



## GOVERNMENT OF KOSRAE

Office of the Governor

Post Office Box 158

Kosrae, Federated States of Micronesia 96944

Telephone: 691-370-3002/3003..Facsimile: 691-370-3162

April 25, 2019

The Honorable Tulensa W. Palik  
Speaker  
Eleventh Kosrae State Legislature  
Tofol, Kosrae FM 96944

Dear Mr. Speaker:

Kulo nu sin God ke moul lasr. Paing kom a Honorable Members ke Sroasr Masap kewa.

Wangin pa pusra yok lasr nuka sripa lun L.B. 12-10, oinge nga fulela bill se inge sun len ak 30 la, suc el inge putatyang nuke sie pusren Masap su orala Kosrae State Law No. 12-16.

"TO FURTHER AMEND STATE LAW NO. 10-49, BY REDEFINING AND MODIFYING THE EXEMPTION AND PENALTIES PROVISIONS; AND FOR OTHER PURPOSES."

Certified copy ke masap se inge pa attached nuke letter luk.

Kulo ma lulap.

Carson K. Sigrah  
Governor, State of Kosrae

/mct

Recd 04/26/19  
@ 10:55am  
JSL / KSL



**TWELFTH KOSRAE STATE LEGISLATURE**  
**P.O. BOX 187**  
**TOFOL, KOSRAE STATE**  
**FEDERATED STATES OF MICRONESIA 96944**  
**TELEPHONE: (691) 370-3019/3177**

**Tulensa W. Palik**  
**SPEAKER**

**Rolner L. Joe**  
**VICE SPEAKER**

**Jarinson M. Charley**  
**FLOOR LEADER**

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Jarinson M. Charley  
Sasaki L. George

**UTWE:**  
Andy J. Andrew  
Yamado A. Melander


March 21<sup>st</sup>, 2019

The Honorable Carson K. Sigras  
Governor  
State of Kosrae  
Kosrae, FSM 96944

Dear Governor Sigras,

I have the honor to transmit herewith for your consideration and action **L.B. No. 12-10, TO FURTHER AMEND STATE LAW NO. 10-49, BY REDEFINING AND MODIFYING THE EXEMPTION AND PENALTIES PROVISIONS; AND FOR OTHER PURPOSES.;** which passed the Legislature, First Regular Session, by two-thirds of the members of the Legislature, a quorum being present.

Respectfully yqurs,

  
Martha B. Talley  
Chief Clerk  
Twelfth Kosrae State Legislature

Enclosures

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A BILL FOR AN ACT

To further amend State Law No. 10-49, by redefining and modifying the exemption and penalties provisions; and for other purposes.

BE IT ENACTED BY THE KOSRAE STATE LEGISLATURE

1           Section 1. Purpose. The purpose of this act is to amend State Law No. 10-49, by  
2 redefining or revising the research exemption provision of the law and modifying the  
3 penalties provision with increased amounts; and to correct the numbering of the sections  
4 of State Law No. 10-49.

5           Section 2. Amendment. State Law No. 10-49 is hereby amended to read as  
6 follows:

7           “Section 19.351. (A) Prohibited Commercial Fishing Within Kosraean Waters. It  
8 shall be unlawful to do commercial fishing within Kosraean waters of sharks and  
9 dolphins. This Act establishes an exclusion zone for the protection of whales in Kosraean  
10 waters, to protect sharks, whales, dolphins and stingrays from harm.

11           (1) Definition. Under this section, the following words and phrases shall  
12 have the following meanings:

13           (a)     “Baseline” means a continuous line that encircles an island  
14 or atoll. The baseline from which the 12-mile zones shall be  
15 measured is as follows:

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- 1 (i) The baseline of an island or portion of an island  
2 lacking a barrier reef, fringing reef or other reef  
3 system is the low-water line of the island as marked  
4 on large scale charts officially recognized by the  
5 Government of the Federated States of Micronesia.
- 6 (ii) The baseline of an atoll or island or portion of an  
7 island having a barrier reef, fringing reef or other  
8 reef system is the line that contours the seaward edge  
9 of the reef system, which line connects those  
10 outermost elevations of the reef that are above water  
11 at low tide, and which line exists as marked on large-  
12 scale charts officially.
- 13 (b) “Commercial purposes” shall mean the slae of shark or any  
14 of its parts intended for export outside Kosrae State.
- 15 (c) “Dolphins” means any of various marine cetacean  
16 mammals, such as the bottle-nosed dolphins, of the family  
17 Delphinidae, related to the whales but generally smaller and  
18 having a breaklike snout.
- 19 (d) “Kosraean waters” means State Fishery Zone as defined in  
20 Section 19.103 of the Ksorase State Code.

