

LC - CFM



The President
Palikir, Pohnpei
Federated States of Micronesia

PRESIDENTIAL COMM. NO. 18454
FSM CONGRESS

February 26, 2015

The Honorable Dohsis Halbert
Speaker
Eighteenth Congress of the Federated States of Micronesia
Palikir, Pohnpei FM 96941



Dear Speaker Halbert:

I am returning the following Congressional Act, which I have signed to become Public Law No. 18-108:

Congressional Act No. 18-119, entitled: "AN ACT TO FURTHER AMEND CHAPTERS 1, 5, AND 9 OF TITLE 24 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA, AS AMENDED, BY ADDING "SHARK" AND "SHARK FIN" TO THE DEFINITION SECTION IN CHAPTER 1; BY ADDING A NEW SECTION 503 AND BY RENUMBERING EXISTING SECTIONS 503 SECTION 504 IN CHAPTER 5, FOR THE PURPOSE OF REQUIRING THAT ALL VESSELS LAND THEIR BYCATCH AT PORT; BY AMENDING SECTION 913 IN CHAPTER 9 TO PROHIBIT THE PRACTICE OF SHARK FINNING AND EXTEND CIVIL PENALTIES TO APPLY TO SUCH VIOLATIONS, BY MODIFYING WHAT IS CONSIDERED AS DESTRUCTION OF EVIDENCE, AND FOR OTHER PURPOSES."

I want to thank Congress for its support and passage of this important piece of legislation.

This amendment to title 24 of the FSM Code prohibits shark finning and introduces an obligation for fishing vessels to either release live sharks or retain dead sharks and land them at an FSM port. With regard to retaining dead sharks and landing them at port, the Act contains a provision exempting vessels from this obligation for the first six months from the date the law is passed.

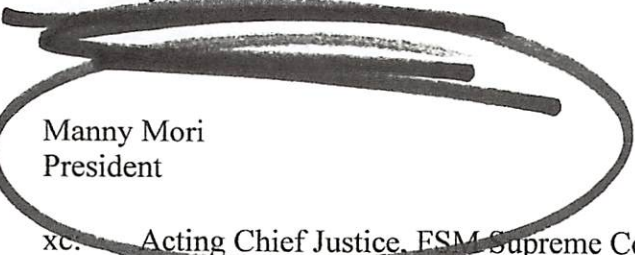
Importantly, this Act allows all types of by-catch, in addition to sharks, to be utilized in the future. This provision alone has the potential to help boost the economy, while at the same time create a new industry for the local production of livestock feed, which should cut down on the import of livestock feed and create job opportunities. Further, by supporting our local farmers and their piggeries, production of biofuel from piggery waste may also be more readily explored as another new industry in the FSM.

The Honorable Dohsis Halbert
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The Act is a result of a tailored approach to shark conservation and species management in the FSM, designed to provide protection of shark species, while simultaneously utilizing wasted resources to help the local communities.

Sincerely,



Manny Mori
President

xc. Acting Chief Justice, FSM Supreme Court
Secretary, Department of Justice
Director, Office of SBOC
Legislative Counsel, CFSM
Library, CFSM
PIO, FSM

Office of the President, P.O. Box PS 53, Palikir, Pohnpei, FM 96941

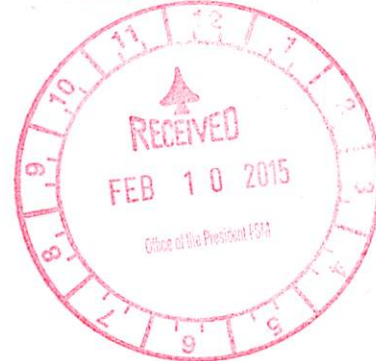


CONGRESS OF THE FEDERATED STATES OF MICRONESIA

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Office of the Chief Clerk

PRESIDENTIAL COMM. NO. 18-45
FSM CONGRESS



February 10, 2015

His Excellency Manny Mori
President
Federated States of Micronesia
Palikir, Pohnpei FM 96941

Dear President Mori:

