
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. Possession, handling and sale of fish,
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.

13 (2) It shall be unlawful for fishing vessels to remove
14 shark fins from sharks on board fishing vessels, and to
15 retain on board, transship or land sharks or shark fins,
16 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.

1 (4) All sharks caught by a fishing vessel shall be
2 either: (a) if still alive, immediately released back
3 into the ocean. Fishing vessels must ensure that sharks
4 are released whole, and that sharks are not
5 unnecessarily harmed during the release process; or (b)
6 if dead, [~~may either be landed at a transshipment port~~
7 ~~in the Federated States of Micronesia,~~] recorded in the
8 daily catch report form for the vessel and discarded.
9 [~~Fishing vessels must ensure that sharks are landed~~
10 ~~whole with all shark fins attached to the carcass~~]. Any
11 sharks caught as by-catch should be handled in the above
12 manner.

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

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

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

