his willful act, default, or misconduct;

(b) If such sickness or injury developed from a condition which was intentionally concealed from the employer or owner at or prior to his engagement under the articles or employment contract;

(c) If he refuses medical treatment for such sickness or injury or is denied such treatment because of misconduct or default;

(d) If at the time of his engagement under the articles or employment contract, he refused to be medically examined.

(4) The seaman, master or officer shall have a

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under the vessel for any wages due him

Section 117. Title 19 of the Code of the Federated States

Chapter 6 to read as follows:
Section 117. Title 19 of the Code of the Federated States hereby enacted by adding a new section 622 of

Section 622. Wages after wreck or loss of vessel. In

addition to repatriation, a seaman whose employment is terminated because a vessel is wrecked, lost or unable to proceed is entitled to wages for 30 days after the employment is terminated, except that no wages shall be paid for days on which the seaman obtained employment."

Section 118. Title 19 of the Code of the Federated States

of Micronesia is hereby enacted by adding a new section 623 of

Chapter 6 to read as follows:

Section 623. Liability of third person.

(1) When a work-related injury, illness or death for

which compensation is payable under this title has been sustained under circumstances creating in some person other

than the employer, owner, or another employee of the employer or owner acting in the course of his employment, a

legal liability to pay damages on account thereof, the injured employee or the decedent's estate may claim

compensation under this title and recover damages from such

third person.

(2) If the employee or the decedent's estate

1 commences an action against such third person, he or it
2 shall without delay give the employer or managing owner
3 written notice of the action and the name and location
4 of the court in which the action is brought by personal
5 service or registered mail. The employer or owner may, at
6 any time before trial on the facts, join as a party
7 plaintiff.

8 (3) If within 1 year after the date of the personal
9 injury or death the employee or the decedent's estate has
10 not commenced an action against such third person, the
11 employer or owner having paid or being liable for
12 compensation under this title shall be subrogated to the
13 rights of the injured employee or the decedent's estate.
14 Except as limited by this title, the employee or the
15 decedent's estate may at any time commence an action or
16 join in any action commenced by the employer or owner
17 against such third person.

18 (4) No release or settlement of any claim or action
19 under this section is valid without the written consent of
20 the employer or owner and the employee or the decedent's
21 estate. The entire amount of any settlement payment or
22 judgment obtained from a third person is subject to the
23 employer's or owner's right of reimbursement of its
24 compensation payments under this title."

25 Section 119. Title 19 of the Code of the Federated States

1 of Micronesia is hereby enacted by adding a new section 624 of
2 chapter 6 to read as follows:

3 "Section 624. Exclusiveness of remedy; Applicability.

4 (1) Exclusiveness of remedy. The rights and remedies
5 granted by this chapter to a seaman, master or officer on
6 account of a disabling sickness, injury, or death sustained
7 by the seaman, master or officer shall exclude all other
8 liability of the owner or employer to the seaman, master or
9 officer or their spouse, next of kin, dependents, legal
10 representative, or anyone else entitled to recover damages
11 from the owner or employer at common law, general maritime
12 law or otherwise, on account of the disabling injury,
13 sickness, or death.

14 (2) Applicability. If a seaman or master sustains a
15 disabling injury or sickness while on board a vessel under
16 signed shipping articles or a contract of employment
17 governed by the laws of the Federated States of Micronesia,
18 he shall be entitled to recover under this title. The
19 right to recover under this title shall exclude all other
20 liability of the owner or employer. ^{space} All contracts of
21 employment of a seaman, master or officer governed by the
22 laws of the Federated States of Micronesia, and all
23 shipping articles signed under the laws of the Federated
24 States of Micronesia, are deemed to include an agreement to
25 that effect."

1 Section 120. Title 19 of the Code of the Federated States of
2 Micronesia is hereby enacted by adding a new section 625 of
3 chapter 6 to read as follows:

4 "Section 625. Repatriation - Rights generally.

5 (1) Any seaman who is put ashore at a port other than
6 the one where he signed the shipping articles, and who is
7 put ashore for reasons for which he is not responsible,
8 shall be returned as a crew member or otherwise, but
9 without expense to him:

10 (a) At the owner's option, to the port at
11 which he was engaged or where the voyage commenced or to a
12 port of the seaman's own country; or

13 (b) To another port, agreed upon between the
14 seaman and the owner or the master. However, in the event
15 that the seaman's contract period of service has not
16 expired, the owner shall have the right to transfer him to
17 another of the owner's vessels to serve thereon for the
18 balance of the contract period of service.

19 (2) Any seaman whose period of employment is
20 terminated by reason of completion of the voyage for which
21 he was engaged or by expiration of his contract period of
22 employment shall be entitled to repatriation, at no expense
23 to him, to the port at which he was engaged or to such
24 other port as may be agreed upon.

25 (3) The right to repatriation shall be lost by

1 failure of the seaman to request repatriation within 1 week
2 from the time that he is in condition to be repatriated."

3 Section 121. Title 19 of the Code of the Federated States of
4 Micronesia is hereby enacted by adding a new section 626 of chapter 6
5 to read as follows:

6 "Section 626. Repatriation - Loss of right. A seaman
7 shall forfeit his right of repatriation in case of:

8 (1) Desertion;

9 (2) Entering into a new agreement with the same owner
10 after his discharge;

11 (3) Entering into a new agreement with another owner
12 within 1 week after his discharge;

13 (4) Criminal offenses under sections 633, 635, and
14 636 of this chapter; or

15 (5) Unjustifiable repudiation of the shipping
16 articles."

17 Section 122. Title 19 of the Code of the Federated States of
18 Micronesia is hereby enacted by adding a new section 627 of chapter 6
19 to read as follows:

20 "Section 627. Compensation for unjustifiable discharge.

21 Any seaman who has signed shipping articles and is
22 afterward discharged before the commencement of the voyage
23 or before 1 month's wages are earned, without fault on his
24 part justifying such discharge and without

25 consent, shall be entitled to receive in addition to his

1 earned wages a sum equal in amount to 1 month's wages as
2 compensation."

3 Section 123. Title 19 of the Code of the Federated States of
4 Micronesia is hereby enacted by adding a new section 628 of chapter 6
5 to read as follows:

6 "Section 628. Abandonment of seamen.

