

SEVENTH
KOROR STATE LEGISLATURE

Fourth Regular Session
July - October, 2003

AN ACT

To prohibit the taking, possession, and sale of land crabs during specific phases of the moon, to prohibit the taking of undersized land crabs, to provide penalties for violations of this Act, and for related purposes.

INTRODUCED BY: Floor Leader Ignacio Rengulbai

DATE INTRODUCED: January 27, 2003

LEGISLATIVE ACTION

FIRST READING	:	January 27, 2003
COMMITTEE REFERRED TO	:	Resources & Development
STANDING COMMITTEE REPORT	:	No. 40
ADOPTED ON	:	August 19, 2003
SECOND READING	:	August 19, 2003
REFERRED BY HTL	:	September 16, 2003
COMMITTEE REFERRED TO	:	Resources & Development
STANDING COMMITTEE REPORT	:	No. 45
ADOPTED ON	:	September 24, 2003
SECOND AND FINAL ACTION	:	September 24, 2003

AN ACT

To prohibit the taking, possession, and sale of land crabs during specific phases of the moon, to prohibit the taking of undersized land crabs, to provide penalties for violations of this Act, and for related purposes.

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

SECTION 1. FINDINGS. The Seventh Koror State Legislature hereby finds that there are primarily three main types of land crabs within the State of Koror (other than coconut crabs and mangrove crabs) that are suitable and desirable for human consumption. These three types of land crabs are commonly known as "*rekung el daob*", "*rekung el beab*" and "*kesuar*".

Unfortunately, the large demand for land crabs and the unregulated taking of land crabs, among other factors (such as drier weather), have led to declines in the numbers of crabs, and to smaller-sized specimens (which are being taken because larger crabs are unavailable);

The Seventh Koror State Legislature further finds that it is important to protect the land crab during certain phases of its life cycle, and particularly when they are vulnerable with eggs and heading to the sea to spawn. Several studies have shown that female land crabs bear eggs at the time of the full moon, and that land crabs are more active and travel away from their burrows around the time of the full moon. By prohibiting the taking of female crabs bearing eggs, larger numbers of females will be able to release their eggs. It is also important to regulate land crab harvesting methods, so that people will not dig into burrows to obtain crabs. Many burrows have more than one crab, and the destruction of the burrows prevents other crabs from using the same burrows for shelter.

The Seventh Koror State Legislature further finds that the State of Peleliu also regulates the taking of land crabs during certain times of the month, depending upon the phases of the moon, and that it would assist both Koror State and Peleliu State law enforcement efforts to have similar laws and regulated periods.

It would also be in the interests of the people of the State of Koror to adopt laws regarding the taking and possession of land crabs, and to regulate the size and sex of land crabs taken, so that the harvesting of land crabs will not endanger their existence.

SECTION 2. DEFINITIONS.

A. As used in this Act:

(1) "person" means any individual, corporation, partnership, joint venture, association,

group, co-operative, trust, sole proprietorship, or foreign entity (including, foreign governments and their agencies).

(2) "*rekung el daob*" means the species of land crab known as *Cardisoma carnifex* and exemplified by "*rekung el daob*";

(3) "*rekung el beab*" means the species of land crab known as *Discoplax birtipes* and exemplified by "*rekung el beab*";

(4) "*kesuar*" means the species of land crab known as *Gecarcoidea lalandii* and exemplified by "*kesuar*";

(5) As used herein, "land crab" means exclusively *rekung el daob*, *rekung el beab* and *kesuar*.

B. All words appearing in the "singular" form shall include the "plural" form, and all words appearing in the "plural" form shall include the "singular" form of the word.

SECTION 3. PROHIBITIONS AGAINST TAKING OF LAND CRABS DURING PARTICULAR PHASES OF MOON; LEGAL SIZE OF LAND CRABS; RESTRICTIONS ON THE TAKING OF FEMALE LAND CRABS WITH EGGS.

A. It shall be unlawful to take, capture, confine, kill, dismember, and/or otherwise disturb or molest any *rekung el daob*, *rekung el beab*, and/or *kesuar* from midnight on the second (2nd) day preceding the day and night of the full moon, and including the day and night of the full moon, for a total period of three (3) days around the time of each full moon.

B. It shall be unlawful to possess, transport, store, convey, give, bargain, sell, trade, exchange for any tangible or intangible matter, or otherwise handle any live or deceased *rekung el daob*, *rekung el beab*, and/or *kesuar* from midnight on the second (2nd) day preceding the day and night of the full moon, and including the day and night of the full moon, for a total period of three (3) days around the time of each full moon.

C. It shall be unlawful at any time to take, capture, confine, kill, dismember,

and/or otherwise disturb or molest any *rekung el daob*, *rekung el beab*, and/or *kesuar*, and it shall be unlawful at any time to possess, transport, store, convey, give, bargain, sell, trade, exchange for any tangible or intangible matter, or otherwise handle any live or deceased *rekung el daob*, *rekung el beab*, and/or *kesuar*, which is smaller than three inches (3") as measured across the widest part of the shell carapace from side to side.

D. It shall be unlawful at any time to:

(1) take, capture, confine, kill, dismember, or otherwise disturb or molest any female *rekung el daob*, *rekung el beab*, and *kesuar*, which is "berried" or is otherwise carrying reproductive eggs, and/or

(2) possess, transport, store, convey, give, bargain, sell, trade, exchange for any tangible or intangible matter, or otherwise handle any live or deceased *rekung el daob*, *rekung el beab*, and *kesuar*, which is a female and which is "berried" or is otherwise carrying reproductive eggs.

E. It shall be unlawful to dig into any land crab burrows or to dig any hole to catch or take any land crab. It shall also be unlawful to capture or take any land crab by or after digging into the sand or soil with any body part, device or contraption.

F. The prohibitions of this Act apply to all of Koror state's territory, including but not limited to, all land, rock islands, causeways, reclaimed land, reef flats, beaches, tidelands, wetlands, mangroves, waters, oceans, seas, and lagoons, within the territory of Koror state.

SECTION 4. PENALTIES.

A. Any person who violates any provision of section 3 of this Act shall, upon conviction, be guilty of a misdemeanor, and shall be sentenced to pay a fine to the Koror State treasury in the amount of \$100.00 and/or be sentenced to as much as ninety (90) days in jail.

B. Each *rekung el daob*, *rekung el beab* and/or *kesuar* taken, possessed or otherwise found to be in violation of this Act shall be deemed a distinct offense hereunder, which may be punished separately or through multiple counts or charges in the same criminal Information, Citation, or other charging document.

SECTION 5. SEVERABILITY. If a court of competent jurisdiction determines

that any

part or portion(s) of this Act is/are invalid or otherwise unenforceable, then the offending part or

portion(s) may be stricken, and the remaining portions shall continue in full force and effect.

SECTION 6. EFFECTIVE DATE. This Act shall become effective upon its becoming law

by operation of the Koror State constitution.

PASSED: September 24, 2003

CERTIFIED BY:

ATTESTED TO BY:

/s/ _____
Yositaka Adachi, Speaker
Seventh Koror State Legislature

/s/ _____
Charlyne Uong, Clerk
Seventh Koror State
Legislature

APPROVED THIS 22nd DAY OF THE October, 2003.

/s/
John C. Gibbons
Governor, Koror State

APPROVED THIS 28th DATE OF THE October, 2003.

/s/
Ibedul Y. M. Gibbons
House of Traditional Leaders