

AN ACT

To further amend title 18 of the Code of the Federated States of Micronesia, as amended by Public Law No. 5-112, by repealing sections 331, 332, 333, 334, and 335; to further amend title 19 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 7-9 and 7-114, by repealing title 19 in its entirety and enacting a new title 19 in lieu thereof to establish a National Maritime Code; and for other purposes.

BE IT ENACTED BY THE CONGRESS OF THE FEDERATED STATES OF MICRONESIA:

1 Section 1. Sections 331, 332, 333, 334 and 335 of chapter 3 of
2 title 18 of the Code of the Federated States of Micronesia and all of
3 title 19 of the Code of the Federated States of Micronesia are hereby
4 repealed in their entirety.

5 Section 2. Title 19 of the Code of the Federated States of
6 Micronesia is hereby enacted by adding a new section 101 of
7 chapter 1 to read as follows:

8 "Section 101. Short title. This act is known and may be
9 cited as the 'National Maritime Act of 1993.'"

10 Section 3. Title 19 of the Code of the Federated States of
11 Micronesia is hereby enacted by adding a new section 102 of chapter 1
12 to read as follows:

13 "Section 102. Definitions. As used in this title:

14 (1) 'Collisions Convention' means the Convention on
15 the International Regulations for Preventing Collisions at
16 Sea 1972, together with the International Regulations for
17 Preventing Collisions at Sea 1972, constituted by the
18 rules, and other annexes attached to that Convention, as
19 corrected by Proces-Verbal of Rectification dated
20 December 1, 1973;

21 (2) 'Crew' means those persons employed on board and
22 in the business of a vessel, but does not include a pilot,

1 supercargo, or a person temporarily employed on board the
2 vessel while it is in port;

3 (3) 'Fishing vessel,' for the purposes of this
4 title only, means a vessel other than a carrier or
5 mother vessel used or intended to be used for catching
6 living resources of the sea except algae or aquatic plants;

7 (4) 'Government' means the National Government of the
8 Federated States of Micronesia, or a State government, or
9 any agency or instrumentality of either;

10 (5) 'Government vessel' means a vessel or a
11 prescribed class of vessel that:

12 (a) Belongs to or is chartered and controlled
13 by the Government; or

14 (b) Is held by any person on behalf of, or for
15 the benefit of, the Government;

16 (6) 'Left behind' means that a departing vessel has
17 abandoned a seaman at a port other than the seaman's proper
18 return port, through no fault of the seaman;

19 (7) 'Marine aid to navigation' means any structure,
20 device, light, or apparatus used principally as an aid to
21 marine navigation, including any vessel, stores, equipment
22 or other property used to service it;

23 (8) 'Master' means the person having lawful command
24 or charge of the vessel but does not include a pilot;

25 (9) 'Owner' means both the owner and operator of a

1 vessel, except where the word is specifically defined
2 differently in a chapter or section, and includes all
3 owners, if there is more than one;

4 (10) 'Passenger' means a person carried on board a
5 vessel with the knowledge and consent of the owner or
6 master other than a person engaged in the business of the
7 vessel;

8 (11) 'Passenger vessel' means a vessel which is
9 carrying or capable of carrying more than 12 passengers;

10 (12) 'Person' means any natural person and, where
11 relevant, a corporation or any unincorporated association;

12 (13) 'Pleasure craft' means a vessel that is

13 **exclusively used for pleasure;**

14 (14) 'Proper return port' means the port agreed upon
15 by the employer and seaman and named in the agreement;

16 (15) 'Registered vessel' means a vessel registered
17 under this title;

18 (16) 'Seaman' means a person engaged or employed in
19 any capacity on board a vessel other than a pilot,
20 supercargo, or a person temporarily employed on board the
21 vessel while it is in port;

22 (17) 'Secretary' means the Secretary of the
23 Department of Transportation and Communication of the
24 Federated States of Micronesia;

25 (18) 'Small craft' means craft less than 40 feet in

1 length, craft used exclusively for recreation and
2 pleasure, air-cushioned vehicles, or traditional outrigger
3 canoes;

4 (19) 'Stowaway' means a person carried to sea without
5 the knowledge and consent of the master or other authorized
6 person; and

7 (20) 'Vessel' means every description of watercraft
8 used or capable of being used as a means of transportation
9 on water, but does not include small craft, any craft
10 belonging to the defense forces of any country, or any
11 craft employed solely in navigation within lagoons or on
12 lakes and rivers."

13 Section 4. Title 19 of the Code of the Federated States of
14 Micronesia is hereby enacted by adding a new section 201 of chapter 2
15 to read as follows:

16 "Section 201. National colors.

17 (1) A registered vessel shall fly the National flag
18 of the Federated States of Micronesia at all times.

19 (2) **Except with the consent of the Secretary, no**
20 other national colors may be hoisted on board a registered
21 vessel."

22 Section 5. Title 19 of the Code of the Federated States of
23 Micronesia is hereby enacted by adding a new section 202 of chapter 2
24 to read as follows:

25 "Section 202. Assuming nationality. In addition to any

1 other penalties, a vessel which flies the National flag to
2 falsely appear to be a registered vessel is subject to
3 forfeiture."

4 Section 6. Title 19 of the Code of the Federated States of
5 Micronesia is hereby enacted by adding a new section 203 of chapter 2
6 to read as follows:

7 "Section 203. Concealing nationality. A master or owner
8 of a registered vessel may not conceal the nationality of
9 the vessel from a person entitled by law to inquire. In
10 addition to any other penalties, concealment of nationality
11 subjects the vessel to forfeiture."

12 Section 7. Title 19 of the Code of the Federated States of
13 Micronesia is hereby enacted by adding a new section 204 of chapter 2
14 to read as follows:

15 "Section 204. Declaration of nationality. A vessel about
16 to leave for a foreign port may be detained until the
17 master has declared the nationality of the vessel to the
18 registrar."

19 Section 8. Title 19 of the Code of the Federated States of
20 Micronesia is hereby enacted by adding a new section 205 of chapter 2
21 to read as follows:

22 "Section 205. Regulations. The Secretary may promulgate
23 regulations to implement this chapter, which regulations
24 shall have the force and effect of law."

25 Section 9. Title 19 of the Code of the Federated States of

1 Micronesia is hereby enacted by adding a new section 301 of chapter
2 3 to read as follows:

3 "Section 301. Definition. In this chapter, 'acknowledge'
4 means making an acknowledgment before the Secretary of
5 Transportation and Communication or before a notary public
6 or other officer authorized by the laws of the place where
7 the acknowledgment is made to take acknowledgments of
8 deeds."

9 Section 10. Title 19 of the Code of the Federated States of
10 Micronesia is hereby enacted by adding a new section 302 of chapter 3
11 to read as follows:

12 "Section 302. Obligation to register.

13 (1) All vessels operating within the Exclusive
14 Economic Zone of the Federated States of Micronesia shall be
15 duly registered under the laws of the Federated States of
16 Micronesia or another nation.

17 (2) A vessel may be detained until the master of the
18 vessel produces the certificate of registry of the vessel."

19 Section 11. Title 19 of the Code of the Federated States of
20 Micronesia is hereby enacted by adding a new section 303 of chapter 3
21 to read as follows:

22 "Section 303. Qualified owners.

23 (1) A vessel shall not be registered under this title
24 unless it is owned wholly by a qualified person or
25 persons and is not registered in any other country.

1 (2) For the purposes of this title, a qualified
2 person is:

3 (a) A citizen of the Federated States of
4 Micronesia; or

5 (b) A corporation established under the laws of
6 the Federated States of Micronesia or any State thereof and
7 whose principal place of business is in the Federated
8 States of Micronesia; or

9 (c) A corporation with a foreign investment
10 permit, which has its principal place of business in, and
11 operates any vessel from, the Federated States of
12 Micronesia. A vessel operates from the Federated States of
13 Micronesia if the majority of its voyages begin or end in
14 the Federated States of Micronesia. A voyage is a trip
15 between two ports, with no stop in between.

16 (3) Where the Secretary reasonably believes that a
17 registered vessel is not in compliance with this section,
18 he may require the master or managing owner to produce
19 satisfactory evidence that the registration complies.

20 (4) Registry of a vessel owned in any part by non-
21 qualified persons subjects the vessel to removal from
22 the registry, and to forfeiture.

23 (5) One owner shall be designated managing owner.
24 Official communications from the government, including
25 service of process, may be sent to or served on the

1 managing owner at the address provided to the Secretary by
2 the managing owner. An official communication to the
3 managing owner shall be deemed to be a communication
4 to all owners."

5 Section 12. Title 19 of the Code of the Federated States of
6 Micronesia is hereby enacted by adding a new section 304 of chapter 3
7 to read as follows:

8 "Section 304. Declaration of ownership. A person shall
9 not be registered as owner of a vessel until he or she has
10 signed a declaration of ownership."

11 Section 13. Title 19 of the Code of the Federated States of
12 Micronesia is hereby enacted by adding a new section 305 of chapter 3
13 to read as follows:

14 "Section 305. Penalty for acquiring ownership if
15 unqualified. If a non-qualified person acquires any
16 ownership interest in a registered vessel other than by
17 purchase and does not divest himself within 90 days, the
18 vessel shall be removed from the registry. If a non-
19 qualified person, other than a mortgagee not in
20 possession, purchases any ownership interest in a
21 registered vessel, that interest is subject to
22 forfeiture."

23 Section 14. Title 19 of the Code of the Federated States of
24 Micronesia is hereby enacted by adding a new section 306 of chapter 3
25 to read as follows:

1 "Section 306. Exempt craft. Craft which are not required
2 by this act to be registered, but are wholly owned by
3 qualified persons and not registered in any other country,
4 may register under this title."

5 Section 15. Title 19 of the Code of the Federated States of
6 Micronesia is hereby enacted by adding a new section 307 of chapter 3
7 to read as follows:

8 "Section 307. Automatic registration. A vessel registered
9 immediately before the date on which this act becomes law
10 and which is wholly owned by qualified persons shall be
11 deemed registered immediately upon receipt by the registrar
12 of an application."

13 Section 16. Title 19 of the Code of the Federated States of
14 Micronesia is hereby enacted by adding a new section 308 of chapter 3
15 to read as follows:

16 "Section 308. Registration of Government vessels. The
17 Secretary may regulate the registration of Government
18 vessels."

19 Section 17. Title 19 of the Code of the Federated States of
20 Micronesia is hereby enacted by adding a new section 309 of chapter 3
21 to read as follows:

22 "Section 309. Liability of owners.

23 (1) Where a person has a beneficial interest in a
24 registered vessel and another person or persons is
25 registered as owner, both shall be subject to all pecuniary

1 penalties imposed on the owners of vessels, and proceedings
2 may be taken against either or both of them, with or
3 without joining the other of them.

4 (2) This section does not apply to a mortgagee,
5 except a mortgagee in possession or control of a vessel."

6 Section 18. Title 19 of the Code of the Federated States of
7 Micronesia is hereby enacted by adding a new section 310 of chapter 3
8 to read as follows:

9 "Section 310. The registrar. The Secretary shall be the
10 registrar of vessels, and shall keep a register of
11 registered vessels, which may be inspected during normal
12 business hours."

13 Section 19. Title 19 of the Code of the Federated States of
14 Micronesia is hereby enacted by adding a new section 311 of chapter 3
15 to read as follows:

16 "Section 311. Ports of registry. The Secretary may
17 designate ports of registry by regulation."

18 Section 20. Title 19 of the Code of the Federated States of
19 Micronesia is hereby enacted by adding a new section 312 of chapter 3
20 to read as follows:

21 "Section 312. Tonnage measurements. Before registration,
22 a vessel shall be inspected by an approved surveyor, who
23 shall ascertain the tonnage and issue a tonnage
24 certificate."

25 Section 21. Title 19 of the Code of the Federated States of

1 Micronesia is hereby enacted by adding a new section 313 of chapter 3
2 to read as follows:

3 "Section 313. Application for registration. An application
4 for registration shall be made by the managing owner or the
5 owner's agent, and shall be accompanied by such proof of
6 ownership and seaworthiness as the Secretary may require by
7 regulation."

8 Section 22. Title 19 of the Code of the Federated States of
9 Micronesia is hereby enacted by adding a new section 314 of chapter 3
10 to read as follows:

11 "Section 314. Marking.

12 (1) A vessel shall not be registered unless it is
13 marked permanently and conspicuously, as the Secretary may
14 require.

15 (2) It is unlawful for any person to wrongfully
16 conceal, remove, alter, deface or obliterate any required
17 mark.

18 (3) The Secretary may, by regulation, exempt any
19 vessel or class of vessels from complying with the
20 requirements of this section."

21 Section 23. Title 19 of the Code of the Federated States of
22 Micronesia is hereby enacted by adding a new section 315 of chapter 3
23 to read as follows:

24 "Section 315. Entries in the register. No vessel may
25 be registered by the same name as a vessel already

1 registered."

2 Section 24. Title 19 of the Code of the Federated States of
3 Micronesia is hereby enacted by adding a new section 316 of chapter 3
4 to read as follows:

5 "Section 316. Improper description. No owner or master of
6 a registered vessel may knowingly permit the vessel to be
7 described by a name other than its registered name."

8 Section 25. Title 19 of the Code of the Federated States of
9 Micronesia is hereby enacted by adding a new section 317 of chapter 3
10 to read as follows:

11 "Section 317. Certificate of registry.

12 (1) The certificate of registry shall be kept on
13 board the vessel and shall not be subject to detention by
14 reason of any title, lien, charge, or interest had or
15 claimed by an owner, mortgagee, or other person.

16 (2) No master or owner shall wrongfully use or allow
17 the wrongful use of a certificate of registry.

18 (3) Any person who holds a certificate of registry
19 shall surrender it on demand to the person entitled to its
20 custody for the lawful navigation of the vessel, to the
21 registrar, or to any other person entitled by law to
22 require its delivery."

23 Section 26. Title 19 of the Code of the Federated States of
24 Micronesia is hereby enacted by adding a new section 318 of chapter 3
25 to read as follows:

1 "Section 318. Provisional registry.

2 (1) The registrar may issue a provisional
3 certificate of registry to a vessel acquired outside of
4 the Federated States of Micronesia and wholly owned by
5 qualified persons.

6 (2) The master of a provisionally registered vessel
7 shall, within 10 days after the arrival of the vessel in
8 the Federated States of Micronesia, deliver the provisional
9 certificate of registry to the registrar."

10 Section 27. Title 19 of the Code of the Federated States of
11 Micronesia is hereby enacted by adding a new section 319 of chapter 3
12 to read as follows:

13 "Section 319. Change of ownership.

14 (1) Where an interest in a registered vessel changes
15 ownership, the managing owner shall notify the registrar,
16 and file a declaration of ownership and the bill of sale,
17 if any, and the certificate of registry shall reissue, if
18 the vessel still qualifies. The registrar may return the
19 original bill of sale if a notarized copy is provided for
20 the registry.

21 (2) The registrar shall enter bills of sale in the
22 register in the order of their production."

23 Section 28. Title 19 of the Code of the Federated States of
24 Micronesia is hereby enacted by adding a new section 320 of chapter 3
25 to read as follows:

1 "Section 320. Alterations. Where a registered vessel
2 is so altered that the tonnage certificate or the
3 description of the vessel contained in the register is
4 no longer accurate, the managing owner shall register the
5 alteration within 21 days after its completion."

6 Section 29. Title 19 of the Code of the Federated States of
7 Micronesia is hereby enacted by adding a new section 321 of chapter 3
8 to read as follows:

9 "Section 321. Investigation of register entries. The
10 managing owner or the master of any registered vessel who
11 is directed in writing by the registrar to furnish relevant
12 information concerning the vessel or its owners shall
13 comply within 10 days."

14 Section 30. Title 19 of the Code of the Federated States of
15 Micronesia is hereby enacted by adding a new section 322 chapter 3 to
16 read as follows:

17 "Section 322. Notification of registrar. The managing
18 owner of a registered vessel shall notify the registrar
19 in writing if the vessel is lost or destroyed, or any owner
20 ceases to be a qualified person."

21 Section 31. Title 19 of the Code of the Federated States of
22 Micronesia is hereby enacted by adding a new section 323 of chapter 3
23 to read as follows:

24 "Section 323. Registration fees.

25 (1) The owners of a registered vessel shall

1 pay an annual registration fee and all other fees required
2 by the regulations.

3 (2) Where any required fee is not paid within 30
4 days of the due date, the registrar may apply to the
5 Supreme Court to direct the amount remaining unpaid to be
6 levied by distress or by sale of the vessel or its
7 equipment."

8 Section 32. Title 19 of the Code of the Federated States of
9 Micronesia is hereby enacted by adding a new section 324 of chapter
10 3 to read as follows:

11 "Section 324. Proportion of crew to be citizens. The
12 Secretary may promulgate regulations to provide that if a
13 prescribed proportion of the crew of a registered vessel
14 consists of citizens of the Federated States of Micronesia
15 during a certain period, then a part of the annual
16 registration fee shall be rebated."

17 Section 33. Title 19 of the Code of the Federated States of
18 Micronesia is hereby enacted by adding a new section 325 of chapter 3
19 to read as follows:

20 "Section 325. Liabilities of unregistered vessels. Where
21 a vessel is required to be registered but is not, the
22 vessel, its owners and master shall not be entitled to any
23 benefits, privileges, advantages or protections enjoyed by
24 registered vessels, but shall remain liable for the payment
25 of all dues, fees, fines or other charges, for forfeiture,

1 and for punishment for offenses in the same manner as if
2 the vessel were registered."

3 Section 34. Title 19 of the Code of the Federated States of
4 Micronesia is hereby enacted by adding a new section 326 of chapter 3
5 to read as follows:

6 "Section 326. Recordation.

7 (1) A sale, conveyance, hypothecation, mortgage, or
8 assignment of mortgage of any vessel shall not be valid
9 with respect to such vessel against any person other than
10 the grantor or mortgagor, his heirs or devisees and persons
11 having actual notice thereof, until the instrument
12 evidencing such transaction is recorded in the office of
13 the Secretary of Transportation and Communication.

14 (2) The Secretary shall record such instruments in
15 the order of their receipt in books to be kept for that
16 purpose and indexed to show:

- 17 (a) The name of the vessel;
18 (b) The names and addresses of the parties;
19 (c) The time and date of receipt of the
20 instrument;
21 (d) The interest in the vessel transferred or
22 affected; and
23 (e) The amount and date of maturity of any
24 mortgage."

