



FOURTH OLBIIL ERA KELULAU

Tenth Regular Session

April/May 1995

HOUSE BILL NO. 4-107-7, HD3, SD3, CD1

A BILL FOR AN ACT

To amend RPPL No. 4-18, regarding the taking of certain species of marine and terrestrial organisms, to clarify and strengthen the penalties and enforcement provisions, to require the Minister to promulgate regulations concerning cultured species, and for other purposes.

OFFERED BY DELEGATE(S) Augustine Mesebeluu

ET AL.

DATE INTRODUCED: July 12, 1994

HOUSE ACTION

FIRST READING: July 12, 1994
 REFERRED TO: Marine & Fisheries
 STANDING COMMITTEE REPORT NO: 114
 DATE ADOPTED: August 23, 1994
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 LEGAL FORMAT: Proper
 REVIEW: September 25, 1994
 THIRD READING: September 25, 1994
 Final Action: May 3, 1995

SENATE ACTION

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CONFERENCE COMMITTEE ACTION

DATE: May 3, 1995
 COMMITTEE REPORT: 25
 DATE PASSED: May 3, 1995

David Ngimido
 David Ngimido

CLERK
 House of Delegates

Feliciano S. Wavaiabe
 Feliciano S. Wavaiabe

Assistant CLERK, The Senate

FOURTH OLBIIIL ERA KELULAU

Seventh Regular Session, July 1994 RPPL NO. 4-35
(Intro. as HB No. 4-107-7,
HD3, SD3, CD1)

AN ACT

To amend RPPL No. 4-18, regarding the taking of certain species of marine and terrestrial organisms, to clarify and strengthen the penalties and enforcement provisions, to require the Minister to promulgate regulations concerning cultured species, and for other purposes.

THE PEOPLE OF PALAU REPRESENTED IN THE OLBIIIL ERA KELULAU DO ENACT AS FOLLOWS:

1 Section 1. Amendments.

2 (a) Section 3 of RPPL No. 4-18 is hereby amended to add
3 the following:

4 "() 'Export' means (a) an actual or attempted
5 shipment, transport, or transfer of fish out of the
6 Republic of Palau; or (b) a transfer of fish to any
7 person within the Republic of Palau with the knowledge or
8 intent that the fish will be shipped, transported or
9 transferred out of the Republic of Palau."

10 (b) Section 4, subsection 6 of RPPL No. 4-18 is hereby
11 amended as follows:

12 ". . . ."

13 (6) Except as authorized by regulation or permit
14 issued by the Minister, fish while using any form of
15 underwater breathing apparatus other than a snorkel.
16 ". . . ."

17 (c) Section 4 of RPPL No. 4-18 is hereby amended to add
18 the following provision after subsection (15):

19 "(16) make any entry or statement in any writing
20 completed or submitted in connection with the export of
21 fish which is false or misleading."

22 (d) Section 9 of RPPL No. 4-18 is hereby amended as
23 follows:

24 "Section 9. Penalties.

25 (a) Criminal Penalties:

26 (1) Anyone who violates subsections 1-5, 7-10, or

1 12-15 of Section 4 herein shall, upon conviction, be
2 penalized as follows: upon the first conviction, be
3 fined not less than two hundred fifty dollars (\$250.00);
4 upon the second conviction, be fined not less than five
5 hundred dollars (\$500.00) and sentenced to serve up to
6 thirty (30) days in jail; upon the third conviction, be
7 fined not less than one thousand dollars (\$1,000.00) and
8 sentenced to serve up to six (6) months in jail; any
9 conviction after a third conviction, be fined not less
10 than five thousand dollars (\$5,000.00) and sentenced to
11 serve up to one year in jail.

12 (2) Anyone who violates subsection 6 of Section 4
13 shall, upon conviction, be fined not less than five
14 hundred (\$500.00) dollars or imprisoned for not more than
15 one (1) year, or both.

16 (3) Anyone who violates subsection 11 of Section 4
17 shall, upon conviction, be fined not less than three
18 hundred dollars (\$300.00) or imprisoned for a period of
19 not more than two (2) years, or both, for each
20 violation.

