

CHAPTER 1

CONSERVATION AND RESOURCES ENFORCEMENT

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26 PC 1-101. Short title. This chapter is known and may be cited as the "Conservation and Resource Enforcement Act of 1982."

Source: S.L. No. 2L-158-82 §1-1, 12/2/82

26 PC 1-102. Definitions.

(1) "Department" as used in this chapter shall mean the Department of Land and Natural Resources, or its successor in state law.

(2) "Director" as used in this chapter shall mean the Director of the Department of Land and Natural Resources, or its successor in state law.

(3) "State Attorney" as used in this chapter shall mean the Attorney General.

(4) "Pohnpei Fisheries Officer" as used in this chapter shall mean the Chief of the Division of Forestry and Marine Conservation of the Department of Land and Natural Resources, or its successor in state law.

(5) "Pohnpei Forester" as used in this chapter shall mean the Chief of the Division of Forestry and Marine Conservation of the Department of Land and Natural Resources, or its successor in state law.

Source: S.L. No. 2L-158-82 §1-2, 12/2/82; S.L. No. 5L-14-00 §3-26, 10/1/00

26 PC 1-103. Conservation and resources enforcement program.

(1) The Director of the Department of Land and Natural Resources shall establish within the Department, a conservation and resources enforcement program relating to the enforcement of such state conservation laws and such other conservation laws and ordinances for which the state has enforcement responsibilities and any rules and regulations promulgated thereunder, over which the Department or its divisions are given authority by state law or which are included in a written agreement entered into between the Attorney General and the Director, with the concurrence of the Governor. Said agreement shall specify in particular the laws, ordinances, and regulations for which the Department of Land and Natural Resources shall have enforcement authority, and shall provide for the cooperation between the Department of Public Safety, Attorney General, and the Department of Land and Natural Resources in the apprehension, arrest, and prosecution of offenders thereunder. The agreement shall provide for a date of commencement of the enforcement responsibilities of the Department under this chapter, and provide for notice to be given to the general public thereof not less than 20 days prior thereto.

(2) The Director shall employ or appoint, and remove the following persons within the Division of Forestry and Marine Conservation, who shall be provided with suitable badges or other insignia of office by the Department of Land and Natural Resources:

(a) An enforcement chief, who shall be the head of conservation and resources enforcement programs, and who shall have charge, direction, and control, subject to the direction and control of the Director, of all matters relating to the enforcement of the state conservation and resource laws and rules and regulations promulgated thereunder.

(b) Personnel and enforcement officers of the conservation and resources enforcement programs, including, but not limited to, enforcement officers on a voluntary basis and without pay.

Source: S.L. No. 2L-158-82 §2-1, 12/2/82; S.L. No. 5L-14-00 §3-26, 10/1/00

26 PC 1-104. Delegation of authority.

(1) The Director of the Department of Land and Natural Resources shall delegate to the Chief of the Division of Forestry and Marine Conservation such authority as may be required for enforcement of the state conservation and resources laws and rules and regulations promulgated thereunder over which the Department is given responsibility.

(2) The Chief of the Division of Forestry and Marine Conservation shall exercise and otherwise delegate to other enforcement officers such authority as may be required for enforcement of the state conservation and resources laws and rules and regulations

promulgated thereunder which have been delegated thereto under Subsection (1) of this section.

Source: S.L. No. 2L-158-82 §2-2, 12/2/82; S.L. No. 5L-14-00 §3-26, 10/1/00

26 PC 1-105. Enforcement officers' duties.

The conservation and resources enforcement officers, with respect to all lands, seas, and waters subject to the jurisdiction of the Pohnpei Government, shall:

- (1) Enforce such laws, ordinances, and regulations over which the Department has been given responsibility as provided for under 26 PC 1-103(1), and rules and regulations promulgated thereunder;
- (2) Investigate complaints, gather evidence, conduct investigations, and conduct field observations and inspections as required or assigned;
- (3) Cooperate with enforcement authorities of the state and of the government of the Federated States of Micronesia in the development of programs and mutual agreements for conservation and enforcement activities within the state;
- (4) Conduct search and rescue operations, and cooperate with established search and rescue agencies of other states, the government of the Federated States of Micronesia, the United States of America Government and its agencies, and any other regional governments or search and rescue agencies, in developing plans and programs, and mutual aid agreements for search and rescue activities within the state of Pohnpei;
- (5) Check and verify all permits and licenses issued by the Department of Land and Natural Resources; and
- (6) Carry out other duties and responsibilities as the Director may, from time to time, direct.