25 Section 35. Title 19 of the Code of the Federated States of

1 Micronesia is hereby enacted by adding a new section 327 of chapter 3
2 to read as follows:

3 "Section 327. Documentary endorsement of preferred
4 mortgage. A valid mortgage, which at the time it is made
5 includes the whole of any vessel, shall have a preferred
6 status with respect to such vessel as of the date of its
7 recording, if:

8 (1) The mortgage is endorsed upon the vessel's
9 Certificate of Registry;

10 (2) The mortgage is recorded as provided herein;

11 (3) An affidavit is filed with the record of such
12 mortgage to the effect that the mortgage is made in good
13 faith and without any design to hinder, delay, or defraud
14 an existing or future creditor of the mortgage or any
15 lienor of the mortgaged vessel; and

16 (4) The mortgage does not stipulate that the
17 mortgagee waived the preferred status thereof."

18 Section 36. Title 19 of the Code of the Federated States of
19 Micronesia is hereby enacted by adding a new section 328 of chapter 3
20 to read as follows:

21 "Section 328. Termination of mortgagee's interest. The
22 interest of a mortgagee in a vessel registered under this
23 chapter shall not be terminated by a forfeiture of the
24 vessel for a violation of any of the laws of the Federated
25 States of Micronesia, unless the mortgagee authorized,

1 consented, or conspired to effect the illegal act, failure,
2 or omission which constituted such violation."

3 Section 37. Title 19 of the Code of the Federated States of
4 Micronesia is hereby enacted by adding a new section 329 of chapter 3
5 to read as follows:

6 "Section 329. Conditions precedent to recording. A bill
7 of sale, conveyance, mortgage or related instrument shall
8 not be recorded unless it states the interest of the
9 grantor or mortgagor in the vessel, and the interest so
10 sold, conveyed or mortgaged. A bill of sale, conveyance,
11 mortgage, notice of claim of lien, certificate of discharge
12 thereof or related instrument shall not be recorded unless
13 previously acknowledged."

14 Section 38. Title 19 of the Code of the Federated States of
15 Micronesia is hereby enacted by adding a new section 330 of chapter 3
16 to read as follows:

17 "Section 330. Recording of bills of sale. The
18 Secretary may accept for recording in his office upon
19 payment of the prescribed fee any bill of sale of a vessel
20 which recites the interest of the grantor in the vessel and
21 the interests sold or conveyed; PROVIDED, that it has
22 previously been acknowledged; and PROVIDED FURTHER, that
23 any bill of sale of a vessel already documented under the
24 laws of the Federated States of Micronesia must have
25 incorporated therein a true copy of its latest Certificate

1 of Registry."

2 Section 39. Title 19 of the Code of the Federated States of
3 Micronesia is hereby enacted by adding a new section 331 of chapter 3
4 to read as follows:

5 "Section 331. Recording mortgages. The Secretary may
6 accept for recording in his office upon payment of the
7 prescribed fee any mortgage of a vessel which recites the
8 mortgage of the vessel and the interest so mortgaged;
9 PROVIDED, that the mortgage has been previously
10 acknowledged; and PROVIDED FURTHER, that written proof is
11 furnished to the Secretary of the amounts and dates of any
12 documents or evidence of debts in support thereof. At the
13 time of recording the Secretary may, if requested, certify
14 without charge two copies of any mortgage so recorded."

15 Section 40. Title 19 of the Code of the Federated States of
16 Micronesia is hereby enacted by adding a new section 332 of chapter 3
17 to read as follows:

18 "Section 332. Preferred mortgage.

19 (1) A mortgage which complies with the conditions
20 enumerated in this section shall be designated as a
21 'Preferred Mortgage.'

22 (2) There shall be endorsed upon the Certificate of
23 Registry of a vessel covered by a Preferred Mortgage:

- 24 (a) The names of the mortgagor and mortgagee;
25 (b) The time and date the endorsement is made;

1 (c) The amount and date of the maturity of the
2 mortgage; and

3 (d) Any amount required to be endorsed by
4 subsections (5) and (6) of this section.

5 (3) Such endorsement shall be made by the Secretary
6 or his designee at the port of registry, who is empowered
7 and authorized to endorse on the document, whether a
8 permanent or provisional Certificate of Registry of a
9 vessel covered by a Preferred Mortgage recorded in his
10 office, a notation of such mortgage as required under
11 subsection (2) of this section. Clearance shall not be
12 given to the vessel until such endorsement is made.

13 (4) A certificate of such endorsement, giving the
14 place, time and description of the endorsement, shall be
15 recorded with the records of registration. Where the
16 endorsement is properly made by an authorized person other
17 than the Secretary, such certificate shall promptly be
18 furnished to the Secretary.

19 (5) A mortgage which includes property other than a
20 vessel shall not be held a Preferred Mortgage unless the
21 mortgage provides for the separate discharge of such
22 property by the payment of a specified portion of the
23 mortgage indebtedness. If a Preferred Mortgage so provides
24 for the separate discharge, the amount of the portion of
25 such payment shall be endorsed upon the certificate of the

1 vessel.

2 (6) If a Preferred Mortgage includes more than one
3 vessel and provides for the separate discharge of each
4 vessel by the payment of a portion of the mortgage
5 indebtedness, the amount of such portion shall be endorsed
6 upon the document of the vessel."

7 Section 41. Title 19 of the Code of the Federated States of
8 Micronesia is hereby enacted by adding a new section 333 of chapter 3
9 to read as follows:

10 "Section 333. Lien of Preferred Mortgage. A Preferred
11 Mortgage shall constitute a maritime lien upon the
12 mortgaged vessel in the amount of the outstanding mortgage
13 indebtedness secured by such vessel."

14 Section 42. Title 19 of the Code of the Federated States of
15 Micronesia is hereby enacted by adding a new section 334 of chapter 3
16 to read as follows:

17 "Section 334. Disclosure of liens and priority.

18 (1) The mortgagor, before executing a Preferred
19 Mortgage, shall disclose to the mortgagee in writing the
20 existence of any maritime lien, prior mortgage, or other
21 obligation or liability upon the vessel to be mortgaged,
22 which is known to the mortgagor.

23 (2) After the execution of such mortgage and before
24 the mortgagee has had a reasonable time to record it and
25 have proper endorsements made upon the document of the

1 vessel, the mortgagor, without the consent of the
2 mortgagee, shall not incur any contractual obligation
3 creating a lien upon the vessel, other than liens for wages
4 of stevedores when employed directly by the owner,
5 operator, master, ship's husband, or agent of the vessel,
6 for wages of the crew of the vessel, for general average or
7 for salvage, including contract salvage, tonnage taxes and
8 all other charges (not to exceed \$1,000) of the Secretary
9 with respect to the vessel.

10 (3) Whoever, being a mortgagor or an officer of a
11 corporate mortgagor, with the intent to defraud, violates
12 this section shall be liable for a fine not to exceed
13 \$3,000 or to a term of imprisonment not to exceed 2 years,
14 or both. The mortgage indebtedness shall thereupon become
15 immediately due and payable at the election of the
16 mortgagee."

17 Section 43. Title 19 of the Code of the Federated States of
18 Micronesia is hereby enacted by adding a new section 335 of chapter 3
19 to read as follows:

20 "Section 335. Exhibiting certified copies.

21 (1) Upon recording a Preferred Mortgage, two
22 certified copies shall be delivered to the mortgagor who
23 shall place, and use due diligence to retain, one copy on
24 board the mortgaged vessel and cause such copy and the
25 certificate of the vessel to be exhibited by the master to

1 any person having business which may give rise to a
2 maritime lien or to the sale, conveyance, or mortgage of
3 the vessel.

4 (2) A master who willfully fails to exhibit such
5 documents and copy of the mortgage shall be liable to have
6 his license suspended or revoked."

7 Section 44. Title 19 of the Code of the Federated States of
8 Micronesia is hereby enacted by adding a new section 336 of chapter 3
9 to read as follows:

10 "Section 336. Record of notice of claim of lien. The
11 Secretary or his duly authorized agent shall upon the
12 request of any person record notice of such person's claim
13 to a lien upon a registered vessel, together with the
14 nature, date of creation, and amount of the lien and
15 the name and address of the person. Any person who has
16 caused notice of his claim of lien to be so recorded shall,
17 upon a discharge in whole or in part of the indebtedness,
18 forthwith file a certificate of such discharge with the
19 Secretary or his duly authorized agent, who shall thereupon
20 record the certificate."

21 Section 45. Title 19 of the Code of the Federated States of
22 Micronesia is hereby enacted by adding a new section 337 of chapter 3
23 to read as follows:

24 "Section 337. Discharge of mortgage. The mortgagor,
25 upon a complete discharge of the mortgage indebtedness,

1 shall forthwith file a certificate of such discharge duly
2 executed by the mortgagee, his successor or assigns, with
3 the Secretary or his duly authorized agent, who shall
4 thereupon record the certificate, and the mortgagor may
5 similarly file a certificate of partial discharge of a
6 mortgage covering more than one vessel."

7 Section 46. Title 19 of the Code of the Federated States of
8 Micronesia is hereby enacted by adding a new section 338 of chapter 3
9 to read as follows:

10 "Section 338. Preferred Mortgage liens and enforcement.

