

DRAFT CSC, Title 25. Maritime & Marine Resources

CHAPTER 3 Fishing Licenses

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§ 1201. Harbor and Port Facilities.

The Chuuk State ~~Truk District~~ Legislature, concerned over the increased use of harbors and port facilities within the State of Chuuk ~~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 the State of Chuuk ~~Truk District~~.

Source: TDL 21-27, § 1, modified.

Editor's note: TDL 21-27 that created this Chapter was signed into law by the District Administrator on August 27, 1971.

§ 1202. Definition.

When used in this Chapter Act:

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

(2) Bait Fishing: The word "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 State of Chuuk ~~Truk District~~ to be used in fishing for marketable species of fish in the high seas.

(3) 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 the State of Chuuk ~~Truk District~~.

(4) High Seas: The word "high seas" means those waters outside of any lagoon or below the ordinary high water mark on island or any portion thereof, without a lagoon within the administration areas of the State of Chuuk ~~Truk District~~.

(5) Person: The word "person" includes individuals, joint association, partnerships and corporations.

(6) Vessel: The word "vessel" includes every type of description of water craft or other contrivance used, as a means of transportation in water.

Source: TDL 21-27, § 2, modified.

§ 1203. Fishing License.

(1) 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 State of Chuuk Truk District to engage in or conduct high seas fishing shall not engage in or conduct high seas fishing without first obtaining from the Chuuk State Truk District Treasurer a license to engage in or conduct such fishing.

(2) 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.

(3) 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 1203(2 b), and shall be the sum of the following:

(a) For each fishing vessel with a normal crew of ten to ~~nineteen (19)~~ individuals, fifty (\$50.00) dollars per annum;

(b) For each fishing vessel with a normal crew of ~~twenty (20)~~ to ~~twenty-nine (29)~~ individuals, seventy-five (\$75.00) dollars per annum;

(c) For each fishing vessel with a normal crew of ~~thirty (30)~~ or more individuals, one hundred (\$100.00) dollars per annum.

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

(5) The Governor District Administrator of the State of Chuuk 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 Governor District Administrator shall be entitled to a review of the same in the Chuuk State District Court, upon written appeal made within ~~thirty (30)~~ days from the date of decision is issued. Upon review, the findings of the Governor 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.

Source: TDL 21-27, § 3, modified.

§ 1204. Permission for Bait Fishing.

No person shall engage in or conduct any bait fishing within the area surrounding any island in State of Chuuk Truk District to a distance of three (3) statute miles from the ordinary high water rank 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.

Source: TDL 21-27, § 4, modified.

§ 1205. 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 State of Chuuk Truk District shall submit the following reports, by vessel, to the Governor District Administrator, or his duly authorized representative, on the first Monday of each month covering the previous month. The records used for inspection of the reports required under this Section shall be

available for inspection by the Governor ~~District Administrator~~ or his duly authorized representative, at all reasonable times.

(1) Operation 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 year on board, and number of days spent on high seas fishing.

(2) Bait fishing Operation Report. This report shall include by species, weight by volume and estimated length of bait fish caught and the location where caught.

(3) 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.

Source: TDL 21-27, § 5, modified.

§ 1206. Penalties.

Any person who:

(1) Engages in or conducts high seas fishing or bait fishing without a license required by this Chapter ~~the Act~~; or

(2) Fails, neglects, or refuses to make, keep or maintain any records and reports required by this Chapter ~~Act~~; or

(3) Knowingly submits any false or fraudulent report required by this Chapter ~~Act~~; or

(4) Engages in or conducts bait fishing without first obtain 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.

Source: TDL 21-27, § 6, modified.

§ 1207. Appropriation.

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

Source: TDL 21-27, § 8, modified.

§ 1208. Severability.

If any provisions of this Chapter ~~Act~~ or the application thereof to any person or circumstances in held invalid, the validity of the remainder or this Chapter ~~Act~~ and of the application thereof to other persons and circumstances shall not be affected thereby.

Source: TDL 21-27, § 7, modified.