I have the honor to transmit herewith Congressional Act No. 18-119, "AN ACT TO FURTHER AMEND CHAPTERS 1, 5, AND 9 OF TITLE 24 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA, AS AMENDED, BY ADDING "SHARK" AND "SHARK FIN" TO THE DEFINITION SECTION IN CHAPTER 1; BY ADDING A NEW SECTION 503 AND BY RENUMBERING EXISTING SECTIONS 503 AS SECTION 504 IN CHAPTER 5, FOR THE PURPOSE OF REQUIRING THAT ALL VESSELS LAND THEIR BY CATCH AT PORT; BY AMENDING SECTIONS 913 AND 914 IN CHAPTER 9 TO PROHIBIT THE PRACTICE OF SHARK FINNING AND EXTEND CIVIL PENALTIES TO APPLY TO SUCH VIOLATIONS, BY MODIFYING WHAT IS CONSIDERED AS DESTRUCTION OF EVIDENCE, AND FOR OTHER PURPOSES.", which was passed by the Eighteenth Congress of the Federated States of Micronesia, Sixth Regular Session, 2015, by a two-thirds vote of all the State delegations as required and as duly certified.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Liwiana Ramon Ioanis".

Liwiana Ramon Ioanis
Chief Clerk, Congress of the
Federated States of Micronesia

Enclosures



PRESIDENTIAL COMM. NO. 18-454
FSM CONGRESS

EIGHTEENTH CONGRESS OF THE
FEDERATED STATES OF MICRONESIA
SIXTH REGULAR SESSION
JANUARY 23 – FEBRUARY 11, 2015

PUBLIC LAW No. 18- 108

An Act

TO FURTHER AMEND CHAPTERS 1, 5, AND 9 OF TITLE 24 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA, AS AMENDED, BY ADDING "SHARK" AND "SHARK FIN" TO THE DEFINITION SECTION IN CHAPTER 1; BY ADDING A NEW SECTION 503 AND BY RENUMBERING EXISTING SECTIONS 503 AS SECTION 504 IN CHAPTER 5, FOR THE PURPOSE OF REQUIRING THAT ALL VESSELS LAND THEIR BY CATCH AT PORT; BY AMENDING SECTIONS 913 AND 914 IN CHAPTER 9 TO PROHIBIT THE PRACTICE OF SHARK FINNING AND EXTEND CIVIL PENALTIES TO APPLY TO SUCH VIOLATIONS, BY MODIFYING WHAT IS CONSIDERED AS DESTRUCTION OF EVIDENCE, AND FOR OTHER PURPOSES.

INTRODUCED BY SENATOR: FLORENCIO S. HARPER

DATE: JANUARY 30, 2014

REFERRED TO: COMMITTEE ON HEALTH AND SOCIAL AFFAIRS

S.C.R. NO. 18-275 – FEBRUARY 2, 2015

FIRST READING: FEBRUARY 2, 2015

SECOND READING: FEBRUARY 4, 2015

A handwritten signature in blue ink, appearing to read "Liwiana Ramon Ioanis", is written over a horizontal line.

Liwiana Ramon Ioanis
Chief Clerk, FSM Congress



CONGRESS OF THE FEDERATED STATES OF MICRONESIA

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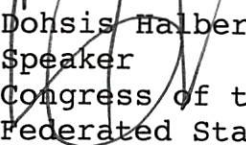
Office of the Speaker


ACT NO. 18-119

PRESIDENTIAL COMM. NO. 18-454
FSM CONGRESS

(CONGRESSIONAL BILL NO. 18-134, C.D.1, C.D.2)

We hereby certify that on February 4 the foregoing act passed Second and Final Reading of the Eighteenth Congress of the Federated States of Micronesia, Sixth Regular Session, 2015, by a two-thirds vote of all the State delegations as required under article IX, section 20, of the Constitution of the Federated States of Micronesia.


Dohsis Halbert
Speaker
Congress of the
Federated States of Micronesia


Liwiana Ramon Ioanis
Chief Clerk
Congress of the
Federated States of Micronesia

EIGHTEENTH CONGRESS OF THE FEDERATED STATES OF MICRONESIA

THIRD REGULAR SESSION, 2014

CONGRESSIONAL BILL NO. 18-134, C.D.1,
C.D.2

~~PUBLIC LAW NO. 18-108~~

AN ACT

To further amend chapters 1, 5, and 9 of title 24 of the Code of the Federated States of Micronesia, as amended, by adding "Shark" and "Shark Fin" to the Definition section in chapter 1; by adding a new section 503 and by renumbering existing sections 503 as section 504 in chapter 5, for the purpose of requiring that all vessels land their by catch at port; by amending sections 913 and 914 in chapter 9 to prohibit the practice of shark finning and extend civil penalties to apply to such violations, by modifying what is considered as destruction of evidence, and for other purposes."