11 (1) On default of any term of the Preferred Mortgage,
12 the mortgagee may:

13 (a) Enforce the Preferred Mortgage lien in a
14 civil action in rem (i.e., against the vessel) in the
15 Supreme Court of the Federated States of Micronesia under
16 its admiralty jurisdiction; and

17 (b) Enforce a claim for outstanding
18 indebtedness secured by the mortgaged vessel in a civil
19 action in personam in the Supreme Court of the Federated
20 States of Micronesia against the mortgagor, maker,
21 co-maker, or guarantor for the amount of the outstanding
22 indebtedness or any deficiency in full payment of that
23 indebtedness.

24 (2)(a) Actual notice of a civil action brought in the
25 Supreme Court of the Federated States of Micronesia under

1 subsection (1) of this section must be given in the manner
2 directed by that court to:

3 (i) The master or individual in charge of
4 the vessel;

5 (ii) A mortgagee of a mortgage recorded
6 under this chapter that is an undischarged mortgage on the
7 vessel; and

8 (iii) Any person who has recorded a notice
9 of claim of an undischarged lien on the vessel.

10 (b) Failure to give notice under section (2)(a)
11 of this section is not required, if, after search
12 satisfactory to the Supreme Court of the Federated States
13 of Micronesia, the person entitled to such notice has not
14 been found in the Federated States of Micronesia.

15 (c) Failure to give notice required by
16 subsection (2)(a) does not affect the jurisdiction of the
17 Supreme Court of the Federated States of Micronesia in
18 which the civil action in rem or in personam is brought.
19 However, unless notice is not required under subsection
20 (2)(b) of this section, the party required to give notice
21 is liable to the person not noticed for damages in the
22 amount of that person's interest in the vessel terminated
23 by the action brought under subsection (1) of this
24 section. A civil action may be brought in the Supreme
25 Court of the Federated States of Micronesia to recover the

1 amount of the terminated interest. If the plaintiff
2 prevails, that court may award costs and attorney fees to
3 the plaintiff.

4 (3) In a civil action brought under subsection (1) of
5 this section:

6 (a) The Supreme Court of the Federated States of
7 Micronesia may appoint a receiver and authorize the
8 receiver to operate the mortgaged vessel and shall retain
9 in rem jurisdiction over the vessel even if the vessel
10 operates outside the Federated States of Micronesia; and

11 (b) The Supreme Court of the Federated States
12 of Micronesia may direct the National police or other
13 authorized agent, including a substitute custodian, to
14 take possession of a mortgaged vessel even if the vessel is
15 in the possession of or under the control of a person
16 claiming a possessory common law lien."

17 Section 47. Title 19 of the Code of the Federated States of
18 Micronesia is hereby enacted by adding a new section 339 of chapter 3
19 to read as follows:

20 "Section 339. Preferred status. As used in this chapter,
21 the term 'Preferred Mortgage' shall include, in addition to
22 a Preferred Mortgage made pursuant to the provisions of
23 this chapter, any mortgage, hypothecation or similar charge
24 created as security upon any registered foreign vessel, if
25 such mortgage, hypothecation or similar charge has been

1 duly and validly executed and registered in accordance with
2 the laws of the nation where the vessel is documented; and
3 the term 'Preferred Mortgage lien' shall also include the
4 lien of such mortgage, hypothecation or similar charge."

5 Section 48. Title 19 of the Code of the Federated States of
6 Micronesia is hereby enacted by adding a new section 340 of chapter 3
7 to read as follows:

8 "Section 340. Court sales to enforce Preferred Mortgage
9 liens and maritime liens and priority of claims.

10 (1) When a vessel is sold by order of the Supreme
11 Court of the Federated States of Micronesia in a civil
12 action in rem brought to enforce a Preferred Mortgage lien
13 or a maritime lien, any claim in the vessel existing on the
14 date of the sale is terminated, including a possessory
15 common law lien of which a person is deprived when the
16 vessel is arrested or possession otherwise is taken by an
17 authorized agent of the Supreme Court of the Federated
18 States of Micronesia, and the vessel is sold free of all
19 those claims.

20 (2) Each of the claims terminated under subsection
21 (1) of this section attaches, in the same amount and in
22 accordance with their priorities to the proceeds of the
23 sale, except that:

24 (a) The Preferred Mortgage lien has priority
25 over all claims against the vessel, except for expenses and

1 fees allowed by the Supreme Court of the Federated States
2 of Micronesia, and the following preferred maritime liens:
3 damages arising out of tort, crew wages, general average,
4 and salvage (including contract salvage); and

5 (b) For a foreign vessel, the Preferred
6 Mortgage lien is subordinated to a maritime lien for
7 necessities provided in the Federated States of Micronesia."

8 **Section 49. Title 19** of the Code of the Federated States of
9 Micronesia is hereby enacted by adding a new section 341 of chapter 3
10 to read as follows:

11 "Section 341. Necessaries.

12 (1) Whoever furnishes repairs, supplies, towage, use
13 of dry dock or marine railway, or other necessities, to any
14 foreign or domestic vessel upon the order of the owner or
15 person authorized by the owner, shall have a maritime lien
16 on the vessel.

17 (2) The managing owner, ship's husband, master or
18 any person to whom the management of the vessel at the port
19 of supply is entrusted, including any such appointed by a
20 charterer, owner pro hac vice or agreed purchaser in
21 possession, shall be presumed to have authority from the
22 owner to procure such necessities, but a person tortiously
23 or unlawfully in possession or charge of the vessel shall
24 not have authority to bind it.

25 (3) This section shall not confer a lien when the

1 workman or materialman knows, or by exercise of reasonable
2 diligence should have ascertained, that because of the
3 terms of a charter party, agreement of sale of the vessel,
4 or for other reason, the person ordering necessaries was
5 without authority to bind the vessel thereof."

6 Section 50. Title 19 of the Code of the Federated States of
7 Micronesia is hereby enacted by adding a new section 342 of chapter 3
8 to read as follows:

9 "Section 342. Waiver of lien in necessaries. This chapter
10 shall not prevent the furnisher of repairs, supplies,
11 tonnage use of dry dock or marine railway, or other
12 necessaries, or a mortgagee, from waiving his right to
13 lien, or in the case of a Preferred Mortgagee, to waive the
14 preferred status of such lien, at any time, by agreement or
15 otherwise."

16 Section 51. Title 19 of the Code of the Federated States of
17 Micronesia is hereby enacted by adding a new section 343 of chapter 3
18 to read as follows:

19 "Section 343. Regulations. The Secretary is hereby
20 authorized to promulgate regulations, in accordance with
21 the requirements of chapter 1 of title 17 of the Code of
22 the Federated States of Micronesia, to carry out the
23 purposes of this chapter."

24 Section 52. Title 19 of the Code of the Federated States of
25 Micronesia is hereby enacted by adding a new section 401 of chapter 4

1 to read as follows:

2 "Section 401. Definitions. In this chapter:

3 (1) 'Dangerous goods' means any goods classified as
 4 dangerous goods in the International Maritime Dangerous
 5 Goods Code published by the International Maritime
 6 Organization, London;

7 (2) 'Load Line Convention' means the International
 8 Convention on Load Lines;

9 (3) 'Safety Convention' means the International
 10 Convention for the Safety of Life at Sea 1974, as affected
 11 by the Protocol of 1978 relating to the Safety Convention;

12 (4) 'Tonnage Measurement Convention' means the
 13 International Convention on Tonnage Measurement of Ships
 14 1969."

15 Section 53. Title 19 of the Code of the Federated States of
 16 Micronesia is hereby enacted by adding a new section 402 of chapter 4
 17 to read as follows:

18 "Section 402. Application of chapter.

19 (1) Unless otherwise specified herein, this chapter
 20 **applies to registered vessels, government vessels, and**
 21 foreign vessels at a port or within the territorial waters
 22 of the Federated States of Micronesia.

23 (2) This chapter does not apply to a foreign vessel
 24 that is compelled by stress of weather or force majeure to
 25 enter the territorial waters of the Federated States of

1 Micronesia to take refuge."

2 Section 54. Title 19 of the Code of the Federated States of
3 Micronesia is hereby enacted by adding a new section 403 of chapter 4
4 to read as follows:

5 "Section 403. International Maritime Conventions. The
6 Secretary may, by regulation, adopt all or any part of the
7 standards of the Collisions Convention, the Load Line
8 Convention, the Safety Convention and the Tonnage
9 Measurement Convention, and these regulations shall have
10 the force and effect of law."

11 Section 55. Title 19 of the Code of the Federated States of
12 Micronesia is hereby enacted by adding a new section 404 of chapter 4
13 to read as follows:

14 "Section 404. Exception. The principal surveyor may allow
15 any fitting, material, appliance or apparatus to be fitted
16 or carried, or any other provision to be made, if he or she
17 ~~is satisfied that it is at least as effective as that~~
18 required by the applicable regulations."

19 Section 56. Title 19 of the Code of the Federated States of
20 Micronesia is hereby enacted by adding a new section 405 of chapter 4
21 to read as follows:

22 "Section 405. False distress signal. No person may
23 falsely exhibit a Collisions Convention distress signal."

24 Section 57. Title 19 of the Code of the Federated States of
25 Micronesia is hereby enacted by adding a new section 406 of

1 chapter 4 to read as follows:

2 "Section 406. Certificates of inspection. Every
3 registered vessel, other than unmanned barges, must
4 display a current certificate of inspection or a notarized
5 copy in some prominent and accessible place on the vessel,
6 and no registered vessel may go to sea without the required
7 certificate of inspection."

