

A BILL

To Amend Koror Public Law No. K3-42-90.

THE PEOPLE OF KOROR REPRESENTED IN THE LEGISLATURE OF THE STATE OF KOROR DO ENACT AS FOLLOWS:

SECTION 1. Koror Public Law No, K3-42-90 is hereby amended to read, in its entirety, as follows.

SECTION 1. LEGISLATURE FINDINGS AND PURPOSE

The Legislature finds that (A) the marine resources of the State are limited and that they should be conserved and developed and utilized first for local needs and then second for export needs and should not be unduly depleted, (B) much damage has been caused by dynamiting and other unlawful or improper fishing techniques, (C) the State incurs costs in attempting to police fishing practices, and (D) the State should charge fees to implement these goals.

SECTION 2. DEFINITIONS

The following terms have the following meaning herein:

- A. "Administrator" means the Koror State Executive Administrator provided by State Constitution Arts. V Subsection 2 (5) and VII.
- B. "Commercial" means for purpose or intent of or with the result or effect of obtaining fish for sale or re-sale.
- C. "Fish" means and includes all living resources of the sea, ocean, or salt or marine waters or lakes.
- D. "Fishing" means the catching, capture gathering, harvesting, hunting, or taking of fish, or the attempts to do so.
- E. "License" means the written permission and consent of the State to allow a person to engage in fishing.
- F. "Month" means any period of 31 consecutive days.
- G. "Person" means an individual human being.
- H. "Reef Fishing" means fishing within the State's reef boundaries or within the State's internal waters of the baseline established by 27 PNC Subsections 141 and 142.
- I. "Sale" means the acts of transferring, for valuable consideration, title, possession, or ownership of any fish from one person, business, partnership, corporation, or other legal entity to any other person, business, partnership, corporation, or other legal entity.
- J. "State" means the State of Koror.
- K. "Buyer" means any person making the first purchase for the purpose of

resale.

L. "Trochus Season" means the period of time designated by the National Government of the Republic of Palau within which trochus gathering is permitted within its jurisdictional area, except as such period may be further restricted by duly enacted legislation of Koror State Government or by traditional bul within the jurisdictional area of Koror State Government.

SECTION 3. LICENSE REQUIRED

A. Licenses.

1. No person may engage in commercial fishing in the waters of the territory of the State unless he first obtains a license to do so. Each license shall be for one individual person; however, a license that is issued pursuant to subsection D (1) shall allow the licensee and ten other persons, if they accompany the license in the same boat, to engage in fishing that such license allows.
2. There shall be separate licenses, for example, (a) for one month or for one year in duration and (b) for different classification of fishing, e.g., clamming, shelling, lobstering, net, spear, trolling, bottom-line fishing, or long line fishing.

B. Procedure.

1. Any person who desires to do fishing within the State shall first complete an application form, to be supplied by the State. The application shall include at least the following things:
 - (a) the person's name, age, hamlet residence, or if not a resident of Koror, his local Koror address and legitimate identification and the address of his residence in his home state or country;
 - (b) the type (commercial, net, spear, line, trolling, etc.) of fishing the person intends to do;
 - (c) the length of time for which he wants the license;
 - (d) whether he intends to sell his fish, to distribute them free of charge to other persons, or to consume them himself;
 - (e) the frequency at which the person intends to engage in fishing;
 - (f) the type of fish (e.g., reef, deep-water, seaweed, clams, lobster, oyster, etc.) that he intends to obtain by fishing.
2. The Administrator, or his designee, shall review and evaluate the application. If he determines it contains all necessary and correct information and that issuance of the license shall not unduly deplete, endanger, or harm the State's resources, he shall issue the license upon the applicant's paying the fee established by subpart D below. If, after issuance of the license, he determines that the person has violated the terms of the license or has furnished incorrect information on the application, he may revoke the license, and the person will be subject to all penalties provided by law.

C. Unlicensed Fishing Forbidden.

No person may engage in commercial fishing within the State unless he has with him, or on the boat from which he is fishing, the license that this Act requires.

D. Fees.

1. Commercial fishing.

The following fees shall be charged on a monthly basis for the stated type of commercial fishing by any person:

- (a) Spear-gun, line and hook (by long line, bottom line, casting with rod and reel, trolling, or other similar methods) (excluding for lobster, crab, or other crustacean or shell fish)\$25.00;
- (b) For any land crabs, lobsters, and other crustacean shell fish\$10.00;
- (c) Sea cucumber, kelp, seaweed and clams\$10.00;
- (d) Trochus\$10.00 ;
- (e) Reef fishing with net(s)\$10.00;

2. For a yearly license for each of the above categories of subsection D (1), the fee shall be an amount equal to the one month's license fee multiplied by twelve.

3. Non-commercial fishing.

(a) For any non-Palauan citizen engaged in non-commercial fishing (excluding net fishing, for which the fee is \$50.00 per month), the annual fee is \$100.00, or \$10.00 per month.

4. The Administrator shall cause all fees received by the State pursuant to this Act to be deposited into the State Treasury.