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

1 Section 1. Section 102 of Title 24 of the Code of the
2 Federated States of Micronesia, as enacted by Public Law No.
3 12-34, is hereby amended to read as follows:

4 "Section 102. Definitions. In this subtitle, except
5 where otherwise specified, the following terms shall have
6 the meanings stated below:

7 (1) 'Access agreement' means a treaty, agreement or
8 arrangement entered into by the Authority pursuant to this
9 act in relation to access to the exclusive economic zone
10 for fishing by foreign fishing vessels, and includes
11 bilateral and multilateral instruments applicable at the
12 national, multilateral instruments applicable at the
13 national, sub regional, regional or international level.

14 (2) 'Administrator' means the director of a regional
15 fisheries agency or any other organization or person
16 authorized, pursuant to section 106 of chapter 1 of this

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1 subtitle, to administer a fisheries access agreement or
2 fisheries management agreement to which the Federated
3 States of Micronesia is party.

4 (3) 'Agent' includes a person appointed or designated
5 by a foreign fishing company to act as the legal
6 representative of that company within the Federated States
7 of Micronesia, including acceptance of and response to
8 legal process, pursuant to section 404(4) (a) of chapter 4
9 of this subtitle.

10 (4) 'Aircraft' means any craft capable of self-sustained
11 movement through the atmosphere and includes helicopters.

12 (5) 'Atoll' means a naturally formed coral reef system
13 which has one or more islands situated on the reef system,
14 including, but not limited to, Ngulu, Ulithi, Sorol,
15 Eauripi, Woleai, Faraulep, Ifalik, Olaimarao, Elato,
16 Lamotrek, West Fayu, Puluwat, Pulap, Pulusuk, Nomonuito,
17 Kuop, Nomowin, Murilo, Losap, Namoluk, Satawan, Etal,
18 Lukunor, Minto Reef, Oroluk, Nukuoro, Kapingamarangi,
19 Pakin, Ant, Sapwuahfik, Mwoakilloa and Pingelap.

20 (6) 'Authority' means the National Oceanic Resource
21 Management Authority established by section 201 of chapter
22 2 of this subtitle.

23 (7) 'Authority observer' means any person authorized in
24 writing by the Authority to act as an observer on fishing
25 vessels for the purposes of this subtitle, including any

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1 observer authorized pursuant to the provisions of an
2 access agreement or a fisheries management agreement.

3 (8) 'Authorized officers' means any person or category
4 of persons designated pursuant to section 602 of chapter 6
5 of this subtitle as an authorized officer.

6 (9) 'Automatic location communicator' or 'transponder'
7 means a device placed on a fishing vessel that transmits,
8 either in conjunction with another device or devices or
9 independently, information concerning the position,
10 fishing and other activities of the vessel.

11 (10) 'Based in the Federated States of Micronesia' means
12 using land-based facilities in the Federated States of
13 Micronesia to support fishing, including location of the
14 home port of a vessel in the Federated States of
15 Micronesia, landing or transshipping all fish harvested
16 within the exclusive economic zone and/or operating under
17 a joint venture arrangement in the Federated States of
18 Micronesia, or under arrangements where the operator of a
19 vessel is participating in shore-based developments or is
20 otherwise making a substantial contribution to the
21 development of the domestic tuna industry.

22 (11) 'Buy' includes:

23 (a) barter or attempt to barter'

24 (b) purchase or attempt to purchase;

25 (c) receive on account or consignment;

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1 (d) purchase or barter for future goods or for
2 any consideration of value; and

3 (e) purchase or barter as an agent for another
4 person, and 'buyer' shall have a corresponding meaning.

5 (12) 'Citizen' means a person who is a citizen of the
6 Federated States of Micronesia.

7 (13) 'Closed area' means an area in which fishing is
8 prohibited.

9 (14) 'Closed season' means a period of time during
10 which fishing is prohibited.

11 (15) 'Commercial fishing' means any fishing resulting
12 or intending or appearing to result in the sale or trade
13 of any fish, which may be taken during the fishing
14 operation, and does not include subsistence fishing.
15 For the purposes of this act, the following shall be
16 presumed to be commercial fishing:

17 (a) use of a vessel for fishing, which measures
18 twenty seven (27) feet or more in overall length;

19 (b) use of more than one vessel for fishing
20 which is owned by a single person for the primary
21 purpose of selling or trading any fish.