Source: S.L. No. 2L-158-82 §2-3, 12/2/82; S.L. No. 5L-14-00 §3-26, 10/1/00

26 PC 1-106. Police powers.

The Director of the Department of Land and Natural Resources shall have police powers, which shall be delegated to the enforcement chiefs and enforcement officers within the conservation and resources enforcement programs, including the power to serve and execute warrants, issue summons and citations, and arrest offenders of such laws, ordinances, and regulations over which the Department has been given responsibility as provided for under 26 PC 1-103(1), and rules and regulations promulgated thereunder. An enforcement officer, upon arresting any person for violation of any of the above-stated laws, rules or ordinances, may immediately take the person arrested to a police station, or before a judge of competent jurisdiction, or take the name, address, and the number from the fishing, hunting or other licenses or permits, if any, of the person, and note the violation of such law, rule, ordinance or regulation by the person, and issue him or her a summons or citation, printed in the form described in 26 PC 1-107, warning him or her to appear and to answer to the charges against

him or her at a certain place and time within seven days after the arrest. Any person failing to obey a summons issued pursuant to this section shall be subject to 26 PC 1-108.

Source: S.L. No. 2L-158-82 §2-4, 12/2/82; S.L. No. 5L-14-00 §3-26, 10/1/00

26 PC 1-107. Summons and citation.

There shall be a form of summons or citation for use in citing violators of such laws, ordinances, and regulations over which the Department has been given responsibility as provided for under 26 PC 1-103(1), and rules and regulations promulgated thereunder, which do not mandate the physical arrest of the violators. The summons or citation shall be printed in a form commensurate with the form of other summons or citations used in modern methods of arrest and shall be so designed to include all the necessary information to make it valid and legal within the laws and regulations of the state. The form and content of the summons or citation shall be adopted or prescribed by the Attorney General, and both the Pohnpeian and English languages shall be used on the form for all printed notations. In every case where a summons or citation is issued, the original of the same shall be given to the violator; PROVIDED that the Attorney General may prescribe the issuance to the violator of a carbon copy of the summons or citation and provide for the disposition of the original and any other copies. Every summons or citation shall be consecutively numbered and each copy shall bear the number of its respective original.

Source: S.L. No. 2L-158-82 §2-5, 12/2/82

26 PC 1-108. Failure to obey a summons or citation.

Any person who fails to appear at the place and within the time specified in the summons or citation issued to him by the officer or their agents or subordinates, upon his arrest for violations as noted in 26 PC 1-107, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$25, nor more than \$500, or be imprisoned not more than six months, or both such fine and imprisonment. If any person fails to comply with a summons or citation issued to him, or if any person fails or refuses to deposit bail as required and within the time permitted, the officer shall cause a complaint to be entered against the person and secure the issuance of a warrant for his arrest. When a complaint is made to any prosecuting officer of a violation as noted in 26 PC 1-107, the officer who issued the summons or citation shall subscribe to it under oath administered by the Attorney General or his designee.

Source: S.L. No. 2L-158-82 §2-6, 12/2/82

26 PC 1-109. Conservation and resources enforcement program.

The Director of the Department of Land and Natural Resources, in consultation with the Attorney General, shall establish the form and structure of the conservation and resources enforcement program and place this program within the organization of the Department of Land and Natural Resources, with all applicable laws, rules, and regulations of the state.

Source: S.L. No. 2L-158-82 §3-1, 12/2/82; S.L. No. 5L-14-00 §3-26, 10/1/00

26 PC 1-110. Applicability of chapter.

Nothing in this chapter is intended, nor shall it be interpreted, to abolish or diminish any of the powers or duties of the various state and local law enforcement agencies, with respect to all law enforcement or the protection of persons or property, and to this end, the enforcement powers herein prescribed to the Department of Land and Natural Resources shall be concurrent with those of other state agencies appropriately charged with enforcement responsibilities and duties.

Source: S.L. No. 2L-158-82 §3-2, 12/2/82; S.L. No. 5L-14-00 §3-26, 10/1/00