

## CHAPTER 2

### BAIT FISHING

#### Section

#### 2-101 Definitions

#### 2-102 Penalties

#### 29 PC 2-101. Definitions.

or the purpose of this chapter, unless it is otherwise provided or the context requires a different construction, the following definitions shall apply:

- (1) “Bait fish” means any type of marine animal that may be used as bait in commercial fishing operations.
- (2) “Business entity” means any sole proprietorship, firm, company, partnership, cooperative association, association or corporation.
- (3) “Noncitizen-controlled business entity” means any business entity in which less than one hundred percent (100%) of the total capital investment, including capital originally provided as a loan to the business entity or any of its owners, was provided by citizens of the Trust Territory, Trust Territory Economic Development Loan Fund or funds provided by grants or programs sponsored by the government of the Trust Territory or the United States of America Government. For purposes of determining a noncitizen-controlled business entity, capital provided in a form other than cash shall be valued as of the date it was acquired by the business entity.
- (4) “Noncitizen-owned business entity” means any business entity in which a person who is not a Trust Territory citizen, or any company, corporation or association in which a person not a Trust Territory citizen owns any interest.

Source: D.L. No. 2L-239-71 §1, 11/27/71; D.L. No. 3L-101-74 §1, 11/27/74

Notes: 1. Law relating to bait fishing should have been repealed, but was not. See also §1-109 relating to foreign fishing.

2. D.L. No. 4L-190-79, relating to noncitizen bait fishing, has been repealed in its entirety by D.L. No. 3L-114-95 §3, 12/28/95.

#### 29 PC 2-102. Penalties.

- (1) Every owner, partner, officer or manager of any noncitizen-owned business entity or noncitizen-controlled business entity that uses any bait fish for commercial fishing operations harvested or taken from waters within Pohnpei State without the prior written consent of the Pohnpei Economic Development Authority shall be guilty of a felony and upon conviction

thereof shall be imprisoned for not more than five years or fined not more than \$10,000, or both such fine and imprisonment.

(2) Every person, or owner, partner, officer or manager of any business entity which supplies or provides any noncitizen-owned business entity or noncitizen-controlled business entity with any bait fish for commercial fishing operations, harvested or taken from waters within Pohnpei State without the prior written consent of the Pohnpei Economic Development Authority, shall be guilty of a felony and upon conviction thereof shall be imprisoned for not more than five years or fined not more than \$10,000, or both such fine and imprisonment.

(3) No shareholder or stockholder of any corporation or cooperative association conducting activities prohibited by this chapter, shall be guilty of a violation of this chapter unless such shareholder or stockholder is also an officer or manager of such corporation or cooperative association conducting activities prohibited by this chapter.

(4) Any business entity in existence and operation upon the effective date of this chapter [November 27, 1971] shall not be covered by the terms and provisions of this chapter, except that any such business entity engaged in commercial fishing operations must comply with this chapter when and if it increases in size to the extent of operating more than two times the gross tonnage of fishing vessels which such business entity operated upon the effective date of this chapter.

Source: D.L. No. 2L-239-71 §§2 – 5, 11/27/71; D.L. No. 3L-101-74 §§2 & 3, 11/27/74

Note: The Pohnpei Economic Development Authority is the successor to the Ponape District Fishing Authority.