7 (1) No master or person in charge of a registered
8 vessel may, without justifiable cause, force any member
9 of the crew of such vessel on shore in order to leave
10 him behind in any foreign port or place, or refuse to bring
11 to such place as is required under the articles any member
12 of the crew of such vessel in condition and willing to
13 proceed when the master is ready to proceed.

14 (2) The abandoned seaman shall retain his right to
15 repatriation."

16 Section 124. Title 19 of the Code of the Federated States of
17 Micronesia is hereby enacted by adding a new section 629 of chapter 6
18 to read as follows:

19 "Section 629. Seaman left behind. A master shall notify a
20 shipping officer as soon as he or she learns that a seaman
21 has been or must be left behind."

22 Section 125. Title 19 of the Code of the Federated States of
23 Micronesia is hereby enacted by adding a new section 630 of chapter 6
24 to read as follows:

25 "Section 630. Grounds for discharge. The master may

1 to read as follows:

2 "Section 812. Manner of enforcing payment of salvage.

3 The receiver shall detain any vessel, cargo, property or
4 wreck until salvage has been paid or disposition ordered
5 by the Supreme Court, and shall notify any known owner as
6 soon as the property comes into the possession or control
7 of the receiver."

8 Section 171. Title 19 of the Code of the Federated States of
9 Micronesia is hereby enacted by adding a new section 813 of chapter 8
10 to read as follows:

11 "Section 813. Sale by receiver of detained property.

12 (1) The receiver may sell property detained for
13 payment of salvage if:

14 (a) The amount of salvage due is not disputed,
15 and

16 (b) The amount due is not paid within 20 days
17 of the date agreed upon for payment.

18 (2) Proceeds of sale shall be used to pay the fee and
19 expenses of the receiver for the property and salvage. Any
20 remaining proceeds shall be paid to the person legally
21 entitled to them, or, if in dispute, to the Trial Division
22 of the Supreme Court."

23 Section 172. Title 19 of the Code of the Federated States of
24 Micronesia is hereby enacted by adding a new section 814 of chapter 8
25 to read as follows:

1 "Section 814. Vessels wrecked.

2 (1) Where a vessel wrecked anywhere within a lagoon
3 is an obstruction or danger to interstate or foreign
4 commerce or shipping, or where a vessel wrecked outside
5 of a lagoon is an obstruction or danger to navigation, the
6 Secretary may:

7 (a) Require any owner to raise, remove or
8 destroy the wreck or to light or buoy it until it is
9 raised, removed or destroyed; or

10 (b) If no owner complies, the Secretary may
11 raise, remove, destroy, sell, or deal with the vessel
12 wrecked and any recovered property in such manner as he
13 thinks fit. The Secretary shall deduct any expenses
14 incurred, then pay the net proceeds to the persons
15 entitled to them.

16 (2) Upon posting notice, the Secretary may declare an
17 area around a vessel wrecked to be a prohibited area, and
18 no person or vessel may enter this area.

19 (3) The Secretary may recover from any owner of a
20 vessel wrecked any and all expenses incurred in guarding,
21 lighting, buoying, raising, removing or destroying the
22 vessel, which are not recovered from the proceeds of sale.

23 (4) Any regulations promulgated pursuant to this
24 section shall provide that the Secretary shall take action
25 inside of a lagoon only if the state has not acted, and

1 action is necessary to protect interstate or foreign
2 commerce."

3 Section 173. Title 19 of the Code of the Federated States
4 of Micronesia is hereby enacted by adding a new section 815 of
5 chapter 8 to read as follows:

6 "Section 815. Offenses relating to wreck.

7 (1) It is unlawful to knowingly obliterate or deface
8 any mark on wreck.

9 (2) It is unlawful to take to any foreign port and
10 sell any stranded, derelict or otherwise distressed vessel,
11 its cargo or apparel, or any wreck, found in the
12 territorial waters of the Federated States of Micronesia."

13 Section 174. Title 19 of the Code of the Federated States of
14 Micronesia is hereby enacted by adding a new section 817 of chapter 8
15 to read as follows:

16 "Section 817. Regulations. The Secretary may promulgate
17 regulations to implement this chapter, and
18 these regulations shall have the force and effect of law."

19 Section 175. Title 19 of the Code of the Federated States of
20 Micronesia is hereby enacted by adding a new section 901 of chapter 9
21 to read as follows:

22 "Section 901. Definitions. In this chapter:

23 (1) 'Contracting state' means a country or territory
24 which is a member of or party to the Convention;

25 (2) 'Convention' means the International Convention

1 for the Unification of Certain Rules of Law Relating to
2 Bills of Lading signed at Brussels on August 25, 1924, as
3 amended by the Protocols done at Brussels on February 23,
4 1968 and December 21, 1979."

5 Section 176. Title 19 of the Code of the Federated States of
6 Micronesia is hereby enacted by adding a new section 902 of chapter 9
7 to read as follows:

8 "Section 902. Application. This chapter applies to
9 all goods carried by sea:
10 (1) Between ports in different States of the
11 Federated States of Micronesia; or
12 (2) Under a bill of lading issued in a contracting
13 state;
14 (3) From a port in a contracting state; or
15 (4) Under a contract which provides that this
16 chapter and the provisions of the Convention are to govern
17 the contract."

18 Section 177. Title 19 of the Code of the Federated States of
19 Micronesia is hereby enacted by adding a new section 903 of chapter 9
20 to read as follows:

21 "Section 903. No warranty as to seaworthiness. There
22 shall not be implied in any contract for the carriage of
23 goods by sea any absolute warranty that the vessel in
24 which the goods are carried is seaworthy."

25 Section 178. Title 19 of the Code of the Federated States

1 of Micronesia is hereby enacted by adding a new section 904 of
2 chapter 9 to read as follows:

3 "Section 904. Issue of bills of lading. Every bill of
4 lading shall contain an express statement that it is issued
5 subject to this chapter and the regulations promulgated
6 pursuant to it."

7 Section 179. Title 19 of the Code of the Federated States of
8 Micronesia is hereby enacted by adding a new section 905 of chapter 9
9 to read as follows:

10 "Section 905. Shipped bill of lading. A bill of
11 lading issued in conformity with the regulations is a
12 shipped bill of lading."

