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.

[Signature]

Carson K. Sigrah  
Governor, State of Kosrae

/mct
March 21st, 2019

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

Dear Governor Sigrah,

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 yours,

[Signature]

Martha B. Talley
Chief Clerk
Twelfth Kosrae State Legislature

Enclosures
TWELFTH KOSRAE STATE LEGISLATURE
FIRST REGULAR SESSION, FEBRUARY 2019

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

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

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

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

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

(a) “Baseline” means a continuous line that encircles an island or atoll. The baseline from which the 12-mile zones shall be measured is as follows:
(i) The baseline of an island or portion of an island lacking a barrier reef, fringing reef or other reef system is the low-water line of the island as marked on large scale charts officially recognized by the Government of the Federated States of Micronesia.

(ii) The baseline of an atoll or island or portion of an island having a barrier reef, fringing reef or other reef system is the line that contours the seaward edge of the reef system, which line connects those outermost elevations of the reef that are above water at low tide, and which line exists as marked on large-scale charts officially.

(b) "Commercial purposes" shall mean the slae of shark or any of its parts intended for export outside Kosrae State.

(c) "Dolphins" means any of various marine cetacean mammals, such as the bottle-nosed dolphins, of the family Delphinidae, related to the whales but generally smaller and having a breaklike snout.

(d) "Kosraean waters" means State Fishery Zone as defined in Section 19.103 of the Kosrae State Code.
(e) “Shark” means an animal commonly known as a shark and includes all animals on the Orders of Hexanchiformes, Pristophoriforms, Squatiniforms, Heterodontiforms, Orectolobiforms, Lamniforms and Cartilaginiformes.

(f) “Shark fin” means the raw or dried fin or tail of a shark.

(g) “Stingray” means any of various rays of the family Dasyatidae, having a whiplike tail armed with one or more venomous spines capable of inflicting severe injury.

(h) “Whale” means any of various marine mammals of the order Cetacea, having the general shape of a fish with forelimbs modified to form flippers, a tail with horizontal flukes, and one or two blowholes for breathing, especially one of the very large species as distinguished from the smaller dolphins and porpoises.

(?) Prohibitions.

(a) It shall be unlawful for any person to possess, sell, offer for sale trade, or distribute shark fins, stingray, whale, shark or dolphin meat.
(b) It shall be unlawful for any person to approach or remain within 50 feet of any whale within Kosraean waters.

(c) It shall be unlawful to catch, collect, possess, dismember, maim or kill whales, dolphins, sharks or stringrays in Kosraean waters.

(d) The exceptions to section (1), (2) and (3) include:

(i) The act is done pursuant to customs and tradition of Kosrae State and is for non-commercial subsistence purposes and not commercial purposes.

(ii) The act is unintentional or unavoidable.

(iii) The act is done by a person who holds a valid license or permit issued by Kosrae State to conduct research for scientific or educational purposes and carries out activities in accordance with such license or permit.

(iv) The shark was caught within or outside the 12-mile limits as “by catch” which is used or sold for human consumption within the state for non-commercial purposes or processed within the State for animal feed fertilizer, provided that this exemption does not
apply to shark fins prepared by restaurants to be sold
as shark fin soup, irrespective of the name given by
the restaurant to the menu item.

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

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

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

(3) Penalties.

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

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

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

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

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

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

PASSED BY THE TWELFTH KOSRAE STATE LEGISLATURE ON THE 15TH DAY OF MARCH, 2019.

Tulensa W. Palik  
Speaker, 12th Kosrae State Legislature

Attested by:  
Chief Clerk
Carson K. Sigrah  
Governor, State of Kosrae  

Date: