A BILL FOR AN ACT

To further amend section 913 of title 24 of the Code of the Federated States of Micronesia (Annotated), as amended by Public Laws Nos. 18-108, 10-21 and 19-36, to change the required method of handling by-catch, and for other purposes.

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

- 1 Section 1. Section 913 of title 24 of the Code of the
- 2 Federated States of Micronesia (Annotated), as amended by Public
- 3 Laws Nos. 18-108, 19-21 and 19-36, is hereby further amended to
- 4 read as follows:
- 5 "Section 913. <u>Possession, handling and sale of fish,</u> 6 shark, or shark fin, unlawfully taken.
- 7 (1) No person shall knowingly and intentionally capture,
 8 ship, transport, offer for sale, sell, purchase, import,
 9 export or have custody, control or possession of any fish
 10 taken or retained in contravention of this subtitle or any
 11 access agreement, permit or applicable law except as
 12 defined in this section.
 - (2) It shall be unlawful for fishing vessels to remove shark fins from sharks on board fishing vessels, and to retain on board, transship or land sharks or shark fins, subject to subsections (4) and (6).
- 17 (3) It shall be unlawful for fishing vessels to possess
 18 wire leaders, steel trace, or wire trace.

13

14

15

16

(4) All sharks caught by a fishing vessel shall be either: (a) if still alive, immediately released back into the ocean. Fishing vessels must ensure that sharks are released whole, and that sharks are not unnecessarily harmed during the release process; or (b) if dead, [may either be landed at a transshipment port in the Federated States of Micronesia,] recorded in the daily catch report form for the vessel and discarded.

[Fishing vessels must ensure that sharks are landed whole with all shark fins attached to the carcass]. Any sharks caught as by-catch should be handled in the above manner.

2.2

- (5) It shall be unlawful to purchase, offer for sale or sell sharks or shark parts, including shark fins which have been removed on board a vessel, transshipped or landed in contravention of this section.
- (6) Any person who holds a license or permit from the Authority to conduct scientific research on sharks and carries out activities in accordance with that license or permit shall not be held in contravention of this section.
- (7) Any person who intentionally and knowingly 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.

2 of 3

1	(8) Each shark part removed from the body or each
2	shark improperly discarded under this section shall
3	constitute a separate prosecutable offense.
4	$[\frac{(8)}{9}]$ It shall be a rebuttable presumption that any
5	sharks caught or shark fins possessed by a fishing
6	vessel fishing in the EEZ of the Federated States of
7	Micronesia, originated from the EEZ of the Federated
8	States of Micronesia.
9	$[\frac{(9)}{10}]$ All shark or shark fins seized and forfeited
10	shall be destroyed by incineration."
11	Section 3. This act shall become law upon approval by the
12	President of the Federated States of Micronesia or upon its
13	becoming law without such approval.
14	
15	Date: 5/15/17 Introduced by: /s/ Florencio S. Harper
16	Florencio S. Harper (by request)
17	
18	
19	
20	
21	
22	
23	
24	
25	

3 of 3