13 Section 180. Title 19 of the Code of the Federated States of
14 Micronesia is hereby enacted by adding a new section 906 of chapter 9
15 to read as follows:

16 "Section 906. Bulk cargo. Where, by custom or usage of
17 any trade, the weight of bulk cargo is ascertained by a
18 third party, and the bill of lading contains a statement
19 that the weight is so ascertained, then the bill of lading
20 is not prima facie evidence of the weight stated in the
21 bill of lading, and the accuracy of the weight at the time
22 of shipment is not guaranteed by the shipper."

23 Section 181. Title 19 of the Code of the Federated States
24 of Micronesia is hereby enacted by adding a new section 907 of
25 chapter 9 to read as follows:

1 "Section 907. Jurisdiction of Supreme Court.

2 (1) All bills of lading or other contracts for the
3 carriage of goods from any place within the Federated
4 States of Micronesia are subject to the laws of the
5 Federated States of Micronesia.

6 (2) Any part of any such bill of lading or other
7 contract which purports to remove jurisdiction over it
8 from the Supreme Court of the Federated States of
9 Micronesia shall be void.

10 (3) Any part of an agreement, wherever made,
11 which
12 purports to remove the jurisdiction of the Supreme Court
13 over any bill of lading or other document relating to the
14 carriage of goods by sea from any place outside the
15 Federated States of Micronesia shall be void."

16 Section 182. Title 19 of the Code of the Federated States of
17 Micronesia is hereby enacted by adding a new section 908 of chapter 9
18 to read as follows:

19 "Section 908. Regulations. The Secretary may promulgate
20 regulations to implement this chapter, and these
21 regulations shall have the force and effect of law."

22 Section 183. Title 19 of the Code of the Federated States of
23 Micronesia is hereby enacted by adding a new section 1001 of chapter
24 10 to read as follows:

25 "Section 1001. Definitions. 'Limitation of Liability

1 Convention' means the International Convention relating to
2 the Limitation of Liability of Owners of Sea-going Ships
3 signed at Brussels on October 10, 1957, as affected by the
4 Protocol of 1979 Relating to the Limitation of Liability
5 Convention."

6 Section 184. Title 19 of the Code of the Federated States of
7 Micronesia is hereby enacted by adding a new section 1002 of chapter
8 10 to read as follows:

9 "Section 1002. Application. This chapter applies to all
10 registered vessels, all government vessels, and all
11 vessels operating in the territorial waters of the
12 Federated States of Micronesia."

13 Section 185. Title 19 of the Code of the Federated States of
14 Micronesia is hereby enacted by adding a new section 1003 of chapter
15 10 to read as follows:

16 "Section 1003. Liability and division of loss.

17 (1) Where two or more vessels cause property damage
18 or loss, liability shall be proportional to the degree of
19 fault; PROVIDED that if it is not possible to establish
20 degrees of fault, liability shall be apportioned equally.

21 (2) Where two or more vessels cause loss of life or
22 personal injury to any person on board a vessel,
23 liability shall be joint and several.

24 (3) Nothing in this section shall affect the right
25 of any person to limit his liability in a manner provided

1 by law."

2 Section 186. Title 19 of the Code of the Federated States of
3 Micronesia is hereby enacted by adding a new section 1004 of chapter
4 10 to read as follows:

5 "Section 1004. Abolition of presumption of fault. In case
6 of collision, a vessel shall not be deemed at fault
7 solely because the master or person in charge has infringed
8 any provision of the Collisions Convention."

9 Section 187. Title 19 of the Code of the Federated States
10 of Micronesia is hereby enacted by adding a new section 1005 of
11 chapter 10 to read as follows:

12 "Section 1005. Seagoing vessels. For the purposes of this
13 chapter and the regulations promulgated pursuant to
14 it, a vessel shall be treated as if it were a seagoing ship
15 where it is:

16 (1) A registered vessel or a foreign vessel in the
17 territorial waters of the Federated States of Micronesia;

18 (2) A ship under construction and intended for use
19 in trade or commerce;

20 (3) A Government vessel, including a vessel being
21 built by or on behalf of, or to the order of the
22 Government; or

23 (4) A vessel that has been launched but not
24 completed and delivered under the building contract."

25 Section 188. Title 19 of the Code of the Federated States of

1 Micronesia is hereby enacted by adding a new section 1006 of chapter
2 10 to read as follows:

3 "Section 1006. Application to determine owners'
4 liability. Any person who may limit his liability under
5 regulations promulgated by the Secretary pursuant to the
6 Limitation of Liability Convention may apply to the Trial
7 Division of the Supreme Court to determine the limit of
8 that liability for any particular claim, and
9 the Supreme Court may order the creation, administration
10 and distribution of a limitation fund."

11 Section 189. Title 19 of the Code of the Federated States of
12 Micronesia is hereby enacted by adding a new section 1007 of chapter
13 10 to read as follows:

14 "Section 1007. Government vessels. Nothing in this title
15 shall authorize proceedings in rem against any Government
16 vessel or authorize any lien on any Government vessel,
17 cargo or other property."

18 Section 190. Title 19 of the Code of the Federated States of
19 Micronesia is hereby enacted by adding a new section 1008 of chapter
20 10 to read as follows:

21 "Section 1008. Regulations.

22 (1) The Secretary may promulgate regulations to
23 implement this chapter, and these regulations shall have
24 the force and effect of law.

25 (2) The Secretary may by regulation adopt all or any
part of the rules of the Limitation of Liability Convention.

1 (3) The Secretary shall by regulation determine the
2 method by which tonnage shall be calculated or estimated. '1

3 Section 191. Title 19 of the Code of the Federated States
4 of Micronesia is hereby enacted by adding a new section 1101 of
5 chapter 11 to read as follows:

6 "Section 1101. Regulations for small craft.

7 (1) To the extent that small craft navigate outside
8 lagoons, or navigate within lagoons in such a way as to
9 effect interstate or foreign commerce or shipping, the
10 Secretary may promulgate regulations necessary to provide
11 for the safety and control of small craft, which
12 regulations shall have the force and effect of law.

