

AN ACT

To repeal Chapter 1 of Title 9, Chuuk State Code, to reenact a new Chapter 1 thereof, and for other purposes.

BE IT ENACTED BY THE CHUUK STATE LEGISLATURE:

1 Section 1. Repeal. Title 9, Chuuk State Code, is hereby repeal and a new Chapter
2 is hereby reenacted thereto, to read as follows:

"Chapter 1

Dynamiting Fish Prohibited

Sections:

- 3 1. Definition.
- 4 2. Prohibition.
- 5 3. Seizure and Confiscation.
- 6 4. Examination of Fish Before Purchase.
- 7 5. Mandatory Inspection.
- 8 6. Government Employees Engaged in Dynamite Fishing Activities.
- 9 7. Penalty.

10 Section 1. Definition. As used in this Act, unless the context otherwise
11 requires, the term:

- 12 (1) "To catch" means the actual use of a dynamite, chemical,
13 cyanide or other explosive by a person to catch fish in the
14 water, including actual swimming and diving at the site of
15 dynamite to catch fish in the water, whether or not the
16 defendant catches the fish caught by dynamite, chemical,
17 cyanide or other explosive.
18
- 19 (2) "Possession" means the actual possession of fish caught by the
20 use of a dynamite, chemical, cyanide or other explosives by a
21 person at a place, home, or in a boat, or at a business which is
22 under his control or his belonging as a matter of legal right.
23
24

1 Section 2. Prohibition.

2 (1) It shall be unlawful for any person to catch fish with the use of
3 dynamite, chemical, cyanide or other explosives in the State of
4 Chuuk.

5 (2) It shall be unlawful for any person to possess fish caught with
6 the use of dynamite, chemical, cyanide or other explosives.

7 (3) It shall be unlawful for any person, association, organization,
8 business or corporation to sell fish caught with the use of
9 dynamite, chemical, cyanide or other explosives.

10 (4) It shall be unlawful for any person, association, organization,
11 business or corporation to transship or transport fish caught
12 with the use of dynamite, chemical, cyanide or any other
13 explosives to outside of the State of Chuuk.

14 (5) It shall be unlawful for any person to use a canoe, sailing or
15 motored boat, or any water draft or other means of transport
16 for purpose of diving for, selling, purchasing, possessing or
17 transporting of fish caught with the use of dynamite, chemical,
18 cyanide or other explosives.

19 Section 3. Seizure and Confiscation. If the state police or conservation
20 officers have reasonable grounds to believe that a violation of this act has been or
21 is being committed, they may seize and take control over any such canoe, sailing
22 or motored boat, water craft or other transport means including fishing gears used
23 in violation of this act. Upon a judgment by a state court that a violation of this
24 act has occurred, the seized canoe, sailing or motored boat, water craft or
25 transport means and fishing gears used in violation shall become property of the
26 State Government of Chuuk. All such confiscated canoes, boats, crafts, other
27 transport means, and fishing gears shall be subject to a public auction which may

1 done 4 days after conviction. All proceeds shall be paid to the Department of
2 Treasury of the State.

3 Section 4. Examination of Fish Before Purchase. A business shall report
4 to the Department of Marine Resources or the Department of Public Safety arrival
5 of fish at the business and shall request examination of such fish before purchase.
6 These Departments shall ensure that all fish market outlets have access to their
7 respective office telephone numbers.

8 Section 5. Mandatory Inspection. It shall be the responsibility of both the
9 Department of Marine Resources and the Department of Public Safety of the Statre to
10 conduct a periodic inspection of all fish markets and other businesses involved in the
11 selling and transshipment of fish in Chuuk to check and examine fish being sold at those
12 outlets, including fish to be transported to transshipped at any airport or seaport in the
13 State of Chuuk. The Departments shall provide written reports of such mandatory
14 inspections to the Attorney General's Office, with copies to the Presiding Officers of the
15 Chuuk State Legislature on a month basis.

16 Section 6. Government Employees Engaged in Dynamite Fishing Activities.
17 Any State or Municipal Government employee caught in violation of any provision of
18 this Act shall be terminated from employment, whether or not such person is tried or
19 convicted. All supervisors and heads of office responsible in the hiring and firing of
20 employees are responsible for the effective implementation of this provision.

21 Section 7. Penalty.

22 (1) Civil Penalty. Any fish market or fish related business owner
23 convicted of violating Section 4 of this Act shall be subject to the
24 closing down of such fish market or fish related business.

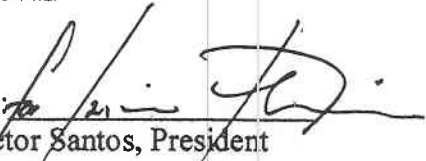
25 (2) Criminal Penalty:

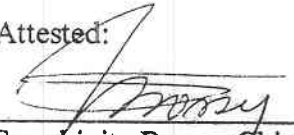
26 (a) Any person convicted of violating Subsection (2) of this Section
27 shall be punished by an imprisonment of not less than one (1) year
28 and not more than five (5) years, or by a fine of not less than one

(b) thousand dollars (\$1,000) and not more than five thousand dollars (\$5,000), or both. The court may impose severe penalty against a repeated convicted violator of this subsections.

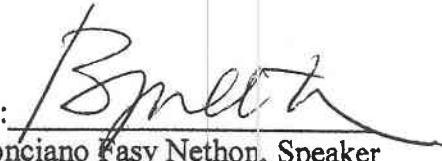
(c) Any person convicted of violating Subsections (1), (3) and (4) of this Section shall be punished by an imprisonment of not less than five (5) years and not more than ten (10) years, or by a fine of not less than five thousand (\$5,00) dollars, and not more than ten thousand (\$10,000) dollars, or both.”

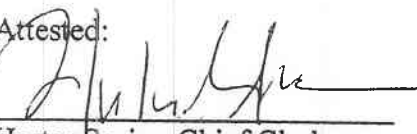
Section 2. Effective Date. This act shall take effect upon approval by the Governor, or upon its becoming law without such approval.

Signed by: 
Detor Santos, President
Senate
Chuuk State Legislature

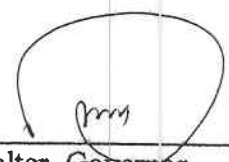
Attested: 
Songkinita Bossy, Chief Clerk
Senate
Chuuk State Legislature

Date: Sept 27, 2001

Signed by: 
Bonciano Fasy Nethon, Speaker
House of Representatives
Chuuk State Legislature

Attested: 
Herter Sorim, Chief Clerk
House of Representatives
Chuuk State Legislature

Date: Sept. 27, 2001

Approved by: 
Ansito Walter, Governor
Chuuk State Government

Date: 10/17/01