22 (16) 'Commercial pilot fishing' means any fishing for
23 the purpose of testing the commercial viability of (a)
24 new fishing methods;

25 (b) developing new stocks of fish; or

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1 (c) fishing in previously unexploited areas.

2 (17) 'Court' means the Supreme Court of the Federated
3 States of Micronesia.

4 (18) 'Domestic fishing' means any fishing by a local
5 fishing vessel longer than twenty-seven (27) feet in
6 overall length, but not including commercial pilot
7 fishing.

8 (19) (Reserved)

9 (20) (Reserved)

10 (21) 'Drift net' means a gillnet or other net or
11 arrangement of nets which is more than 2.5 kilometers
12 (1.56 miles) in length, the purpose of which is to
13 enmesh, entrap or entangle fish.

14 (22) 'Drift net fishing activities' includes fishing
15 with the use of a drift net and any related activities
16 including transporting, transshipping and processing any
17 drift net catch, and provisioning of food, fuel and
18 other supplies for vessels used or outfitted for drift
19 net fishing.

20 (23) 'Exclusive economic zone' means the exclusive
21 economic zone as defined in title 18 of the Code of the
22 Federated States of Micronesia.

23 (24) 'Executive Director' means the individual
24 appointed by the Authority to be in charge of the daily
25 activities and operation of the authority and to perform

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such other functions as required by this subtitle.

(25) "Export" means to:

(a) send or take out of the country;

(b) attempt to send or take out of the country;

(c) receive on account or consignment for
purposes of paragraph (a) or (b) above;

(d) act as an agent for another person for
purposes of (a) through (c) above; and

(e) carry or transport anything for purposes of
paragraphs (a) through (d) of this subsection, and
'exporter' shall have a corresponding meaning.

(26) 'Fish' means any living marine resources.

(27) 'Fish' aggregating device' means any man-made or
partly man-made floating or semi-submerged device,
whether anchored or not, intended for the purpose of
aggregating fish, and includes any natural floating
object on which a device has been placed to facilitate
its location.

(28) 'Fish processing' means the producing of any
substance or article from fish by any method and
includes the cutting up, dismembering, cleaning,
sorting, lining, freezing, canning, salting, preserving
and reduction of fish.

(29) 'Fisheries management agreement' means any
agreement, arrangement or treaty in force to which the

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1 Federated States of Micronesia is a party, not including
2 any access agreement, which has as its primary purpose
3 cooperation in or coordination of fisheries management
4 measures in all or part of the region, or implementation
5 of a multilateral access agreement, including, but not
6 limited to, fisheries monitoring, control and
7 surveillance and establishing criteria or requirements
8 for fishing and fisheries access.

9 (30) 'Fishery' or 'Fisheries' means one or more stock
10 of fish or any fishing operation based on such stocks,
11 which can be treated as a unit for purposes of
12 conservation and management, taking into account
13 geographical, scientific, technical, recreational,
14 economic and other relevant characteristics.

15 (31) 'Fishery waters' means the exclusive economic
16 zone, the territorial sea and internal waters as
17 described in title 18 of the Code of the Federated
18 States of Micronesia, and any other waters over which
19 the Federated States of Micronesia claims sovereignty or
20 sovereign Rights.

21 (32) 'Fishing' means:

22 (a) the actual or attempted searching for,
23 catching, taking or harvesting of fish;

24 (b) any activity, which can reasonably be
25 expected to result in the locating, catching, taking or

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1 harvesting of fish,

2 (c) the placing, searching for or recovering of
3 any fish aggregating device or associated electronic
4 equipment such as radio beacons;

5 (d) any operation at sea directly in support of
6 or in preparation for any activity described in this
7 subsection except for operations defined as related
8 activities in subsection (51) of this section; and

9 (e) the use of an aircraft in relation to any
10 activity described in this subsection except for flights
11 in emergencies involving the health or safety of crew
12 members or the safety of a vessel.

13 (33) 'Fishing gear' means any equipment, implement, or
14 other thing that can be used in the act of fishing,
15 including any fishing net, rope, line, float, trap,
16 hook, winch, boat, beacon or locating device, aircraft
17 or helicopter.