13 (2) Any regulations promulgated pursuant to this
14 section shall provide that the Secretary shall take action
15 inside of a lagoon only if the state has not acted, and
16 action is necessary to protect interstate or foreign
17 commerce."

18 Section 192. Title 19 of the Code of the Federated States
19 of Micronesia is hereby enacted by adding a new section 1102 of
20 chapter 11 to read as follows:

21 "Section 1102. Detention of a vessel.

22 (1) Where a vessel is subject to detention the
23 Secretary, upon written notice served to the person on
24 board in charge of the ship, may detain the vessel without
25 warrant.

1 (2) An owner or master whose ship is subject to a
2 detention order may petition the Secretary, in the
3 manner prescribed by regulations, to review the detention
4 order. Upon receipt of such a petition, the Secretary
5 shall affirm, modify, or withdraw the detention order,
6 within the time specified by regulation.

7 (3) A ship unreasonably detained or delayed by the
8 Secretary acting under the authority of this title is
9 entitled to compensation for any loss or damage suffered
10 thereby.

11 (4) Where a foreign vessel is detained, the
12 Secretary, through diplomatic channels, shall notify the
13 diplomatic representative of the vessel's flag state,
14 including the reason for detention."

15 Section 193. Title 19 of the Code of the Federated States of
16 Micronesia is hereby enacted by adding a new section 1103 of chapter
17 11 to read as follows:

18 "Section 1103. Proceedings on forfeiture of a vessel.

19 (1) Where a vessel is subject to forfeiture under
20 this title, a law officer authorized in writing by the
21 Secretary may seize and detain the vessel.

22 (2) Upon written notice of the proposed forfeiture
23 being given to all parties with a registered interest in
24 the vessel, and after hearing, the Supreme Court may order
25 the vessel and its equipment forfeited to the Government."

1 Section 194. Title 19 of the Code of the Federated States
2 of Micronesia is hereby enacted by adding a new section 1104 of
3 chapter 11 to read as follows:

4 "Section 1104. Break or injury to submarine cable or
5 pipeline.

6 (1) 'Submarine cable or pipeline' means a cable or
7 pipeline found underwater outside of a lagoon.

8 (2) It is unlawful to willfully or negligently
9 break or injure a submarine telegraph or telephone cable, a
10 submarine pipeline or a submarine high-voltage power cable,
11 unless the injury was caused by persons acting to save
12 their lives or their vessels.

13 (3) If a person laying or repairing a submarine cable
14 or pipeline damages another cable or pipeline he or she
15 shall pay the cost of repair.

16 (4) If, after all reasonable precautionary measures
17 have been taken, an anchor, a net or any other article
18 belonging to a vessel is sacrificed to avoid injuring a
19 submarine cable or pipeline, the owner of the cable or
20 pipeline shall pay for the loss."

21 Section 195. Title 19 of the Code of the Federated States of
22 Micronesia is hereby enacted by adding a new section 1105 of chapter
23 11 to read as follows:

24 "Section 1105. Delegations. The Secretary, registrar,
25 principal surveyor, principal shipping officer and Aids

1 2-year prescription:

2 (a) The right of action for death of a seaman
3 caused by wrongful act, neglect, or default on the high
4 seas;

5 (b) Claims of owners against the master for
6 acts committed during the performance of his duties; and

7 (c) All other tort claims.

8
9 (3) All other claims are subject to a 3-year
10 prescription.

11 (4) The period of prescription of the claims laid
12 down in the preceding subsections runs from the time when
13 the right of action accrues."

14 Section 204. Title 19 of the Code of the Federated States
15 of Micronesia is hereby enacted by adding a new section 1206 of
16 chapter 12 to read as follows:

17 "Section 1206. Vessel liable in rem. A vessel, except for
18 a government vessel, operated in violation of this title or
19 any regulation promulgated pursuant to it is liable in rem
20 for any fine or civil penalty."

21 Section 205. Title 19 of the Code of the Federated States of
22 Micronesia is hereby enacted by adding a new section 1207 of chapter
23 12 to read as follows:

24 "Section 1207. Foreign vessels. Notwithstanding any
25 other provision of law in this title, if a violation is
committed by a foreign vessel, or its owner or master,

1 discharged from his vessel, either on his discharge or on
2 payment of his wages, a certificate of service in a form
3 approved by the Secretary, specifying the period of his
4 service and the time and place of his discharge.

5 (2) If any person forges or fraudulently alters any
6 certificate of service, he shall, in respect of each
7 offense, be guilty of a misdemeanor."

8 Section 127. Title 19 of the Code of the Federated States
9 of Micronesia is hereby enacted by adding a new section 632 of
10 chapter 6 to read as follows:

11 "Section 632. Offenses against the internal order of the
12 vessel.

13 (1) Any seaman on a registered vessel who commits any
14 of the following offenses may, in addition to any criminal
15 penalties provided in this chapter, be punished by the
16 master as follows:

17 (a) For neglecting or refusing without
18 reasonable cause to join his vessel or to proceed to sea in
19 his vessel, or for absence without leave at any time within
20 24 hours of the vessel's sailing from any port, either at
21 the commencement or during the progress of the voyage, or
22 for absence at any time, without leave and without
23 sufficient reason, from his vessel and from his duty, not
24 amounting to desertion, by forfeiture from his wages of not
25 more than 2 days' wages or wages sufficient to defray any

1 expenses which shall have been properly incurred in hiring
2 a substitute;

3 (b) For quitting the vessel without leave
4 before it is placed in security, by forfeiture from his
5 wages of not more than 1 month's wages;

6 (c) For intoxication or willful disobedience to
7 any lawful command, by being placed in restraint until such
8 intoxication or disobedience shall cease, and by forfeiture
9 from his wages of not more than 4 days' wages;

10 (d) For continued intoxication or willful
11 disobedience to any lawful command or continued willful
12 neglect of duty, by being placed in restraint until such
13 intoxication, disobedience, or neglect shall cease, and by
14 forfeiture, for every 24 hours continuance of such
15 intoxication, disobedience, or neglect, of a sum of not
16 more than 12 days' wages;

17 (e) For willfully damaging the vessel, or
18 embezzling, or willfully damaging any part of the stores or
19 cargo, whether on board the vessel, in boats, or ashore, by
20 forfeiture out of his wages of a sum equal in amount to the
21 loss thereby sustained;

22 (f) For any act of smuggling, whereby loss or
23 damage is occasioned to the master or owner, by payment to
24 such master or owner of such a sum as is sufficient
25 to reimburse the master or owner for such loss or damage,

1 the whole or any part of his wages may be retained in
2 satisfaction or on account of such liability;

3 (g) For assaulting any master, pilot, or
4 officer, by forfeiture from his wages of not more than 3
5 months' pay;

6 (h) For mutiny or desertion, by forfeiture of
7 all accrued wages.