8 Section 58. Title 19 of the Code of the Federated States of
9 Micronesia is hereby enacted by adding a new section 407 of chapter 4
10 to read as follows:

11 "Section 407. Vessel may go to sea without certificate of
12 inspection in certain circumstances.

13 (1) The principal surveyor may allow a vessel to go
14 to sea without a certificate of inspection if he or she is
15 satisfied that the vessel may proceed without danger to
16 itself, its crew, or its passengers.

17 (2) If a vessel is allowed to proceed under
18 subsection (1), the principal surveyor shall give to the
19 master a written statement of the circumstances and
20 conditions under which the vessel is allowed to go to sea."

21 Section 59. Title 19 of the Code of the Federated States of
22 Micronesia is hereby enacted by adding a new section 408 of chapter 4
23 to read as follows:

24 "Section 408. Certificates to be produced before vessel
25 goes to sea. Before a vessel goes to sea, the master must

1 produce for inspection all required certificates or the
2 statement referred to in section 407(2)."

3 Section 60. Title 19 of the Code of the Federated States of
4 Micronesia is hereby enacted by adding a new section 409 of chapter 4
5 to read as follows:

6 "Section 409. Surveyors. The Secretary may appoint a
7 principal surveyor, may declare an association or a
8 corporation to be a classification society, and may appoint
9 any qualified person or classification society to be a
10 surveyor of vessels. The Secretary shall determine by
11 regulation the credentials and experience necessary to
12 qualify as a surveyor."

13 Section 61. Title 19 of the Code of the Federated States of
14 Micronesia is hereby enacted by adding a new section 410 of chapter 4
15 to read as follows:

16 "Section 410. All vessels subject to survey. It is a
17 condition of registry that all vessels are subject to
18 surveys and inspections."

19 Section 62. Title 19 of the Code of the Federated States of
20 Micronesia is hereby enacted by adding a new section 411 of chapter 4
21 to read as follows:

22 "Section 411. Powers of surveyors.

23 (1) A surveyor may at any reasonable time:

24 (a) Go on board any vessel subject to this
25 chapter and inspect the vessel, its equipment, any cargo or

1 articles on board and any document carried in the vessel
2 pursuant to this title;

3 (b) Upon reasonable notice to the managing
4 owner or master, require the production of books, papers
5 and documents relating to any registered vessel; and

6 (c) Otherwise reasonably survey and inspect
7 subject vessels and documents, and issue or refuse
8 certificates of inspection.

9 (2) The principal surveyor may direct any owner or
10 the master to move a vessel for survey or inspection.

11 (3) A surveyor shall not unreasonably detain or delay
12 a vessel."

13 Section 63. Title 19 of the Code of the Federated States of
14 Micronesia is hereby enacted by adding a new section 412 of chapter 4
15 to read as follows:

16 "Section 412. Change in the condition of the vessel.
17 Where the operation or safety of a vessel with a current
18 certificate of inspection is impaired because of a change
19 in its condition, the managing owner or master must notify
20 the principal surveyor within 30 days."

21 Section 64. Title 19 of the Code of the Federated States of
22 Micronesia is hereby enacted by adding a new section 413 of chapter 4
23 to read as follows:

24 "Section 413. Cancellation or suspension of certificate of
25 inspection.

1 (1) The principal surveyor shall cancel or suspend
2 any certificate of inspection issued upon false or
3 erroneous information, or issued to a vessel which has
4 become unseaworthy, and shall notify the managing owner or
5 master of the cancellation or period of suspension.

6 (2) A managing owner or master notified of the
7 cancellation or suspension of a certificate of inspection
8 shall immediately surrender it to the principal surveyor.

9 (3) The principal surveyor may resurvey a vessel
10 before issuing a new certificate or removing a suspension."

11 Section 65. Title 19 of the Code of the Federated States of
12 Micronesia is hereby enacted by adding a new section 414 of chapter 4
13 to read as follows:

14 "Section 414. Powers of the principal surveyor in relation
15 to dangerous goods.

16 (1) Dangerous goods shall be loaded, unloaded,
17 stowed, carried or used in a vessel in a safe manner, as
18 determined by regulations.

19 (2) In addition to the requirements of subsection
20 (1), the principal surveyor may prohibit the loading,
21 unloading, carriage or use of any cargo, goods or
22 substances which he believes would endanger a vessel or
23 constitute a danger to human life, or may order it removed,
24 or may direct the manner of stowage.

25 (3) The principal surveyor may detain any vessel

1 containing cargo, goods or substances which the principal
2 surveyor believes would endanger the vessel or constitute a
3 danger to human life."

4 Section 66. Title 19 of the Code of the Federated States of
5 Micronesia is hereby enacted by adding a new section 415 of chapter 4
6 to read as follows:

7 "Section 415. Powers of the master in relation to
8 dangerous goods. Without liability, a master or owner may
9 refuse to take on board, or may open and inspect, any
10 package which he or she reasonably suspects may contain
11 dangerous goods, and may destroy or otherwise dispose of
12 goods which reasonably appear to be dangerous goods, and
13 which have been shipped on board the vessel without the
14 master's or owner's knowledge and consent."

15 Section 67. Title 19 of the Code of the Federated States of
16 Micronesia is hereby enacted by adding a new section 416 of chapter 4
17 to read as follows:

18 "Section 416. Requirements in relation to dangerous goods.

19 (1) No person may send, bring, carry or use dangerous
20 goods by or on a vessel, except as specifically allowed by
21 regulations.

22 (2) It shall be unlawful for any person to falsely
23 describe any dangerous goods, with the intent to conceal
24 their character, and to send, bring, carry, or use them by
25 or on a vessel."

1 Section 68. Title 19 of the Code of the Federated States of
2 Micronesia is hereby enacted by adding a new section 417 of chapter 4
3 to read as follows:

4 "Section 417. Forfeiture of dangerous goods. Any
5 dangerous goods carried, shipped, or used in a vessel
6 unlawfully may be forfeited without notice to the owner of
7 the goods, whether or not an offense has been committed by
8 that owner."

9 Section 69. Title 19 of the Code of the Federated States of
10 Micronesia is hereby enacted by adding a new section 418 of chapter 4
11 to read as follows:

12 "Section 418. Requirement to carry certain safety
13 equipment. No registered vessel or government vessel may
14 go to sea without carrying all of the safety equipment
15 required by regulations, in good order and ready for use."

16 Section 70. Title 19 of the Code of the Federated States of
17 Micronesia is hereby enacted by adding a new section 419 of chapter 4
18 to read as follows:

19 "Section 419. Vessel to carry qualified radio operator.
20 By regulation, the Secretary shall determine which vessels
21 or classes of vessels shall be required to carry a
22 qualified radio operator at sea, and shall establish
23 mandatory radio-reporting areas."

24 Section 71. Title 19 of the Code of the Federated States of
25 Micronesia is hereby enacted by adding a new section 420 of chapter 4

1 to read as follows:

2 "Section 420. Radio reports of dangers to navigation.

3 When any vessel is at sea within the territorial waters
4 of the Federated States of Micronesia, its master shall
5 immediately report by radio any serious danger to
6 navigation which comes to his notice."

7 Section 72. Title 19 of the Code of the Federated States of
8 Micronesia is hereby enacted by adding a new section 421 of chapter 4
9 to read as follows:

10 "Section 421. Assistance to persons in danger at sea.

11 (1) A master shall, if possible without endangering
12 the vessel, crew or passengers, render assistance to any
13 person found at sea or in danger of being lost.

14 (2) This section shall not affect the right to
15 salvage."

16 Section 73. Title 19 of the Code of the Federated States of
17 Micronesia is hereby enacted by adding a new section 422 of chapter 4
18 to read as follows:

19 "Section 422. Duty of vessel to assist in case of
20 collision. Where vessels collide, the person in charge of
21 each vessel, if possible without danger to his or her
22 own vessel, crew or passengers, shall render such
23 assistance as is necessary, stay by the other vessel until
24 she has no need of further assistance, and give to the
25 person in charge of the other vessel the name and home port

1 of his or her own vessel, and the ports from which she
2 comes and to which she is bound."

3 Section 74. Title 19 of the Code of the Federated States of
4 Micronesia is hereby enacted by adding a new section 423 of chapter 4
5 to read as follows:

6 "Section 423. Number of persons that may be carried in a
7 vessel. No vessel may carry more persons than the maximum
8 number stated in its certificate of inspection."

9 Section 75. Title 19 of the Code of the Federated States of
10 Micronesia is hereby enacted by adding a new section 424 of chapter 4
11 to read as follows:

12 "Section 424. Unsafe vessels.

13 (1) A vessel that is unfit to go to sea without
14 danger to human life because of defective conditions,
15 undermanning, improper loading, or for any other reason is
16 an unsafe vessel.

17 (2) An unsafe vessel shall not be sent or taken to
18 sea.

19 (3) In any civil or criminal prosecution for a
20 violation of subsection (2), it is a defense that sending
21 or taking the vessel to sea was reasonable and necessary
22 under the circumstances.

23 (4) The principal surveyor may detain an unsafe
24 vessel by giving written notice of reasons to the managing
25 owner or master."

1 Section 76. Title 19 of the Code of the Federated States of
2 Micronesia is hereby enacted by adding a new section 425 of chapter 4
3 to read as follows:

4 "Section 425. Safety and well-being of passengers.