18 (34) 'Fishing vessel' means any vessel, boat, ship or
19 other craft, which is used for, equipped to be used for
20 or of a type that is normally used for fishing as the
21 terms fishing is defined in subsection (32) of this
22 section.

23 (35) 'Flag fishing vessel' means any foreign fishing
24 vessel that is registered in the Federated States of
25 Micronesia pursuant to title 18 of the Code of the FSM

1 and any domestic fishing vessel.

2 (36) 'Foreign fishing' means any fishing not defined
3 as domestic fishing, and not including commercial pilot
4 fishing or fishing from a local fishing vessel less than
5 or equal to twenty-seven (27) feet in overall length.

6 (37) 'Foreign fishing vessel' means any fishing vessel
7 other than a local fishing vessel.

8 (38) 'Foreign party' means a noncitizen party to an
9 access agreement or a party to an access agreement that
10 is at least twenty percent foreign-owned.

11 (39) 'Foreign recreational fishing' means fishing
12 using a foreign fishing vessel for recreational or sport
13 purposes.

14 (40) 'High seas' means all parts of the sea that are
15 not included in the exclusive economic zone, in the
16 territorial sea, or in the internal water of any nation,
17 or in the archipelagic waters of an archipelagic nation.

18 (41) 'Internal waters' means waters on the landward
19 side of the baseline of the territorial sea of any
20 island within the Federated States of Micronesia.

21 (42) 'Island' means a naturally formed area of land
22 surrounded by water, which is above water at high tide.

23 (43) 'Local fishing vessel' means any fishing vessel
24 wholly owned and controlled by:

25 (a) the Government of the Federated States of

1 Micronesia, any State government or any subdivision
2 thereof;

3 (b) one or more natural persons who are citizens
4 of the Federated States of Micronesia;

5 (c) any corporation, company, society, or other
6 association of persons incorporated or established under
7 the laws of the Federated States of Micronesia or of any
8 State and which is wholly owned and controlled by one or
9 more of the entities or persons described in paragraphs
10 (a) through (c) of this subsection.

11 (44) 'Master' in relation to any fishing vessel means
12 the person in charge or apparently in charge of that
13 vessel.

14 (45) 'Multilateral access agreement' means an access
15 agreement between a foreign party and one or more
16 regional parties, to which the Federated States of
17 Micronesia is a party.

18 (46) 'Officer' means any authorized officer or
19 national police officer, and includes any officer of a
20 vessel or aircraft used for the enforcement of this act,
21 whether or not such officers are official of the
22 Government of the Federated States of Micronesia or of
23 one of the four State governments.

24 (47) 'Operator' means any person who is in charge of
25 or directors or controls a fishing vessel, or for whose

1 direct economic or financial benefit a vessel is being
2 used, including the master, owner, and charterer.

3 (48) 'Owner' in relation to a fishing vessel means any
4 person exercising or discharging or claiming the right
5 or accepting the obligation to exercise or discharge any
6 of the powers or duties of an owner, whether on his own
7 behalf or on behalf of another, and includes a person
8 who owns the vessel jointly with any other person or
9 persons and any manager, director or secretary of any
10 corporate body or company that holds an ownership
11 interest in the vessel.

12 (49) 'Permit' means any permit issued under this
13 subtitle or under an access agreement entered into
14 pursuant to this subtitle.

15 (50) 'Person' means any natural person or business
16 enterprise and includes, but is not limited to, a
17 corporation, partnership, cooperative, association, the
18 government of any of the four States, or any political
19 subdivision thereof, and any foreign government,
20 subdivision of such government or other entity.

21 (51) 'Port sampler' means a category of authorized
22 observer who performs duties at a point of transshipment
23 or port Micronesia.

24 (52) 'Recreational fishing' means fishing for sport or
25 leisure.

1 (53) 'Region' means that area of land and ocean which
2 falls within the sovereignty and sovereign rights of the
3 member countries of the South Pacific Forum Fisheries
4 Agency, whose headquarters are located in Honiara,
5 Solomon Islands, and includes high seas within such
6 area, and for the purposes of data collection, includes
7 that area of the Western and Central Pacific Ocean which
8 falls within the jurisdiction and sovereign rights of
9 the member countries of the Secretariat of the Pacific
10 Community located in Noumea, New Caledonia, and
11 'regional' shall have a corresponding meaning.