SECTION 4. FISH SALES

A. Seller to Display License.

No person, business, corporation, or other entity (hereinafter "buyer") may buy or otherwise obtain by sale any fish from any person who is required by Section 3 of this Act to have a license or from his agent (such person or agent referred to hereinafter as "seller") unless the seller, upon each sale of fish to the buyer, shows to the buyer the seller's license that is required by Section 3 of this Act.

B. Receipt To Be Given When Fish Sold.

Every buyer shall have receipts in numerical order available to provide to any seller of fish. Upon every person's sale of fish to any buyer, the buyer shall furnish to the seller a written numbered receipt for such sale/purchase.

C. Records Buyer To Keep.

Every buyer shall keep and maintain a written record of all fish purchased by sale. Such record shall include the following things for each purchase:

1. The date of sale;
2. The name of the seller and the seller's fishing license number;
3. The weight and type of the fish purchased;
4. The receipt number; and
5. Any other information that the Administrator may require in order to effectuate the purpose of this Act.

The seller and buyer shall keep such records in a systematic order and shall allow the Administrator (or his designee) to inspect them at any reasonable time.

SECTION 5. ACTIVITIES FORBIDDEN

It is forbidden and unlawful for any person to engage or participate in or to allow, require, aid, encourage, or conspire with any other person to engage or participate in any of the following activities:

- A. Spearfishing with any spear or projectile powered by compressed gas or by any explosive device or mechanism;
- B. Fishing through the use or assistance of any explosive substance (including dynamiting) or any harmful substance or poison (including but not limited to bleach, Clorox, or similar liquids or solids, or other toxic chemicals or plants).
- C. Fishing using any net or set of nets with mesh smaller than three inches on any side of any hole;
- D. Commercial fishing within the reef by foreign licensee or any company with foreign partnership or joint venture.
- E. Drag and drift net fishing both inside and outside the reef except for the purpose of bait collection;
- F. Fishing using any net that is moved by any vessel while the net is being used to engage in fishing; or
- G. Fishing using any form of mechanically compressed air or other mechanical breathing apparatus.
- H. Receiving, buying, transporting, storing, using, eating, or selling any fish that were obtained in violation of this Act;
- I. Failing to obey the requirements of Section 3 or 4 of this Act.

J. Fishing of any nature within one mile of the shore line of either Ngemelis Island or Dmasch Island.

K. Fishing for trochus at any time except during Trochus Season as defined by this Act or trochus less than 3 inches in diameter at the smallest point of the diameter at the base of trochus shell. Each trochus harvested of a smaller size shall be a separate violation of this Act.

L. Processing trochus in any area of Koror except: (1) The Western pier of T-Dock from the gas station to the tip of the pier; (2) The area of Ice-Box Park between the sewage treatment plant and the end of the road at Belau Mariculture Demonstration Center; (3) The filled area on the opposite side of the causeway from Ngetmeduch Island; or (4) Such other area as may be designated by the State Executive Administrator in the event that the area available at the foregoing sites becomes inadequate for such activities.

SECTION 6. PENALTIES

Every person who may violate any provision of this Act:

A. Shall be guilty of a misdemeanor and (1) shall pay a fine of at least \$50.00 but not more than \$100.00 and (2) may be imprisoned not more than ninety (90) days; and/or

B. Shall be subject for a civil penalty:

1. of \$500.00 for the first violation and \$1000.00 for every subsequent violation; and

2. of forfeiture of the State of (a) all fish (or their fair market value at the time when obtained by the person) obtained by any person in violation of this Act and (b) vehicles, boats, engines, scales, spears, nets, lines, tackle, and other equipment that were used to engage in fishing or in receiving, selling, buying, transporting, storing, preparation, or using of fish in violation of this Act or used in any other way in violation of this Act.

C. Every person who violates any provision of this Act or who necessitates the State to enforce any provision of this Act and thereby to incur legal costs (including reasonable attorney fees) shall be liable for such legal costs.

SECTION 7. ADMINISTRATORS FUNCTION

The Administrator is empowered to enforce this Act, to delegate duties and responsibilities hereunder, to promulgate regulations that are necessary or appropriate in order to implement and to enforce this Act, and to designate additional or alternative trochus processing sites should those designated by this Act become inadequate or unavailable for such processing activities.

SECTION 2. SEVERABILITY

If a court of competent jurisdiction determines that any or some part of this Act is unlawful, such determination shall not affect any other part of this Act.

SECTION 3. EFFECTIVE DATE

This Act become law and effective upon its approval by the Minister of Justice pursuant to 40 PNC Subsections 2100 et seq., or upon becoming law without such approval.

Passed: June 12, 1995

Certified by:

Attested to by:

/s/ _____
Salvador Tellames, Speaker

/s/ _____
Lydia W. Ngirmeriil, Clerk

Approved on this 13th day of June 1995 by the House of Traditional Leaders.

/s/
Ibedul Yutaka M.. Gibbons
Paramount High Chief