5 (1) This section applies to vessels registered under
6 this title, except fishing vessels.

7 (2) The principal surveyor shall notify a master in
8 writing if he finds any danger or potential danger to the
9 safety, comfort, health or well-being of passengers on a
10 vessel.

11 (3) After such notice, passengers may not be carried
12 in the vessel until the principal surveyor finds in writing
13 that passengers may be carried without danger to their
14 safety, comfort, health or well-being."

15 Section 77. Title 19 of the Code of the Federated States of
16 Micronesia is hereby enacted by adding a new section 426 of chapter 4
17 to read as follows:

18 "Section 426. Reporting of casualties and incidents. The
19 master of a registered vessel, or of any vessel in the
20 territorial waters of the Federated States of Micronesia,
21 shall report to the Secretary whenever his
22 or her vessel:

- 23 (1) Is involved in an accident;
24 (2) Receives damage which may render it unsafe;
25 (3) Has been in a position of great peril;

1 (4) Fouls or does damage to a pipeline, submarine
2 cable or marine aid to navigation; or

3 (5) Is required to put back in difficulty to a port
4 in the Federated States of Micronesia."

5 Section 78. Title 19 of the Code of the Federated States of
6 Micronesia is hereby enacted by adding a new section 427 of chapter 4
7 to read as follows:

8 "Section 427. Submerged load line.

9 (1) A vessel other than a fishing vessel shall not be
10 so loaded that:

11 (a) If the vessel has no list, the appropriate
12 load line or subdivision load line on each side of the
13 vessel is submerged; or

14 (b) If the vessel has a list, the appropriate
15 load line or subdivision load line on each side of the
16 vessel would be submerged if it did not have a list.

17 (2) The Secretary shall by regulation establish load
18 line rules and limitations for fishing vessels.

19 (3) A vessel may be detained until it ceases to be
20 overloaded."

21 Section 79. Title 19 of the Code of the Federated States of
22 Micronesia is hereby enacted by adding a new section 428 of chapter 4
23 to read as follows:

24 "Section 428. Inquiry into certain casualties. Where a
25 casualty occurs to a registered vessel, or to any vessel

1 within the territorial waters of the Federated States of
2 Micronesia, the Secretary may order a preliminary
3 investigation by a person appointed by him, or may order
4 a Marine Inquiry, or both."

5 Section 80. Title 19 of the Code of the Federated States of
6 Micronesia is hereby enacted by adding a new section 429 of chapter 4
7 to read as follows:

8 "Section 429. Preliminary investigations.

9 (1) Where the Secretary orders a preliminary
10 investigation, the investigator may go on board any vessel
11 involved in the casualty, make all relevant inquiries, and
12 require the production of any document or certificate
13 relating to any vessel involved in the casualty.

14 (2) On receipt of the investigator's report, and
15 pending the outcome of a Marine Inquiry, the Secretary may
16 order the suspension of any certificate issued by him or
17 her, including a certificate issued to a qualified seaman."

18 Section 81. Title 19 of the Code of the Federated States of
19 Micronesia is hereby enacted by adding a new section 430 of chapter 4
20 to read as follows:

21 "Section 430. Marine inquiries.

22 (1) The Secretary may appoint a Board of Marine
23 Inquiry, which shall consist of a chairman and two other
24 members, and which shall conduct an inquiry in accordance
25 with section 109 of title 17 of this Code.

- 1 (2) The Board may:
- 2 (a) Go on board any vessel;
- 3 (b) Subpoena witnesses and documents; and
- 4 (c) Call upon the advice of experts.
- 5 (3) Orders shall be made by majority decision and
- 6 shall be in writing, but any member may dissent."

7 Section 82. Title 19 of the Code of the Federated States of

8 Micronesia is hereby enacted by adding a new section 431 of chapter 4

9 to read as follows:

10 "Section 431. Powers of the Board as to certificates.

11 (1) The Board may order the cancellation or

12 suspension of any certificate issued by the Secretary.

13 (2) The Board may cancel or suspend a certificate

14 held by a qualified seaman, or may censure a seaman, where

15 the Board finds that the seaman:

16 (a) Is unfit because of incompetence or

17 misconduct or for any other reason which caused or

18 contributed to the casualty; or

19 (b) Has been seriously negligent in the

20 discharge of his or her duty thereby causing or

21 contributing to the casualty.

22 (3) Where a cancellation or suspension of a

23 certificate is ordered, the managing owner, master or

24 seaman shall deliver such certificate to the principal

25 shipping officer within 15 days."

1 Section 83. Title 19 of the Code of the Federated States of
2 Micronesia is hereby enacted by adding a new section 432 of chapter 4
3 to read as follows:

4 "Section 432. Appeals. Where a certificate is canceled or
5 suspended or a seaman is censured, the adversely affected
6 person may seek judicial review in the Trial Division of
7 the Supreme Court of the Federated States of Micronesia.
8 The decision of the Board shall remain in effect pending
9 appeal. The Court shall set aside the decision of the
10 Board only if it is found on the record to be arbitrary,
11 capricious, an abuse of discretion, or otherwise not in
12 accordance with law, and in that case shall try the case de
13 novo. The Court may award damages, if proven."

14 Section 84. Title 19 of the Code of the Federated States of
15 Micronesia is hereby enacted by adding a new section 433 of chapter 4
16 to read as follows:

17 "Section 433. Regulations. The Secretary may promulgate
18 regulations to implement this chapter, and these
19 regulations shall have the force and effect of law."

20 Section 85. Title 19 of the Code of the Federated States of
21 Micronesia is hereby enacted by adding a new section 501 of chapter 5
22 to read as follows:

23 "Section 501. Application of chapter. This chapter
24 applies to registered vessels and to any citizen of the
25 Federated States of Micronesia employed on a vessel."

1 Section 86. Title 19 of the Code of the Federated States of
2 Micronesia is hereby enacted by adding a new section 502 of chapter 5
3 to read as follows:

4 "Section 502. Definition. 'STCW Convention' means the
5 International Convention on Standards of Training,
6 Certification and Watchkeeping for Seafarers 1978."

7 Section 87. Title 19 of the Code of the Federated States of
8 Micronesia is hereby enacted by adding a new section 503 of chapter 5
9 to read as follows:

10 "Section 503. The STCW Convention.

11 (1) The Secretary may, by regulation, adopt all or
12 any part of the standards of the STCW Convention, and these
13 regulations shall have the force and effect of law.

14 (2) Where the STCW Convention requires education
15 and training arrangements, the Secretary may provide for
16 equivalent arrangements."

17 Section 88. Title 19 of the Code of the Federated States of
18 Micronesia is hereby enacted by adding a new section 504 of chapter 5
19 to read as follows:

20 "Section 504. Certificates.

21 (1) The Secretary shall determine the requirements
22 for certificates of competency and certificates of service
23 for the various grades and designation of qualified seamen,
24 and shall determine the procedures to be followed to
25 qualify.

1 (2) The principal shipping officer shall issue
2 certificates to qualified applicants.

3 (3) The holder of a valid certificate of competency
4 is a qualified seaman of the grade and designation
5 specified.

6 (4) The holder of a valid certificate of service is a
7 qualified seaman of the grade and designation specified,
8 subject to the conditions contained in the certificate."

9 Section 89. Title 19 of the Code of the Federated States of
10 Micronesia is hereby enacted by adding a new section 505 of chapter 5
11 to read as follows:

12 "Section 505. Production of certificate. Upon request, a
13 qualified seaman must produce his or her certificate to any
14 shipping officer or to the owner or master of a vessel on
15 which he or she is employed."

16 Section 90. Title 19 of the Code of the Federated States of
17 Micronesia is hereby enacted by adding a new section 506 of chapter 5
18 to read as follows:

19 "Section 506. Identity cards and record books. The
20 Secretary may, by regulation, require all or certain
21 classes of seamen to carry a seaman's identity card or to
22 keep a seaman's employment record book."

23 Section 91. Title 19 of the Code of the Federated States of
24 Micronesia is hereby enacted by adding a new section 507 of
25 chapter 5 to read as follows:

1 "Section 507. Register of seamen. The principal shipping
2 officer shall keep a register of seamen, which may be
3 inspected by any person during normal business hours."

4 Section 92. Title 19 of the Code of the Federated States of
5 Micronesia is hereby enacted by adding a new section 508 of chapter 5
6 to read as follows:

7 "Section 508. Offenses related to qualifications of
8 seamen. It is unlawful for a person to go to sea falsely
9 purporting to be a seaman qualified at a particular grade
10 or designation."

11 Section 93. Title 19 of the Code of the Federated States of
12 Micronesia is hereby enacted by adding a new section 509 of chapter 5
13 to read as follows:

14 "Section 509. Suspension or cancellation of certificate.

15 (1) Where it appears that the holder of a certificate
16 of competency or a certificate of service is unfit for duty
17 for any reason, the principal shipping officer may give the
18 holder written notice of hearing, which shall state why the
19 holder appears unfit, and the date and place of hearing.

20 (2) The hearing shall be conducted in the manner
21 prescribed in section 109 of title 17 of this Code.

22 (3) The principal shipping officer may suspend or
23 cancel the certificate, or censure the seaman.

