

CHAPTER 10

State Entities for Development of Marine Resources

Editor's note: Section 104 of PL 12-34 renumbered chapters 6 and 7 as chapters 10 and 11 of subtitle I of this title, respectively.

Section 1 of PL 12-34 repealed chapters 1 through 5 in their entirety. Section 2 of PL 12-34 enacted a new subtitle I entitled Marine Resources Act of 2002. Section 104 of PL 12-34 renumbered chapters 6 and 7 as chapters 10 and 11, respectively. PL 12-34 enacted new chapters 1 through 9 of subtitle I. PL 12-34 became law in 2002 without the signature of President Leo A. Falcam.

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§ 1001. State entities authorized.

Each State government is authorized to establish by law an entity to promote, develop, and support commercial utilization of living marine resources within its jurisdiction. The entity shall be composed of representatives of State parties with a significant interest in the development of living marine resources.

Source: COM PL 5-21 § 10(1); TT Code 1970, 45 TTC 160(1); COM PL 7-111 § 1 (part); TT Code 1980, 45 TTC 162 (part); PL 1-26 § 1 (part); PL 2-31 § 1 (part); PL 12-34 § 104 (part).

Cross-reference: The statutory provisions on the President and the Executive are found in title 2 of this code.

Editor's note: PL 12-34 § 104 renumbered former chapter 6 as chapter 10.

§ 1002. Powers of State entities.

The entity shall be provided by law with the power and authority to carry out the purpose stated above, which powers may include but need not be limited to the following:

- (1) to provide guidance to the State government in establishing marine resources development policy;
- (2) to make regulations concerning the exploitation of living marine resources as permitted by law;
- (3) to serve as a conduit for public funds to establish and operate facilities required for commercial fisheries development, to conduct pilot fishing operations, and to participate in large scale commercial fishing and related activities which are not suitable for investment by the private sector;
- (4) to establish and support programs to promote, support, and guide fishing cooperative associations;
- (5) to formulate a comprehensive five-year marine resources development plan to be submitted for review and approval by the Congress as a condition precedent to a State entity's eligibility for funds authorized under section 1005 of this chapter.

Source: COM PL 5-21 § 10(3); TT Code 1970, 45 TTC 160(3); COM PL 7-111 § 1 (part); TT Code 1980, 45 TTC 162 (part); PL 1-26 § 1 (part); PL 2-31 § 1 (part); PL 12-34 § 104 (part).

Cross-reference: The statutory provisions on the President and the Executive are found in title 2 of this code.

§ 1003. Succession.

Upon the establishment of a State entity pursuant to this chapter the provisions of 45 TTC 151 through 161 shall cease to apply in that State and all assets, liabilities, and activities of the district fishing authority created pursuant to those provisions shall be transferred to the new State entity. The new entity shall submit to the State legislature and to the Congress of the Federated States of Micronesia, within 30 days of the transfer, a report describing the assets and liabilities received from the fishing authority.

Source: COM PL 7-111 § 2; TT Code 1980, 45 TTC 163; PL 1-26 § 2; PL 12-34 § 104 (part).

Cross-reference: The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on the FSM Congress are found in title 2 of this code.

Editor's note: COM PL 5-21, codified as 45 TTC 151 through 161, was repealed by COM PL 7-111 § 6, effective May 1, 1979.

§ 1004. Funding of State entities.

Funds for the operation and activities of the State entity created pursuant to this chapter may be provided by the Trust Territory Government, the Congress of the Federated States of Micronesia, the State legislature, the net earnings

from its activities, and tax revenues generated from the sale of supplies and provisions to foreign fishing vessels entering ports within the State.

Source: COM PL 7-111 § 3; TT Code 1980, 45 TTC 164; PL 1-26 § 3; PL 12-34 § 104 (part).

Cross-reference: The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on the FSM Congress are found in title 2 of this code.

§ 1005. Financial assistance authorization.

(1) The sum of \$1,000,000, or so much thereof as may be necessary, is hereby authorized to be appropriated from the General Fund of the Federated States of Micronesia for each fiscal year 1982 through 1985 to be made available to State entities created pursuant to section 1001 of this chapter.

(2) During the four-year period of this authorization, any State entity whose marine resources development plan has been approved pursuant to section 1001 of this chapter shall be eligible for a sum not to exceed \$250,000 annually; provided, however, that the State legislature concerned shall first put up matching funds on a one-to-two basis; and provided further, that no funds made available under this section shall be used to defray administrative expenses of the State entities.

Source: COM PL 7-111 § 4; TT Code 1980, 45 TTC 165; PL 1-26 § 4; PL 2-31 § 2; PL 12-34 § 104 (part).

Cross-reference: The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on the FSM Congress are found in title 2 of this code.

§ 1006. Annual report.

Each State entity created pursuant to this chapter shall prepare an annual report on its finances and activities to be submitted to the State legislature and the Congress of the Federated States of Micronesia within 20 days of the completion of each calendar year.

Source: COM PL 7-111 § 5; TT Code 1980, 45 TTC 166; PL 1-26 § 5; PL 12-34 § 104 (part).

Cross-reference: The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on the FSM Congress are found in title 2 of this code.

§ 1007. Succession in absence of entity.

If no State entity is created pursuant to this chapter prior to May 1, 1979, the Governor of each State is authorized to preserve and protect the assets of the former district fishing authority by appropriate administrative and legal action until a State entity is created. If no State entity is created prior to May 1, 1979, the loan fund established by section 7 of Public Law No. 5-21 is terminated, and the Governor of each State is authorized to collect payments on existing loans as they become due, or to take legal action to collect on loans in default. The portions of the collections on loans as were provided originally by the Congress of Micronesia, plus interest, shall be paid to the General Fund of the Congress of the Federated States of Micronesia.

Source: COM PL 7-111 § 7; TT Code 1980, 45 TTC 167; PL 1-26 § 7; PL 12-34 § 104 (part).

Cross-reference: The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on the FSM Congress are found in title 2 of this code.

Editor's note: COM PL 5-21, codified as 45 TTC 151 through 161, was repealed by COM PL 7-111 § 6, effective May 1, 1979.