

MAR 1

TITLE 33.
MARINE RESOURCES
CHAPTER 1.
MARINE RESOURCES ACT

ARRANGEMENT OF SECTIONS

Section	Section
1. Short title.	5. Control of <i>pinctada margaritifera</i> (black-lip mother-of-pearl oyster shell).
2. Fishing with explosives, poisons, chemicals, etc.	6. Penalties for violation of Chapter.
3. Limitations on taking of turtles.	
4. Control of sponges.	

An Act to regulate fishing and protect endangered species in the Republic and for matters connected therewith.

Source: TTC 1966
45 TTC 1970
COM P.L. 4C-35 (1972)
COM P.L. 4C-57 (1972)
45 TTC 1980

§ 1. Short title.

This Chapter may be cited as the "Marine Resources Act."

§ 2. Fishing with explosives, poisons, chemicals, etc.

(1) Except as provided in Subsection (3) of this Section, no person shall knowingly catch any fish or other marine life by means of explosives, poisons, chemicals or other substances which kill fish or marine life, nor shall any person knowingly possess or sell any fish or any other marine life caught by means of explosives, poisons, chemicals, or other substances which kill fish or marine life. The terms "poisons", "chemicals", or "substances" include but are not limited to hypochlorous acid or any of its salts, including bleaches commonly sold under various trade names, such as Clorox and Purex, and bleaching powders, preparations containing rotenone, tephrosin or plant material from *Barrington asiatica*, *coculus ferrandianus*, *hura crepitans*, *piscidia erythrina*, *tephrosia purpurea*, and *wikstremia*.

(2) Except as provided in Subsection (3) of this Section, no person shall knowingly place or cause to be placed, in any waters of the Republic, explosives, poisons, chemicals, or other substances with the intent to kill fish or other marine life.

(3) The provisions of Subsections (1) and (2) of this Section shall not apply where the Minister in charge of marine resources:

- (a) has granted written permission to use the means prohibited in Subsections (1) and (2) of this Section, or
- (b) has determined that the

MAR 2

TITLE 33. MARINE RESOURCES

- (i) purpose of obtaining the fish or other marine life is to avoid the waste or loss of such fish or marine life; and
- (ii) consumption or sale of fish or other marine life caught by any means the use of which is prohibited in Subsections (1) and (2) of this Section is not harmful or hazardous to health and human life.

(4) Nothing in this Section shall be construed to prevent any person from catching any fish or other marine life by the use of local roots, nuts, or plants which have the effect of stupefying but which do not kill fish or other marine life.

(5) Any person who violates any of the provisions of this Section shall, upon conviction thereof, be fined not less than \$100 or more than \$2,000, or imprisoned for not less than six (6) months or more than two (2) years, or both. [TTC 1966, § 780; 45 TTC 1970, § 1; COM P.L. 4C-35, §§ 1-5 (1972); 45 TTC 1980, § 1, modified. See also, Marshall Islands Marine Resources Authority Act 1988, P.L. 1988-12, § 38.]

§ 3. Limitations on taking of turtles.

(1) No hawksbill turtles or sea turtles shall be taken or intentionally killed while on shore, nor shall their eggs be taken.

(2) No hawksbill turtle shall be taken or killed except whose shell is at least twenty-seven (27) inches when measured over the top of the carapace shell lengthwise; no green turtle shall be taken or killed except whose shell is at least thirty-four (34) inches when measured over the top of the carapace shell lengthwise.

(3) No sea turtle of any size shall be taken or killed from the first day of June to the thirty-first day of August inclusive, nor from the first day of December to the thirty-first day of January inclusive.

(4) Notwithstanding any provisions of this Section to the contrary, taking of sea turtles and their eggs shall be allowed for scientific purposes when specifically authorized by the Cabinet. [TTC 1966, § 781; 45 TTC 1970, § 2; COM P.L. 4C-57, §§ 1-3 (1972); 45 TTC 1980, § 2, modified.]

§ 4. Control of sponges.

No sponges artificially planted or cultivated shall be taken or molested, except by permission of the Cabinet. [TTC 1966, § 782; 45 TTC 1970, § 3; 45 TTC 1980, § 3, modified.]

§ 5. Control of *pinctada margaritifera* (black-lip mother-of-pearl oyster shell).

No *pinctada margaritifera*, commonly known as black-lip mother-of-pearl oyster shell, shall be taken from the first day of August to the thirty-first day of December inclusive; provided, that at no time may any such shell be taken which is less than four (4) inches in minimum diameter as measured across the nacre; and provided further, that such shells, of any size, may be taken at any time for scientific purposes when specifically authorized by the Cabinet. [TTC 1966, § 783; 45 TTC 1970, § 4; COM P.L. 4C-57, § 4 (1972); 45 TTC 1980, § 4, modified.]

§ 6. Penalties for violation of Chapter.

A person violating any of the provisions of this Chapter for which a different penalty is not otherwise provided shall be guilty of an offense and shall upon conviction be liable to a fine not exceeding \$100 or to a term of imprisonment not exceeding six (6) months, or both. [TTC 1966, §§ 774 and 784; 45 TTC 1970, § 5; COM P.L. 4C-35, § 6 (1972); 45 TTC 1980, § 5, modified.]

Note: Section 1 was added to conform this Act to the format of this Revised Code.