24 (4) Where the decision is to suspend or cancel, the
25 written notice of decision shall:

1 (a) State the reasons for the suspension or the
2 cancellation;

3 (b) State the dates of suspension or the date
4 of cancellation; and

5 (c) Require delivery of the certificate to the
6 principal shipping officer.

7 (5) A seaman whose certificate has been canceled or
8 suspended must deliver the certificate to the principal
9 shipping officer within 15 days."

10 Section 94. Title 19 of the Code of the Federated States of
11 Micronesia is hereby enacted by adding a new section 510 of chapter 5
12 to read as follows:

13 "Section 510. Appeals. Where a certificate is canceled
14 or suspended or a seaman is censured, the seaman may seek
15 judicial review in the Trial Division of the Supreme Court
16 of the Federated States of Micronesia. The decision of the
17 principal shipping officer shall remain in effect pending
18 appeal. The Court shall set aside the decision of the
19 principal shipping officer only if it is found on the
20 record to be arbitrary, capricious, an abuse of discretion,
21 or otherwise not in accordance with law, and in that case,
22 shall try the case de novo. The Court may award lost wages
23 and costs, if proven."

24 Section 95. Title 19 of the Code of the Federated States of
25 Micronesia is hereby enacted by adding a new section 511 of chapter 5

1 Micronesia is hereby enacted by adding a new section 604 of chapter 6
2 to read as follows:

3 "Section 604. Seamen employed on Government vessels. The
4 Secretary may regulate the employment of seamen on
5 Government vessels."

6 Section 100. Title 19 of the Code of the Federated States of
7 Micronesia is hereby enacted by adding a new section 605 of chapter 6
8 to read as follows:

9 "Section 605. Freedom of association. Seamen shall have
10 the right to establish and to become members of any
11 lawful organizations."

12 Section 101. Title 19 of the Code of the Federated States of
13 Micronesia is hereby enacted by adding a new section 606 of chapter 6
14 to read as follows:

15 "Section 606. Agreements.

16 (1) A master shall not take a vessel to sea unless
17 each seaman aboard has an approved written agreement with
18 the owner or his agent for one or more voyages, or for a
19 time not more than 1 year, or for employment on a
20 particular vessel.

21 (2) The managing owner shall ensure that the seaman
22 has read the agreement or has had it read to him, and that
23 the seaman understands the agreement.

24 (3) The managing owner shall file a copy of the
25 agreement with a shipping officer, who shall approve it if

1 it adequately protects the interests of the seaman and
2 complies with the law."

3 Section 102. Title 19 of the Code of the Federated States of
4 Micronesia is hereby enacted by adding a new section 607 of chapter 6
5 to read as follows:

6 "Section 607. Seaman's compliance. A seaman who complies
7 with a lawful order of the Secretary is not thereby in
8 breach of his agreement."

9 Section 103. Title 19 of the Code of the Federated States of
10 Micronesia is hereby enacted by adding a new section 608 of chapter 6
11 to read as follows:

12 "Section 608. Seaman cannot waive protection of the
13 chapter.

14 (1) No contract shall be approved which purports to
15 modify any rights under this chapter.

16 (2) An agreement may not waive a seaman's right to
17 salvage, unless the vessel is employed for salvage services.

18 (3) Every agreement shall provide that any vessel in
19 which the seaman is employed is and shall remain seaworthy."

20 Section 104. Title 19 of the Code of the Federated States of
21 Micronesia is hereby enacted by adding a new section 609 of chapter 6
22 to read as follows:

23 "Section 609. Termination of agreement.

24 (1) **An agreement is terminated by:**

25 (a) Mutual consent;

- 1 (b) The total inability of the vessel to go to
2 sea;
- 3 (c) The vessel ceasing to be registered;
- 4 (d) The lawful discharge of the seaman; or
- 5 (e) The suspension of the seaman.

6 (2) An agreement may not be terminated at a place
7 away from the proper return port of the seaman without the
8 consent of a shipping officer."

9 Section 105. Title 19 of the Code of the Federated States of
10 Micronesia is hereby enacted by adding a new section 610 of chapter 6
11 to read as follows:

12 "Section 610. Minimum age for employment.

13 (1) Children under the age of 16 years shall not be
14 employed on registered vessels engaged in foreign trade,
15 except on vessels on which only members of the same family
16 are employed, schoolships, or training ships.

17 (2) The master shall keep a register of all persons
18 under the age of 16 years employed on board his vessel,
19 as required by regulations."

20 Section 106. Title 19 of the Code of the Federated States of
21 Micronesia is hereby enacted by adding a new section 611 of chapter 6
22 to read as follows:

23 "Section 611. Working hours; Overtime. In relation to the
24 members of the crew on a vessel other than a fishing vessel
25 engaged in foreign trade:

1 (1) The normal hours of work in port and at sea shall
2 be 8 per day; PROVIDED, that Saturdays shall be included as
3 weekdays;

4 (2) Work performed over and above the 8-hour period
5 shall be considered as overtime and shall be compensated
6 for at overtime rate; and

7 (3) A reasonable number of men shall be employed to
8 promote safety of life at sea and to avoid excessive work
9 burdens."

10 Section 107. Title 19 of the Code of the Federated States of
11 Micronesia is hereby enacted by adding a new section 612 of chapter 6
12 to read as follows:

13 "Section 612. Vacation allowances and holidays.

14 (1) Every master and seaman on a vessel other than a
15 fishing vessel shall be entitled after 12 months of
16 continuous service on a vessel or for the same employer to
17 receive and shall take an annual paid vacation equivalent
18 to:

19 (a) In the case of masters and officers, not
20 less than 12 days' base wages; and

21 (b) In the case of other members of the crew,
22 not less than 8 days' base wages.

23 (2) Every seaman shall be entitled to a minimum of
24 five paid holidays per year.

25 (3) In the event a seaman is unable to take the

1 benefits of subsections (1) and (2) hereof for paid
2 vacation or holiday, then that person shall be entitled to
3 double time pay for each vacation day or holiday, as
4 measured by 8 hours that person was unable to take, as
5 certified by the master."

6 Section 108. Title 19 of the Code of the Federated States of
7 Micronesia is hereby enacted by adding a new section 613 of chapter 6
8 to read as follows:

9 "Section 613. Employment of stowaways. A stowaway
10 signing the vessel's articles is entitled to wages, but not
11 to maintenance and cure as provided in this chapter. The
12 master shall discharge him at the first convenient port of
13 call. Nothing in this section shall require a stowaway to
14 be signed on shipping articles."

15 Section 109. Title 19 of the Code of the Federated States of
16 Micronesia is hereby enacted by adding a new section 614 of chapter 6
17 to read as follows:

18 "Section 614. Payment of wages.

19 (1) Wages shall commence on the day specified and
20 agreed to in the shipping articles or at the time of
21 presence on board the vessel for the purpose of commencing
22 work, whichever first occurs, and shall terminate on the
23 day of discharge or termination of the articles.

24 (2) In the absence of any agreement to the contrary
25 the owner or the master of the vessel shall pay to every

1 seaman his wages within 2 days after the termination of the
2 articles, or at the time when the seaman is discharged,
3 whichever is first.

4 (3) A seaman is entitled to receive in local
5 currency, on demand, from the master one-half of his wages
6 actually earned and payable at every intermediate port
7 where the vessel shall load or deliver cargo before the
8 voyage is ended, but not more than once in any 10-day
9 period. In case of wrongful failure to pay a seaman
10 his wages on demand, the seaman becomes entitled to a
11 payment of full wages earned.

12 (4) Every master shall deliver to the seaman, before
13 paying off, a full and true account of his wages and all
14 deductions to be made therefrom on any account whatsoever."

15 **Section 110. Title 19 of the Code of the Federated States of**
16 Micronesia is hereby enacted by adding a new section 615 of chapter 6
17 to read as follows:

18 "Section 615. Advances and allotment of wages.

19 (1) It shall be unlawful to pay any seaman wages in
20 advance of the time when they are actually earned, or to
21 pay such advance wages or make any order or note or other
22 evidence of the indebtedness therefore to any other person,
23 or to pay any person for the shipment of any seaman when
24 payment is deducted or to be deducted from a seaman's wages.

25 (2) It shall be lawful for the master and any seaman

1 to agree that an allotment of a portion of the seaman's
2 earnings may be payable to a spouse, children, grand-
3 children, parents, grandparents, brothers, or sisters,
4 or to a bank account in the name of the seaman."

5 Section 111. Title 19 of the Code of the Federated States of
6 Micronesia is hereby enacted by adding a new section 616 of chapter 6
7 to read as follows:

8 "Section 616. Assignment of wages or salvage. Assignment
9 or sale of wages or of salvage made prior to the accruing
10 thereof shall not bind the seaman, except that allotments
11 shall bind the seaman."

12 Section 112. Title 19 of the Code of the Federated States of
13 Micronesia is hereby enacted by adding a new section 617 of chapter 6
14 to read as follows:

15 "Section 617. Wages and clothing exempt from attachment.
16 The wages and clothing of a seaman shall not be subject to
17 attachment or arrest from any court."

18 Section 113. Title 19 of the Code of the Federated States of
19 Micronesia is hereby enacted by adding a new section 618 of chapter 6
20 to read as follows:

21 "Section 618. Agreements void as to loss of lien or right
22 to wages. No seaman shall by any agreement forfeit his
23 lien upon the ship or be deprived of any remedy for the
24 recovery of his wages to which he would otherwise have been
25 entitled, and every stipulation by which any seaman

1 consents to abandon his right to his wages in the case of
2 the loss of the ship or to abandon any right which he may
3 have obtained in the nature of salvage shall be wholly void
4 and inoperative."

