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A BILL FOR AN ACT

To further amend sections 503, 913 and 914 of title 24 of the Code of the Federated States of Micronesia (Annotated), as amended by Public Laws No. 18-108 and 19-21, to allow the disposal at sea of by-catch after recording the by-catch in a daily catch report form, to allow for alternate methods of the reporting and disposal of sharks, to clarify the standards for criminal and civil penalties and to allow for clarification of the penalty provision, and for other purposes."

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

1           Section 1. Section 503 of title 24 of the Code of the  
2 Federated States of Micronesia (Annotated), as enacted by Public  
3 Law No. 18-108, is hereby amended to read as follows:

4           "Section 503. [~~Compulsory landing~~] Disposal of by-catch  
5 by fishing vessels.

6           (1) By-catch caught by a fishing vessel, either by  
7 purse seine or longline vessels, may either be landed at  
8 a transshipment port in the Federated States of  
9 Micronesia in accordance with any regulation promulgated  
10 pursuant to this act or recorded in the daily catch  
11 report form for the vessel and discarded. If sharks are  
12 caught alive they are to be released.

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

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

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

6           Section 2. Section 913 of title 24 of the Code of the  
7 Federated States of Micronesia (Annotated), as amended by Public  
8 Laws Nos. 18-108 and 19-21, is hereby further amended to read as  
9 follows:

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

12           (1) No person shall knowingly and intentionally capture,  
13 ship, transport, offer for sale, sell, purchase, import,  
14 export or have custody, control or possession of any fish  
15 taken or retained in contravention of this subtitle or any  
16 access agreement, permit or applicable law except as  
17 defined in this section.

18           (2) It shall be unlawful for fishing vessels to remove  
19 shark fins from sharks on board fishing vessels, and to  
20 retain on board, transship or land sharks or shark fins,  
21 subject to subsections (4) and (6).

22           (3) It shall be unlawful for fishing vessels to possess  
23 wire leaders, steel trace, or wire trace."

24           (4) All sharks caught by a fishing vessel shall be  
25 either: (a) if still alive, immediately released back

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1 into the ocean. Fishing vessels must ensure that sharks  
2 are released whole, and that sharks are not  
3 unnecessarily harmed during the release process; or (b)  
4 if dead, may be landed at a transshipment port in the  
5 Federated States of Micronesia, recorded in the daily  
6 catch report form for the vessel and discarded. Fishing  
7 vessels must ensure that sharks are landed whole with  
8 all shark fins attached to the carcass. Any sharks  
9 caught as by-catch should be handled in the above  
10 manner. [~~PROVIDED THAT the application of subsection~~  
11 ~~913(4)(b) to Purse Seine vessels shall commence on~~  
12 ~~October 31, 2015.~~]

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.

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

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

8           Section 3. Section 914 of title 24 of the Code of the  
9 Federated States of Micronesia (Annotated), as amended by Public  
10 Law No. 18-108, is hereby further amended to read as follows:

11           Section 914. Destruction of evidence

12           (1) No person shall destroy, dispose of, conceal,  
13 tamper with or abandon any fish, shark, shark fin, fish  
14 product, fishing gear, net or other fish appliance,  
15 record, document, electric shock device, explosive,  
16 poison or other noxious substance, or any other thing  
17 with intent to avoid seizure or the detection of an  
18 offense against this subtitle, except for those actions  
19 allowed in this subtitle.

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

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