8 (2) All earnings forfeited as a result of penalties
9 imposed by the master pursuant to this section shall be
10 applied to reimburse the master or owner for any loss or
11 damage resulting from the act for which the forfeiture was
12 imposed, and the balance with an accounting thereof shall
13 thereupon be forwarded to the principal shipping officer."

14 Section 128. Title 19 of the Code of the Federated States of
15 Micronesia is hereby enacted by adding a new section 633 of chapter 6
16 to read as follows:

17 "Section 633. Endangering vessel, cargo, or persons
18 aboard. Whoever, being a master, seaman, or other person
19 on any vessel, by willful breach of duty or by reason of
20 drunkenness, does any act tending to the immediate loss or
21 destruction of, or serious damage to, such vessel or its
22 cargo, or tending immediately to endanger his life or limb
23 or the life or limb of any person belonging to or on board
24 such vessel, or by willful breach of duty or by neglect of
25 duty, or by reason of drunkenness refuses or omits to do

1 any lawful act proper and requisite to be done by him for
2 preserving such vessel and her cargo from immediate loss,
3 destruction, or serious damage, or for preserving any
4 person on such vessel from immediate danger to life or
5 limb, shall be subject to a fine."

✓ 6 Section 129. Title 19 of the Code of the Federated States
✓ 7 of Micronesia is hereby enacted by adding a new section 634 of
✓ 8 chapter 6 to read as follows:

9 "Section 634. Desertion.

10 (1) Any seaman who deserts his vessel with the
11 intention of not returning to duty and who remains
12 unlawfully in a foreign country shall be guilty of
13 desertion and shall be liable to answer for any damages or
14 losses suffered by the owner as a consequence of such
15 desertion.

16 (2) The master shall make an entry of all desertions
17 in the logbook and file a report with the shipping
18 officer. The local authorities of the port shall be
19 notified and requested to apprehend and deliver the
20 deserter."

✓ 21 Section 130. Title 19 of the Code of the Federated States
✓ 22 of Micronesia is hereby enacted by adding a new section 635 of
✓ 23 chapter 6 to read as follows:

24 "Section 635. Revolt, mutiny or riot - Attempt,
25 conspiracy, or solicitation. Whoever, being of the crew of

1 a registered vessel, endeavors to make a revolt or mutiny
2 on board such vessel, or combines, conspires, or
3 confederates with any other person on board to make such
4 revolt or mutiny, or solicits, incites, or stirs up any
5 other of the crew to disobey or resist the lawful orders of
6 the master or other officers of such vessel, or
7 refuses or neglects his proper duty on board thereof, or
8 betrays his proper trust, or assembles with others in a
9 tumultuous and mutinous manner, or makes a riot on board
10 thereof, or unlawfully confines the master or other
11 commanding officer thereof, shall be fined not more than
12 \$1,000, or imprisoned for not more than 5 years, or both."

13 Section 131. Title 19 of the Code of the Federated States of
14 Micronesia is hereby enacted by adding a new section 636 of chapter 6
15 to read as follows:

16 "Section 636. Unlawful usurpation of command. Whoever,
17 being of the crew of a registered vessel, unlawfully and
18 with force, or by fraud or intimidation, usurps the
19 command of such vessel from the master or other lawful
20 officer in command thereof, or deprives him of authority
21 and command on board, or resists or prevents him in the
22 free and lawful exercise thereof, or transfers such
23 authority and command to another not lawfully entitled
24 thereto, is guilty of a revolt and mutiny and shall be
25 fined not more than \$2,000, or imprisoned for not more than

1 10 years, or both."

2 Section 132. Title 19 of the Code of the Federated States
3 of Micronesia is hereby enacted by adding a new section 637 of
4 chapter 6 to read as follows:

5 "Section 637. Entry of the offenses in logbook;
6 Notification to offender.

7 (1) Upon the commission of any offense, an entry
8 thereof shall be made in the official logbook of the vessel
9 on the day on which the offense was committed and an entry
10 made of any penalty or fine imposed, and shall be signed by
11 the master and by the mate or one of the crew.

12 (2) The offender, if still on the vessel, shall,
13 before next arrival of the vessel at any port or, if it is
14 at the time in port, before its departure therefrom, be
15 furnished with a copy of such entry and have the same read
16 over distinctly and audibly to him, and may thereupon make
17 such a reply thereto as he thinks fit.

18 (3) A statement that a copy of the entry has been so
19 furnished or the same has been so read over, together
20 with his reply, if any, made by the offender, shall
21 likewise be entered and signed in the same manner."

22 Section 133. Title 19 of the Code of the Federated States of
23 Micronesia is hereby enacted by adding a new section 638 of chapter 6
24 to read as follows:

25 "Section 638. Corporal punishment prohibited. Flogging

1 and all other forms of corporal punishment are hereby
2 prohibited on board any vessel, and any master who shall
3 violate the provision of this section shall be guilty of a
4 misdemeanor."

5 Section 134. Title 19 of the Code of the Federated States of
6 Micronesia is hereby enacted by adding a new section 639 of chapter 6
7 to read as follows:

8 "Section 639. Master's lien. A master shall have the same
9 lien for all disbursements or liabilities properly made or
10 incurred by him on account of the vessel as a seaman has
11 for his wages."

12 Section 135. Title 19 of the Code of the Federated States of
13 Micronesia is hereby enacted by adding a new section 640 of chapter 6
14 to read as follows:

15 "Section 640. Vessel to be properly manned. Vessels at
16 sea must carry at least the number of qualified seamen
17 required by the regulations for vessels of that size and
18 type."

19 Section 136. Title 19 of the Code of the Federated States
✓ 20 of Micronesia is hereby enacted by adding a new section 641 of
✓ 21 chapter 6 to read as follows:

22 "Section 641. Crew accommodation. The managing owner or
23 master shall not permit a vessel to go to sea if the
24 managing owner or master knows or should have known that
25 the vessel does not conform to regulations regarding:

-
- 1 (1) Crew accommodations;
2 (2) Provisions; and
3 (3) Medical supplies and personnel."

✓ 4 Section 137. Title 19 of the Code of the Federated States
✓ 5 of Micronesia is hereby enacted by adding a new section 642 of
✓ 6 chapter 6 to read as follows:

7 "Section 642. Crew lists. The managing owner shall keep a
8 crew list of each vessel in a safe place onshore, and the
9 master shall carry a copy in the vessel."

10 Section 138. Title 19 of the Code of the Federated States of
11 Micronesia is hereby enacted by adding a new section 643 of chapter 6
12 to read as follows:

13 "Section 643. Approval of service in foreign vessels. It
14 is unlawful to employ a citizen of the Federated States of
15 Micronesia as a seaman in a vessel to which this chapter
16 does not apply, and that is bound for a foreign port,
17 without the written approval of a shipping officer."

✓ 18 Section 139. Title 19 of the Code of the Federated States
✓ 19 of Micronesia is hereby enacted by adding a new section 644 of
✓ 20 chapter 6 to read as follows:

21 "Section 644. Official log book. The master shall keep
22 and carry an official log book in the vessel."

23 Section 140. Title 19 of the Code of the Federated States of
24 Micronesia is hereby enacted by adding a new section 645 of chapter 6
25 to read as follows:

1 "Section 645. Disciplinary offenses.

2 (1) Every time a registered vessel reaches a port in
3 the FSM, the master shall make an official report to
4 the principal shipping officer of all findings of
5 disciplinary offenses or discharges for justifiable cause,
6 if any, made since the last report. The report shall
7 include at least the text of the official log entry,
8 including the seaman's reply, if any.

9 (2) By notice to the seaman in person, or by mail to
10 the seaman's last known address, the principal shipping
11 officer shall notify the seaman of the right to file a
12 written explanation or defense.

13 (3) After considering any explanation or defense
14 filed by the seaman, the principal shipping officer may
15 suspend a seaman where:

16 (a) Two or more disciplinary reports have been
17 made within a prescribed time; or

18 (b) The seaman has violated sections 630, 632,
19 633, 634, 635, or 636 of this chapter.

20 (4) The suspended seaman shall be notified in
21 writing, and his or her name shall be entered on the list
22 of suspended persons."

23 Section 141. Title 19 of the Code of the Federated States of
24 Micronesia is hereby enacted by adding a new section 646 of chapter 6
25 to read as follows:

1 "Section 646. Appeal against suspension. Where the
2 principal shipping officer suspends a seaman, the seaman
3 may appeal within 30 days of notice of suspension to the
4 Trial Division of the Supreme Court. The Court shall set
5 aside the decision of the principal shipping officer only
6 if it is found on the record to be arbitrary, capricious,
7 an abuse of discretion, or otherwise not in accordance with
8 law, and in that case, shall try the case de novo. The
9 Court may award lost wages and costs, if proven."

10 Section 142. Title 19 of the Code of the Federated States of
11 Micronesia is hereby enacted by adding a new section 647 of chapter 6
12 to read as follows:

13 "Section 647. Suspended person not to be employed as
14 seaman. No suspended person shall enter a seaman's
15 employment agreement, and no person shall knowingly
16 employ a suspended person as a seaman. An agreement to
17 employ a suspended person is void."

18 Section 143. Title 19 of the Code of the Federated States of
19 Micronesia is hereby enacted by adding a new section 648 of chapter 6
20 to read as follows:

21 "Section 648. Wrongful death of seaman, master or officer.

22 (1) This section shall not apply to seamen, masters
23 and officers on board a fishing vessel.

24 (2) Whenever the death of a seaman, master or
25 officer, resulting from an injury, shall be caused by

1 wrongful act, omission, neglect, or default occurring on
2 board a vessel, other than a fishing vessel, the personal
3 representative of the deceased seaman may maintain a suit
4 for damages, for the exclusive benefit of the deceased's
5 wife, husband, parent, child, or dependent relative,
6 against the vessel, person, or corporation which would have
7 been liable if death had not ensued."

8 Section 144. Title 19 of the Code of the Federated States of
9 Micronesia is hereby enacted by adding a new section 649 of chapter 6
10 to read as follows:

11 "Section 649. Death of seaman, master or officer on board
12 fishing vessels. In the case of death of a seaman, master
13 or officer occurring on board a fishing vessel, or in the
14 case of his death occurring on shore, if, at the time, he
15 was entitled to medical care and maintenance at the owner's
16 or employer's expense:

17 (1) The owner or employer shall be liable to defray
18 reasonable local funeral expenses and make payment of the
19 base wages of the deceased seaman, master or officer up to
20 the end of the month in which the death occurs;

21 (2) Wages, maintenance and benefits due to a
22 seaman, master or officer shall be paid after his death to
23 his estate; and

24 (3) The estate of the deceased seaman, master or
25 officer shall be entitled to assert a claim for a lump

1 sum payment in the amount set forth in the payment schedule
2 specified in regulations promulgated by the Secretary."

3 Section 145. Title 19 of the Code of the Federated States of
4 Micronesia is hereby enacted by adding a new section 650 of chapter 6
5 to read as follows:

6 "Section 650. Death on board; Procedure generally.

7 (1) In the event of a death on board a vessel, an
8 entry shall be made into the vessel's logbook by the master
9 and one of his officers. He shall also report the death to
10 the authorities at the first port of arrival and shall
11 submit a statement signed by him to the shipping officer.

12 (2) The logbook entry and statement shall contain the
13 first and last name, sex, nationality, year, and
14 place of birth of the deceased person, the cause of death,
15 place of death (latitude, longitude), date and time of
16 death, the names of next-of-kin, if known, and the name of
17 the vessel.