- 1 (e) "Shark" means an animal commonly known as a shark and  
2 includes all animals on the Orders of Hexanchiformes,  
3 Pristophoriforms, Squatiniforms, Heterodoniforms,  
4 Orectolobiforms, Lamniforms and Carcghiniformes.
- 5 (f) "Shark fin" means the raw or dried fin or tail of a shark.
- 6 (g) "Stingray" means any of various rays of the family  
7 Dasyatidae, having a whiplike tail armed with one or more  
8 venomous spines capable of inflicting severe injury.
- 9 (h) "Whale" means any of various marine mammals of the  
10 order Cetacea, having the general shape of a fish with  
11 forelimbs modified to form flippers, a tail with horizontal  
12 flukes, and one or two blowholes for breathing, especially  
13 one of the very large species as distinguished from the  
14 smaller dolphins and porpoises.
- 15 (2) Prohibitions.
- 16 (a) It shall be unlawful for any person to possess, sell, offer for  
17 sale trade, or distribute shark fins, stingray, whale, shark or  
18 dolphin meat.

- 1 (b) It shall be unlawful for any person to approach or remain  
2 within 50 feet of any whale within Kosraean waters.
- 3 (c) It shall be unlawful to catch, collect, possess, dismember,  
4 maim or kill whales, dolphins, sharks or stringrays in  
5 Kosraean waters.
- 6 (d) The exceptions to section (1), (2) and (3) include:
- 7 (i) The act is done pursuant to customs and tradition of  
8 Kosrae State and is for non-commercial subsistence  
9 purposes and not commercial purposes.
- 10 (ii) The act is unintentional or unavoidable.
- 11 (iii) The act is done by a person who holds a valid license  
12 or permit issued by Kosrae State to conduct research  
13 for scientific or educational purposes and carries out  
14 activities in accordance with such license or permit.
- 15 (iv) The shark was caught within or outside the 12-mile  
16 limits as "by catch" which is used or sold for human  
17 consumption within the state for non-commercial  
18 purposes or processed within the State for animal  
19 feed fertilizer, provided that this exemption does not

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1 apply to shark fins prepared by restaurants to be sold  
2 as shark fin soup, irrespective of the name given by  
3 the restaurant to the menu item.

4 (v) The act is done in self-defense.

5 (vi) The person took all reasonable steps to immediately  
6 release any whales, dolphins, sharks or stingrays  
7 caught intentionally to its natural habitat.

8 (vii) Each individual animal harmed, maimed, or  
9 disfigured in violation of this section shall constitute  
10 a separate, prosecutable offense.

11 (3) Penalties.

12 (a) Any person violating this section or any regulation  
13 promulgated pursuant to this section shall be penalized as  
14 follows:

15 (i) For a first offense, a fine of not less than \$50,000.00.

16 (ii) For a second offense, a fine of not ~~more~~ less than  
17 \$100,000.00.

18 (iii) For a third or subsequent offense, by a fine of not  
19 more than \$250,000.00; and

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1 (iv) Any shark fins, commercial marine vessels, fishing  
2 equipment, and other property involved for a second  
3 or subsequent offense shall be subject to seizure and  
4 forfeiture pursuant to Section 19.702 at Chapter 7 of  
5 Title 19, or by imprisonment of not more than one  
6 year, or both.”

7 Section 3. Effective Date. This act takes effect upon the approval of the Governor  
8 or upon its becoming law without such approval.

9  
10 PASSED BY THE TWELFTH KOSRAE STATE LEGISLATURE ON THE 15<sup>TH</sup> DAY  
11 OF MARCH, 2019.

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14 Tulensa W. Palik  
Speaker, 12<sup>th</sup> Kosrae State Legislature

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17 Attested by:   
Chief Clerk

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TWELFTH KOSRAE STATE LEGISLATURE

FIRST REGULAR SESSION, FEBRUARY 2019

L.B. No. 12-10

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Carson K. Sigrah  
Governor, State of Kosrae

Date: