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SUBCHAPTER II MARINE AND AQUATIC RESOURCES MISCELLANEOUS

PART g BLACK-LIP MOTHER-OF-pearl OYSTER SHELL

26 PC 6-171. 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 no such shell may be taken at any time which is less than six inches in minimum diameter, measured along the longest dimension across the outside of the shell; and PROVIDED FURTHER, that such shells, of any size, may be taken at any time for scientific purposes when specifically authorized by the Governor.

Source: TTC §783 (1966); 45 TTC §4 (1970); 45 TTC §4 (1980); P.L. No. 4C-57 §4; P.L. No. IC-19 §1

26 PC 6-172. Penalties for violation of part.

A person violating any of the provisions of this part for which a different penalty is not otherwise provided shall, upon conviction thereof, be imprisoned for a period not exceeding six months, or fined not more than one hundred dollars, or both such fine and imprisonment.

Source: TTC §§774 & 784 (1966); 45 TTC §5 (1970); P.L. No. 4C-35 §6; 45 TTC §5 (1980)

26 PC 6-173 – 6-180. [RESERVED]

PART H FRESHWATER SHRIMP

26 PC 6-181. Harvesting freshwater shrimp with explosives, poisons, chemicals, and other substances prohibited.

(1) No person shall knowingly catch or harvest freshwater shrimp by means of explosives, poisons, chemicals or other substances which kill freshwater shrimp or other aquatic life, nor shall any person knowingly possess or sell any freshwater shrimp or other aquatic life caught or harvested by means of explosives, poisons, chemicals or other substances which kill freshwater shrimp or other aquatic life. The terms “poisons,” “chemicals,” and “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 *Wikstroemia*.

(2) No person shall knowingly place or cause to be placed, in any fresh waters of Pohnpei State, explosives, poisons, chemicals or other substances with the intent to kill freshwater shrimp or other aquatic life.

Source: D.L. No. 3L-40-72 §1, 11/29/72

26 PC 6-182. Penalty.

Any person who violates 26 PC 6-181 shall, upon conviction thereof, be fined not more than \$100, or imprisoned for not more than six months, or both such fine and imprisonment.

Source: D.L. No. 3L-40-72 §2, 11/29/72

26 PC 6-183 – 6-190.

[RESERVED]

PART i SPONGES

26 PC 6-191. Control of sponges.

No sponges artificially planted or cultivated shall be taken or molested, except by permission of the Governor.

Source: TTC §782 (1966); 45 TTC §3 (1970); 45 TTC §3 (1980)

26 PC 6-192. Penalties for violation of part.

A person violating any of the provisions of this part for which a different penalty is not otherwise provided shall, upon conviction thereof, be imprisoned for a period not exceeding six months, or fined not more than one hundred dollars, or both such fine and imprisonment.

Source: TTC §§774 & 784 (1966); 45 TTC §5 (1970); P.L. No. 4C-35 §6; 45 TTC §5 (1980)

26 PC 6-193 – 6-200. [RESERVED]

PART j TURTLES

26 PC 6-201. 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 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 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 Governor.

Source: TTC §781 (1966); 45 TTC §3 (1970); P.L. No. 4C-57 §§1 – 3; 45 TTC §2 (1980)

26 PC 6-202. Penalties for violation of part.

A person violating any of the provisions of this part for which a different penalty is not otherwise provided shall, upon conviction thereof, be imprisoned for a period not exceeding six months, or fined not more than one hundred dollars, or both such fine and imprisonment.

Source: TTC §§774 & 784 (1966); 45 TTC §5 (1970); P.L. No. 4C-35 §6; 45 TTC §5 (1980)

26 PC 6-203 – 6-210. [RESERVED]

PART k EXPORTING

26 PC 6-211. Export of mangrove crabs, coconut crabs, and lobsters, prohibited. It shall be unlawful for any person, whether acting individually or as agent for any corporation, association, partnership or other organization to willfully export for sale or exchange for value, or participate in the exportation for sale or exchange for value, of any mangrove crab, coconut crab or lobster from Pohnpei.

Source: D.L. No. 2L-223-71 §1, 6/16/71; D.L. No. 4L-76-77 §1, 5/6/77

26 PC 6-212. Penalty. Anyone who violates 26 PC 6-211, shall, upon conviction thereof, be imprisoned for a period not to exceed two years, or fined not more than \$1,000, or both such fine and imprisonment.

Source: D.L. No. 2L-223-71 §2, 6/16/71

26 PC 6-213 – 6-220. [RESERVED]

PART L SPECIAL PROHIBITIONS ON FISHING

26 PC 6-221. Prohibition on 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 ratenone, 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 Pohnpei, 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 Governor:

(a) Has granted written permission to use the means prohibited in Subsection (1) of this section; or

(b) Has determined that the:

(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 Subsection (1) 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 one hundred dollars or more than two thousand dollars, or imprisoned for not less than six months or more than two years, or both such fine and imprisonment.

Source: TTC §780 (1966); 45 TTC §1 (1970); P.L. No. 4C-35 §§1 – 5; 45 TTC §1 (1980)

26 PC 6-222. Penalties for violation of part.

A person violating any of the provisions of this part for which a different penalty is not otherwise provided shall, upon conviction thereof, be imprisoned for a period not exceeding six months, or fined not more than one hundred dollars, or both such fine and imprisonment.

Source: TTC §§774 & 784 (1966); 45 TTC §5 (1970); P.L. No. 4C-35 §6; 45 TTC §5 (1980)

PART M STATISTICS

26 PC 6-223. Intent of part.

It is recognized that marine resources constitute a major portion of Pohnpei's natural resources, and that the development and proper management of these resources requires detailed statistical data in order to evaluate the conditions of particular fisheries. At the present time, the gathering of such statistical information is not being carried out properly. The inshore stock of live bait fish is essential for the harvesting of skipjack tuna, and this stock of live bait can be readily overfished by allowing too many boats to harvest it. Therefore, in order to prevent such overfishing, it is the intent of this part to provide for the compilation of detailed information relating to the daily harvest of live bait in Pohnpei State. The proper management of this resource will benefit all the people of this state now and in the future.

Source: D.L. No. 3L-33-72 §1, 6/15/72

26 PC 6-224.

Catch statistics regarding live bait and skipjack tuna. All vessels licensed to fish for live bait and skipjack tuna in Pohnpei must provide the Governor and the Administrator, Office of Economic Affairs, such information as prescribed by the Administrator, Office of Economic Affairs, no later than the end of the first week following the end of each month. Such information shall include, but is not limited to, the following categories:

- (1) Type of fish harvested;
- (2) Location at which harvested;
- (3) Method of harvesting;
- (4) Size of fish harvested;
- (5) Amount of fish harvested; and
- (6) Time of harvesting.

Source: D.L. No. 3L-33-72 §2, 6/15/72; S.L. No. 5L-14-00 §3-14, 10/1/00

26 PC 6-225. Penalty.

Any licensed company, corporation, individual or vessel supplying misleading or fraudulent information or failing to report such information as provided in 26 PC 6-223, by the end of the first week following each month, shall have its right to harvest bait and tuna from Pohnpei

State cancelled, and shall be subject to a fine of not less than \$500, or a prison sentence of not less than six months nor more than one year, or both such fine and imprisonment.

Source: D.L. No. 3L-33-72 §3, 6/15/72; S.L. No. 5L-14-00 §3-14, 10/1/00