18 (3) If the deceased person is a seaman, the entry and
19 statement shall contain, in addition, his rank or
20 rating, place and address of his residence or domicile, and
21 the number of his certificate with date of issuance.

22 (4) The statement submitted by the master shall be
23 countersigned by any attending physician aboard; otherwise
24 by any of the ship's officers. A list of personal effects
25 and amounts of money left on board the vessel shall be

1 attached."

2 Section 146. Title 19 of the Code of the Federated States of
3 Micronesia is hereby enacted by adding a new section 651 of chapter 6
4 to read as follows:

5 "Section 651. Agreement to submit disputes to arbitration;
6 Compelling compliance with agreement.

7 (1) Agreement to submit disputes to arbitration. A
8 provision in a written contract of employment between an
9 owner or employer and a seaman, master or officer, to
10 settle by arbitration a claim or controversy arising out of
11 performance of the contract, the refusal to perform the
12 whole or any part thereof, or the breach of said contract,
13 shall be valid, enforceable, and irrevocable, except upon
14 such grounds as exist for the revocation of any contract.

15 (2) Compelling compliance with agreement. A party
16 aggrieved by the failure, neglect, or refusal of another to
17 perform under an agreement in writing providing for
18 arbitration may proceed in the manner provided for in
19 the agreement. Five days' notice in writing of the
20 application shall be served upon the party in default.
21 Service thereof shall be made in the manner provided for by
22 subchapter I of title 6 of the Code of the Federated
23 States of Micronesia. The court shall hear the parties,
24 and upon being satisfied that the making of the agreement
25 is not in issue, the court hearing the application shall

1 make an order directing the parties to proceed to
2 arbitration in accordance with the agreement. ^{space} If the making
3 of the agreement is in issue, the court shall proceed
4 summarily to the trial thereof. If the ~~the~~ court finds that no
5 agreement in writing providing for arbitration was made,
6 the proceeding shall be dismissed."

7 Section 147. Title 19 of the Code of the Federated States of
8 Micronesia is hereby enacted by adding a new section 652 of chapter 6
9 to read as follows:

10 "Section 652. Regulations. The Secretary may promulgate
11 regulations to implement this chapter, and these
12 regulations shall have the force and effect of law."

13 Section 148. Title 19 of the Code of the Federated States of
14 Micronesia is hereby enacted by adding a new section 701 of chapter 7
15 to read as follows:

16 "Section 701. Application. This chapter applies to the
17 territorial waters of the Federated States of Micronesia
18 outside of lagoons, including the seaward approach to
19 lagoons, and also inside lagoons, but only if necessary to
20 protect and regulate interstate and foreign commerce."

21 Section 149. Title 19 of the Code of the Federated States of
22 Micronesia is hereby enacted by adding a new section 702 of chapter 7
23 to read as follows:

24 "Section 702. Definitions. In this chapter:

25 (1) 'Aid' means a marine aid to navigation, including

1 any light or illuminating device, which is not maintained
2 and controlled by a State; and

3 (2) 'Owner' includes any person or persons who own or
4 are in possession or control of an aid."

5 Section 150. Title 19 of the Code of the Federated States of
6 Micronesia is hereby enacted by adding a new section 703 of chapter 7
7 to read as follows:

8 "Section 703. Aid to Navigation Officer. The Secretary
9 shall appoint an Aid to Navigation Officer."

10 Section 151. Title 19 of the Code of the Federated States of
11 Micronesia is hereby enacted by adding a new section 704 of chapter 7
12 to read as follows:

13 "Section 704. Establishment and alteration of aids. The
14 Secretary may establish, maintain, operate, alter or remove
15 aids."

16 Section 152. Title 19 of the Code of the Federated States of
17 Micronesia is hereby enacted by adding a new section 705 of chapter 7
18 to read as follows:

19 "Section 705. Private aids.

20 (1) It is unlawful for any person to establish,
21 operate, alter or remove an aid without the written
22 approval of the Secretary.

23 (2) If safety or convenience requires, the Secretary
24 may, by written notice, require the owner of an aid to
25 move, remove, modify or alter it.

1 (3) Where the owner fails to comply or if notice
2 cannot be served on the owner, the Secretary may take
3 possession or control of the aid, and do any thing which
4 must be done for the safety of marine navigation, and the
5 owner shall pay any and all costs incurred by the
6 Government under this subsection."

7 Section 153. Title 19 of the Code of the Federated States
8 of Micronesia is hereby enacted by adding a new section 706 of
9 chapter 7 to read as follows:

10 "Section 706. Inspection of aids and lights.

11 (1) The Aid to Navigation Officer may inspect any aid
12 at any reasonable time, and for this purpose, the officer
13 may enter property.

14 (2) It is unlawful for any person to obstruct or
15 hinder an Aid to Navigation Officer in the performance
16 of his duties."

17 Section 154. Title 19 of the Code of the Federated States
18 of Micronesia is hereby enacted by adding a new section 707 of
19 chapter 7 to read as follows:

20 "Section 707. Offenses in relation to aids.

21 (1) It is unlawful to:

22 (a) Make fast to, damage, destroy or allow a
23 vessel to foul an aid;

24 (b) Cause the view of an aid to be obstructed
25 in such a manner as to lessen its efficiency;

1 (c) Without lawful authority, interfere with an
2 aid so as to hinder its effectiveness; or

3 (d) Trespass on or in an aid.

4 (2) In addition to any fine or penalty, a person
5 found guilty under subsection (1) of this section shall pay
6 the cost of repairing or replacing the aid.

7 (3) A person who, or the master of a vessel which,
8 damages, destroys, or interferes with an aid shall notify
9 the Aid to Navigation Officer as soon as practicable."

10 Section 155. Title 19 of the Code of the Federated States of
11 Micronesia is hereby enacted by adding a new section 708 of chapter 7
12 to read as follows:

13 "Section 708. Detention of a vessel which damages an aid.

✓ 14 A vessel which damages, destroys, or fouls an aid
✓ 15 may be detained until the cost of repairing or replacing
16 the aid is paid."