21 (4) Anyone who violates subsection 16 of Section
22 4 shall, upon conviction, be fined not less than four
23 hundred dollars (\$400.00) or imprisoned for a period of
24 not less than six (6) months and not more than two (2)
25 years, or both, for each violation.

26 (b) Civil Penalties:

27 (1) Civil penalties are separate from criminal
28 punish-ment and may be filed independent of or in
29 addition to such criminal charges and sentences.

30 (2) Any person who is found by the Supreme Court in

1 a civil proceeding to have committed an act prohibited by
2 this Act, his employer, principal, superior, or
3 supervisor if the violation was committed as part of a
4 commercial operation or enterprise, and any person who
5 aids or abets in such violation, shall be liable to the
6 affected state and national government for a civil
7 penalty which shall not exceed two hundred thousand
8 dollars (\$200,000) for each violation.

9 (3) In determining the amount of such penalty, the
10 Supreme Court shall take into account the nature,
11 circumstances, extent, and gravity of the prohibited acts
12 committed and, with respect to the violators, the degree
13 of culpability, any history of prior offenses, and such
14 other matters as justice may require.

15 (4) The Attorney General is authorized to initiate
16 all civil proceedings under this section and to recover
17 the amount assessed as a civil penalty."

18 (e) Section 4, subsections 1, 2, 3, 4, 5, 7, 8, 9 and 10
19 of RPPL No. 4-18, are hereby amended to read as follows:

20 "(1) fish for, sell, or buy any of

21 (2) fish for, sell, or buy any of the following
22 species:

23 (3) export, or fish for, sell, or buy for export
24 the following species:

25 (a) Adult parrot fish

26 (4) fish for, sell, or buy rabbitfish

27 (5) fish for, sell, or buy the following species.
28

29 (7) export black teatfish (*Holoctenuria nobilis*
30 (bakelungal)), white teatfish

1 (8) commencing one year after the effective date
2 of this Act, export sea cucumbers (*Actinopyga miliaris*
3 (*cheremrum*) except cultured species thereof;

4 (9) take, buy or sell any coconut crab (*Birgus*
5 *latrol*) smaller

6 (10) take, buy or sell any mangrove crab (*Scylla*
7 *serrata*) smaller than"

8 (f) Section 4, subsection 11, of RPPL No. 4-18 is hereby
9 amended to read as follows:

10 "(11) export clam (*Tridacna gigas* (Otkang)); *T.*
11 *squamosa* (Ribkungel); *T. derasa* (Kism); *T. maxima*
12 (*Melibes*); *T. crocea* (Oruer); *Hippopus porcellanus*
13 (*Duadeb*); and *Hippopus hippopus* (*Duadeb*), or part
14 thereof, except cultured species;"

15 (g) Section 7 of RPPL No 4-18 is hereby amended to read
16 as follows:

17 "Section 7. Labeling and Cultured Species
18 Regulations.

19 (a) Within six (6) months of the enactment of this
20 Act, the Minister shall promulgate regulations
21 instituting a labeling and reporting system by which all
22 exporters of fish report the weight of fish by species
23 exported.

24 (b) Within six (6) months of the enactment of this
25 Act, the Minister shall promulgate regulations setting
26 out procedures to certify species as cultured."

27 (h) The following scientific names in Section 4,
28 subsections 1, 3, 7, 9, and 11, of RPPL No. 4-18 are hereby
29 amended to read as follows:

30 (1) "P. leavis" should read "P. laevis".

1 (3) "Cheilunus undulatus" should read "Cheilinus
2 undulatus".

3 (7) "Cheilunus undulatus" should read "Cheilinus
4 undulatus".

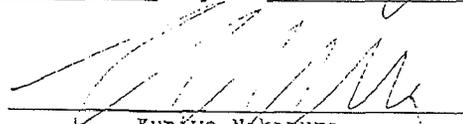
5 (9) "Birgus latrol" should read "Birgus latro".

6 (11) "Tridacnae gigas" should read "Tridacna gigas".

7 Section 2. Effective date. This Act shall take effect upon
8 its approval by the President, or upon its becoming law without
9 such approval, except as otherwise provided by law.

PASSED: May 3, 1995

Approved this 17th day of May, 1995.


Kuniwo Nakamura
President, Republic of Palau