12 (54) 'Regional access license' means a regional access
13 license issued to any fishing vessel of a party to a
14 multilateral access agreement or fisheries management
15 agreement, in accordance with such agreement.

16 (55) 'Related activities' in relation to fishing
17 means:

18 (a) transshipment;

19 (b) refueling or supplying fishing vessels,
20 selling or supplying fishing equipment, or performing
21 either activity in support of fishing; and

22 (c) on-shore storing, buying or processing fish
23 or fish products from the time they are first landed.

24 (57) 'Secretary' means the Secretary of the Department
25 of Justice.

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1 (58) 'Sell' includes the exchange of any fish or fish
2 product or other thing for cash or for anything, which
3 has value or which can be exchanged for cash, and
4 includes any exchange by barter.

5 (59) 'Shark' means any fish of the taxon
6 Elasmobranchii.

7 (60) 'Shark Fin' means any fin of a shark including
8 caudal fins.

9 (61) 'Stock of fish' means a species, subspecies or
10 other category of fish identified on the basis of
11 geographical, scientific, technical, recreational and
12 economic characteristics which can be treated as a unit
13 for purposes of conservation and management.

14 (62) 'Subsistence fishing' means fishing by a citizen
15 or a resident substantially for personal consumption,
16 and does not include any fishing resulting or intending
17 or appearing to result, directly or indirectly, in the
18 sale or trading of any fish which may be taken during
19 the fishing operations.

20 (63) 'Transponder' or 'automatic location
21 communicator' means a device placed on a fishing vessel
22 that transmits, either in conjunction with another
23 device or devices or independently, information
24 concerning the position, fishing and other activities of
25 the vessel.

(64) 'Transshipment' means the transfer of any or all fish or fish products to or from any vessel or aircraft for the purposes of transporting such fish or fish products elsewhere.

(65) 'United Nations Agreement' means the agreement for the implementation of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1992 relating to the conservation and management of straddling fish stocks and highly migratory fish stocks.

(67) 'Vehicle' means any car, truck, van, bus, trailer or other powered land conveyance.

(68) 'Vessel' means any boat, ship, canoe or other water-going craft."

Section 2. Chapter 5 of title 24 of the Code of the Federated States of Micronesia, as enacted by Public Law No. 12-34, is hereby amended by adding a new section 503 to read as follows:

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

(1) By-catch caught by a fishing vessel may be landed at a transshipment port in the Federated States of Micronesia in accordance with any regulation promulgated pursuant to this act.

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

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

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

Section 3. Chapter 5 of title 24 of the Code of the Federated States of Micronesia, as enacted by Public Law No. 12-34, is hereby amended by renumbering section 503 as section 504.

Section 4. Chapter 5 of title 24 of the Code of the Federated States of Micronesia, as enacted by Public Law No. 12-34, is hereby amended by renumbering section 504 as section 505.

Section 5. Section 913 of Chapter 9 of title 24 of the Code of the Federated States of Micronesia, as enacted by Public Law No. 12-34, is hereby amended to read as follows:

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

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

(2) It shall be unlawful to remove shark fins from

1 sharks on board fishing vessels, and to retain on board,
2 transship or land sharks or shark fins, subject to
3 subsections (4) and (6).

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

6 (4) All sharks caught by a fishing vessel shall be
7 either: (a) if still alive, immediately released back
8 into the ocean. Fishing vessels must ensure that sharks
9 are released whole, and that sharks are not
10 unnecessarily harmed during the release process; or (b)
11 if dead, landed at a transshipment port in the Federated
12 States of Micronesia. Fishing vessels must ensure that
13 sharks are landed whole with all shark fins attached to
14 the carcass, PROVIDED THAT, Purse Seine vessels shall be
15 exempted from the application of subsection 913(4)(b)
16 for six months from the effective date of this act.

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

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

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

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

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

Section 6. Section 914 of chapter 9 of title 24 of the Code of the Federated States of Micronesia, as enacted by Public Law No. 12-34, is hereby further amended to read as follows:

Section 914. Destruction of evidence

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

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

PUBLIC LAW No. 18-108

Section 7. This act shall become law upon approval by the
President of the Federated States of Micronesia or upon its becoming
law without such approval.

February 25, 2015


Manny Mori
President
Federated States of Micronesia