17 Section 156. Title 19 of the Code of the Federated States of
✓ 18 Micronesia is hereby enacted by adding a new section 709 of
✓ 19 chapter 7 to read as follows:

20 "Section 709. Advisory committee on aids. The Secretary
21 may form an aids to navigation advisory committee, which
22 shall include at least two representatives of owners of
23 vessels which must pay dues for aids to navigation."

24 Section 157. Title 19 of the Code of the Federated States of
25 Micronesia is hereby enacted by adding a new section 710 of chapter 7

1 to read as follows:

2 "Section 710. Dues for aids to navigation.

3 (1) Where an owner or master of a vessel fails to pay
4 dues for aids to navigation, the owner and master may each
5 be fined.

6 (2) A vessel may be detained until its dues for aids
7 to navigation are paid."

8 Section 158. Title 19 of the Code of the Federated States of
9 Micronesia is hereby enacted by adding a new section 711 of chapter 7
10 to read as follows:

11 "Section 711. Regulations.

12 (1) The Secretary may promulgate regulations to
13 implement this chapter, and these regulations shall have
14 the force and effect of law.

15 (2) Any regulations promulgated pursuant to this
16 section shall provide that the Secretary shall take action
17 within a lagoon only if the State has failed to meet
18 minimum international safety standards, and action is
19 necessary to protect or regulate interstate or foreign
20 commerce."

21 Section 159. Title 19 of the Code of the Federated States of
22 Micronesia is hereby enacted by adding a new section 801 of chapter 8
23 to read as follows:

24 "Section 801. Definitions. In this chapter:

25 (1) 'Owner' means any person or persons to whom the

1 vessel wrecked belongs, or belonged at the time it wrecked,
2 or has belonged at any time after it wrecked.

3 (2) 'Wreck' includes jetsam, flotsam, lagan and
4 derelict."

5 Section 160. Title 19 of the Code of the Federated States
6 of Micronesia is hereby enacted by adding a new section 802 of
7 chapter 8 to read as follows:

8 "Section 802. Receiver of wreck. The Secretary shall be
9 the receiver of wreck in the Federated States of
10 Micronesia, and shall superintend all matters relating to
11 wreck."

12 Section 161. Title 19 of the Code of the Federated States of
13 Micronesia is hereby enacted by adding a new section
14 803 of chapter 8 to read as follows:

15 "Section 803. Preservation of wreck.

16 (1) When any vessel is wrecked, stranded, or in
17 distress the receiver may take command of all persons
18 present, assign duties, issue directions, requisition
19 assistance, and demand the use of any nearby vehicle or
20 equipment, if necessary to preserve the vessel, the cargo,
21 and lives.

22 (2) The receiver shall not interfere between the
23 master of the vessel and his crew in matters relating to
24 the management of the vessel unless he is requested to do
25 so by the master.

1 (3) All cargo and other articles belonging to the
2 vessel that leave the vessel must be delivered to the
3 receiver and no person, including an owner, may secrete or
4 refuse to deliver the same to the receiver.

5 (4) A rescuer may pass over any adjoining lands if
6 necessary and may deposit on such lands any cargo or
7 article recovered. All damage caused to land or
8 property by rescuers or cargo shall be a salvage charge on
9 the vessel, cargo, or articles.

10 (5) No person, including the owner or occupier of any
11 land over which rescuers must pass, may impede or hinder
12 any rescuer or impede the deposit of cargo or other rescued
13 articles."

14 Section 162. Title 19 of the Code of the Federated States of
15 Micronesia is hereby enacted by adding a new section 804 of chapter 8
16 to read as follows:

17 "Section 804. Finding and taking possession of wreck.
18 If an owner or any other person finds or takes possession
19 of any wreck he shall notify the receiver and, if
20 requested, deliver the wreck to the receiver."

21 Section 163. Title 19 of the Code of the Federated States of
22 Micronesia is hereby enacted by adding a new section 805 of chapter 8
23 to read as follows:

24 "Section 805. Secretion of wreck. If the receiver learns
25 that any wreck has been secreted or otherwise not reported

1 to him, he may apply for a search warrant as provided by
2 law, and search for the wreck in any vessel or place."

3 Section 164. Title 19 of the Code of the Federated States of
4 Micronesia is hereby enacted by adding a new section 806 of chapter 8
5 to read as follows:

6 "Section 806. Notice by receiver of having taken
7 possession of wreck. When the receiver takes possession of
8 wreck, he shall cause a description of the wreck to be
9 broadcast on at least one radio station in each State."

10 Section 165. Title 19 of the Code of the Federated States of
11 Micronesia is hereby enacted by adding a new section 807 of chapter 8
12 to read as follows:

13 "Section 807. Removing wreck from custody of receiver.
14 It is unlawful to remove or attempt to remove a detained
15 vessel, cargo, apparel or wreck without the authority of
16 the receiver."

17 Section 166. Title 19 of the Code of the Federated States of
18 Micronesia is hereby enacted by adding a new section 808 of chapter 8
19 to read as follows:

20 "Section 808. Claimed wreck. Subject to the payment of
21 any expenses, fees, and salvage due, the receiver shall
22 return wreck if the owner establishes his claim to the
23 satisfaction of the receiver within 1 year of the time the
24 receiver takes possession."

25 Section 167. Title 19 of the Code of the Federated States of

1 the Secretary, after consultation with the Attorney
2 General, may refer the matter through diplomatic channels
3 to the country of registry for appropriate action."

4 Section 206. Title 19 of the Code of the Federated States of
5 Micronesia is hereby enacted by adding a new section 1208 of chapter
6 12 to read as follows:

7 "Section 1208. Other remedies not limited. Nothing in
8 this title shall limit, deny, amend, modify, or repeal any
9 other remedy available to the Federated States of
10 Micronesia or to any other person, except as expressly
11 provided in this title."

12 Section 207. Title 19 of the Code of the Federated States
13 of Micronesia is hereby enacted by adding a new section 1209 of
14 chapter 12 to read as follows:

15 "Section 1209. Regulations. The Secretary may promulgate
16 regulations to implement this chapter, and these
17 regulations shall have the force and effect of law."

18 Section 208. This act shall become effective six months
19 after it becomes law.

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1 Section 209. 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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 Bailey Olter
 President
 Federated States of Micronesia

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