
BE IT ENACTED BY THE TRUK DISTRICT LEGISLATURE THAT:

Section 1. Harbor and Port Facilities. The Truk District Legislature, concerned over the increased use of harbors and port facilities within the Truk District, and desirous of exercising control over such use of the same within the scope of its police power, and recognizing that the fishing industry has the potential of seriously overtaxing such harbors and port facilities, is desirous of regulating the fishing industry, and to that end, does hereby provide for the regulation of the high seas fishing industry in Truk District.

Section 2. Definitions. When used in this Act--

- (a) Person: The word "person" includes individuals, joint associations, partnerships and corporations.
- (b) Vessel: The word "vessel" includes every type of description of water craft or other contrivance used, as a means of transportation in water.
- (c) Fishing: The word "fishing" means the fishing for, catching or taking, freezing, storing or processing, or the attempted fishing for, catching, or taking, freezing, storing or processing of any marketable species of fish or other marine animals in the administration area of Truk District.

(d) Bait Fishing: The term "bait fishing" means the fishing for, catching or taking, or the attempted fishing for, catching or taking of any species of fish or other marine animals at any place within the administration area of the Truk District to be used in fishing for marketable species of fish in the high seas.

(e) High Seas: The term "high seas" means those waters outside of any lagoon or below the ordinary high water mark on islands or any portion thereof, without a lagoon within the administration area of Truk District.

(f) Administration Area of Truk District; The term "administration area of Truk District" means the area described in Section 1 (4) of Title 3 of the Trust Territory Code.

Section 3. Fishing License.

(a) All persons who operate one or more fishing vessels, which carry a normal crew of ten or more individuals, in and out of any port, anchorage, lagoon, or dock of any kind at or in the vicinity of any island or other land area within the administration area of the Truk District to engage in or conduct high seas fishing shall not engage in or conduct high seas fishing without first obtaining from the Truk District Treasurer a license to engage in or conduct such fishing.

(b) Licenses issued under this Section shall be non-transferable and shall be valid on the basis of a fiscal year period

(July 1 to June 30) and, regardless of when issued, shall expire on the thirtieth day of June of the fiscal year for which issued or renewed; provided that all original license fees shall be prorated by one-fourth of the annual fee charged for each quarter or portion of the quarter remaining in the fiscal year from the date of issuance.

(c) The annual fees shall be paid for each license issued at the time of issuance and on or before the thirtieth day of June each year, except as otherwise provided for in Section 3(b), and shall be the sum of the following:

1. For each fishing vessel with a normal crew of ten to nineteen (19) individuals, fifty (\$50.00) dollars per annum;
2. For each fishing vessel with a normal crew of twenty (20) to twenty-nine (29) individuals, seventy-five (\$75.00) dollars per annum;
3. For each fishing vessel with a normal crew of thirty (30) or more individuals, one hundred (\$100.00) dollars per annum.

(d) A license may be renewed upon expiration by payment of the annual license fee.

(e) The District Administrator of the Truk District may revoke or suspend any license issued under this Section, upon a finding, after adequate notice and public hearing, that such revocation or suspension is in the public interest. Any person aggrieved by any such decision of the District Administrator shall be entitled to a review of the same in District Court, upon written appeal made within thirty (30) days from the date of decision is issued.

Upon review, the findings of the District Administrator, if supported by substantial evidence, shall be conclusive. The filing of an appeal shall not stay the order of revocation or suspension, unless irreparable damage is alleged.

ged
e
Section 4. Permission for Bait Fishing. No person shall engage in or conduct any bait fishing within the area surrounding any island in Truk District to a distance of three (3) statute miles from the ordinary high water mark of such island without first obtaining written permission from the individual, clan, family or any combination thereof and the municipality having any legal interest in or traditional or customary fishing rights to the place where such bait fishing is to be conducted.

num;
))
dollars
))
annum.
annual
or
ng,
on
ed
tten
on
Section 5. Reports Required. All persons who are engaged in high seas fishing and who operate one or more fishing vessels, which carry a normal crew of ten (10) or more persons, in and out of any port, anchorage, lagoon, or dock of any kind at or in the vicinity of any island or other land are within the administration area of the Truk District shall submit the following reports, by vessel, to the District Administrator, or his duly authorized representative, on the first Monday of each month covering the previous month. The records used in the preparation of the reports required under this Section shall be available for inspection by the District Administrator or his duly authorized representative, at all reasonable times.

(a) Operational Report. This report shall include accurate information on fuel and lubricants consumed, wages and salaries paid, provisions and other supplies purchased, total number of bait boats, operation the number and type of fishing gear on board, and number of days spent on high seas fishing.

(b) Bait Fishing Operations Report. This report shall include the weight by volume and estimated length of bait fish caught and the location where caught.

(c) High Seas Fishing Operation Report. This report shall include by species, the total tonnage caught, estimated overall length, the disposition of the catch, name and address of the buyer and the buyer agent, if any, the means used to collect, store and deliver the catch to the market, the gross income derived from the sales of the catch and the disposition of the gross income.

Section 6. Penalties. Any person who:

- (a) Engages in or conducts high seas fishing or bait fishing without a license required by the Act; or
- (b) Fails, neglects, or refuses to make, keep or maintain any records and reports required by this Act; or
- (c) Knowingly submits any false or fraudulent report required by this Act; or
- (d) Engages in or conducts bait fishing without first obtaining written permission from the municipality and owner of the traditional or customary fishing rights thereat shall, upon conviction, be fined not more than \$1,000.00 or imprisoned for a period of not more than one year, or both.

Section 7. Severability. If any provisions of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of this Act and of the application thereof to other persons and circumstances shall not be affected thereby.

weight
ation
by
he
e buyer
e
f the
fishing
tain any
required
obtai....
r of the
hall,
or
, or
e
ity of

Section 8. Appropriation. There are authorized to be appropriated annually such sums as may be necessary to carry out the provisions of this Act.

Section 9. Effective Date. This Act shall become effective upon the approval by the District Administrator, or upon its becoming law without such approval.

Signed by: /s/ Hermes Katsura
Hermes Katsura, Speaker
Truk District Legislature

Attested by: /s/ Keichiro Gerhart
Keichiro Gerhart, Secretary
Truk District Legislature

Date: 7/29/71

Approved by: /s/ Juan A Sablan
Juan A. Sablan
District Administrator, Truk

Date: 8/27/71