5 Section 114. Title 19 of the Code of the Federated States of
6 Micronesia is hereby enacted by adding a new section 619 of chapter 6
7 to read as follows:

8 "Section 619. Wages not dependent on freight earned. No
9 right to wages on the part of any seaman shall be dependent
10 on the earning of freight by the vessel; PROVIDED, that
11 nothing in this section shall be construed to prevent any
12 profit-sharing plan by which officers and crew are to be
13 compensated with profits in addition to their established
14 wages."

15 Section 115. Title 19 of the Code of the Federated States of
16 Micronesia is hereby enacted by adding a new section 620 of chapter 6
17 to read as follows:

18 "Section 620. Wages, maintenance, and benefits for sick
19 and injured seamen.

20 (1) This section shall not apply to seamen on board
21 fishing vessels.

22 (2) In the event of disabling sickness or injury
23 while a seaman is on board a vessel other than a fishing
24 vessel under signed shipping articles, or off the vessel
25 pursuant to an actual mission assigned to him by, or by the

1 authority of, the master, the seaman shall be entitled to:

2 (a) Full wages, as long as he is sick or
3 injured and remains on board the vessel;

4 (b) Medical and surgical treatment and supply
5 of proper and sufficient medicines and therapeutical
6 appliances, until medically declared to have reached a
7 maximum cure or to be incurable, but in no event more than
8 30 weeks from the day of the injury or commencement of the
9 sickness;

10 (c) An amount equal to board and lodging up to
11 a maximum period of 30 weeks, and one-third of his base
12 wages during any portion of such period subsequent to
13 his landing from the vessel, but not to exceed a maximum
14 period of 16 weeks commencing from the day of injury or
15 commencement of the sickness;

16 (d) Repatriation including, in addition, all
17 charges for his transportation, accommodation, and food
18 during the journey and his maintenance up to the time fixed
19 for his departure.

20 (3) The master shall take adequate measures for
21 safeguarding property left on board by a sick, injured, or
22 deceased seaman, and shall deliver all property of a
23 deceased seaman to a shipping officer.

24 (4) The seaman shall not be entitled to any of the
25 foregoing benefits:

1 (a) If such sickness or injury resulted from
2 his willful act, default, or misconduct;

3 (b) If such sickness or injury developed from a
4 condition which was intentionally concealed from the
5 employer at or prior to his engagement under the articles;

6 (c) If he refuses medical treatment for such
7 sickness or injury or is denied such treatment because of
8 misconduct or default;

9 (d) If at the time of his engagement, he
10 refused to be medically examined.

11 (5) The seaman shall have a maritime lien against
12 the vessel for any wages due him under this section."

13 Section 116. Title 19 of the Code of the Federated States of
14 Micronesia is hereby enacted by adding a new section 621 of chapter 6
15 to read as follows:

16 "Section 621. Wages, maintenance, and benefits for sick
17 and injured seamen, masters and officers on board fishing
18 vessels.

19 (1) In the event of disabling sickness or injury
20 while a seaman, master or officer is on board a fishing
21 vessel under signed shipping articles or a contract of
22 employment, or off the fishing vessel pursuant to an actual
23 mission assigned to him by, or by the authority of, the
24 master, employer or owner, the seaman, master or officer
25 shall be entitled to:

1 (a) Full wages, as long as he is disabled from
2 working due to sickness or injury and remains on board the
3 fishing vessel, or for the duration of the seaman's or
4 master's employment contract, whichever is the longer
5 period of time; PROVIDED, that if the seaman, master or
6 officer recovers and is declared by a licensed physician to
7 be medically fit for duty prior to removal from the fishing
8 vessel or the termination of the employment contract, the
9 right to unearned wages terminates;

10 (b) Medical and surgical treatment and supply
11 of proper and sufficient medicines and therapeutical
12 appliances, until medically declared by a licensed
13 physician to have reached a maximum cure or to be incurable;

14 (c) An amount equal to board and lodging
15 equivalent to the quality of that received on board the
16 fishing vessel upon landing of the seaman, master or
17 officer from the fishing vessel; PROVIDED, that such
18 payments shall terminate when the seaman or master is
19 medically declared by a licensed physician to have reached
20 maximum cure or to be incurable;

21 (d) Repatriation including, in addition, all
22 charges for his transportation, accommodation, and food
23 during the journey and his maintenance as provided for in
24 subsection (c) above;

25 (e) A lump sum payment in an amount set forth

1 in the payment schedule established by the Secretary if,
2 after reaching maximum care or being medically declared
3 incurable, the seaman or master is medically declared by a
4 licensed physician to be permanently disabled from working
5 as a seaman, master or officer.

6 (2) The master shall take adequate measures for
7 safeguarding property left on board by a sick, injured, or
8 deceased seaman, master or officer, and shall deliver all
9 property of a deceased seaman to a shipping officer.

10 (3) The seaman, master or officer shall not be
11 entitled to any of the foregoing benefits:

12 (a) If such sickness or injury resulted from
13 his willful act, default, or misconduct;

14 (b) If such sickness or injury developed from a
15 condition which was intentionally concealed from the
16 employer or owner at or prior to his engagement under the
17 articles or employment contract;

18 (c) If he refuses medical treatment for such
19 sickness or injury or is denied such treatment because of
20 misconduct or default;

21 (d) If at the time of his engagement under the
22 articles or employment contract, he refused to be medically
23 examined.

24 (4) The seaman, master or officer shall have a
25 maritime lien against the vessel for any wages due him

1 under this section."

2 Section 117. Title 19 of the Code of the Federated States of
3 Micronesia is hereby enacted by adding a new section 622 of chapter 6
4 to read as follows:

5 "Section 622. Wages after wreck or loss of vessel. In
6 addition to repatriation, a seaman whose employment is
7 terminated because a vessel is wrecked, lost or unable to
8 proceed is entitled to wages for 30 days after the
9 employment is terminated, except that no wages shall be
10 paid for days on which the seaman obtained employment."

11 Section 118. Title 19 of the Code of the Federated States of
12 Micronesia is hereby enacted by adding a new section 623 of chapter 6
13 to read as follows:

14 "Section 623. Liability of third person.

15 (1) When a work-related injury, illness or death for
16 which compensation is payable under this title has been
17 sustained under circumstances creating in some person other
18 than the employer, owner, or another employee of the
19 employer or owner acting in the course of his employment, a
20 legal liability to pay damages on account thereof, the
21 injured employee or the decedent's estate may claim
22 compensation under this title and recover damages from such
23 third person.

24 (2) If the employee or the decedent's estate
25 commences an action against such third person, he or it

1 shall without delay give the employer or managing owner
2 written notice of the action and the name and location
3 of the court in which the action is brought by personal
4 service or registered mail. The employer or owner may, at
5 any time before trial on the facts, join as a party
6 plaintiff.

7 (3) If within 1 year after the date of the personal
8 injury or death the employee or the decedent's estate has
9 not commenced an action against such third person, the
10 employer or owner having paid or being liable for
11 compensation under this title shall be subrogated to the
12 rights of the injured employee or the decedent's estate.
13 Except as limited by this title, the employee or the
14 decedent's estate may at any time commence an action or
15 join in any action commenced by the employer or owner
16 against such third person.

17 (4) No release or settlement of any claim or action
18 under this section is valid without the written consent of
19 the employer or owner and the employee or the decedent's
20 estate. The entire amount of any settlement payment or
21 judgment obtained from a third person is subject to the
22 employer's or owner's right of reimbursement of its
23 compensation payments under this title."

24 Section 119. Title 19 of the Code of the Federated States of
25 Micronesia is hereby enacted by adding a new section 624 of

1 chapter 6 to read as follows:

2 "Section 624. Exclusiveness of remedy; Applicability.

3 (1) Exclusiveness of remedy. The rights and remedies
4 granted by this chapter to a seaman, master or officer on
5 account of a disabling sickness, injury, or death sustained
6 by the seaman, master or officer shall exclude all other
7 liability of the owner or employer to the seaman, master or
8 officer or their spouse, next of kin, dependents, legal
9 representative, or anyone else entitled to recover damages
10 from the owner or employer at common law, general maritime
11 law or otherwise, on account of the disabling injury,
12 sickness, or death.

13 (2) Applicability. If a seaman or master sustains a
14 disabling injury or sickness while on board a vessel under
15 signed shipping articles or a contract of employment
16 governed by the laws of the Federated States of Micronesia,
17 he shall be entitled to recover under this title. The
18 right to recover under this title shall exclude all other
19 liability of the owner or employer. All contracts of
20 employment of a seaman, master or officer governed by the
21 laws of the Federated States of Micronesia, and all
22 shipping articles signed under the laws of the Federated
23 States of Micronesia, are deemed to include an agreement to
24 that effect."

25 Section 120. Title 19 of the Code of the Federated States of

1 Micronesia is hereby enacted by adding a new section 625 of chapter 6
2 to read as follows:

3 "Section 625. Repatriation - Rights generally.

4 (1) Any seaman who is put ashore at a port other than
5 the one where he signed the shipping articles, and who is
6 put ashore for reasons for which he is not responsible,
7 shall be returned as a crew member or otherwise, but
8 without expense to him:

9 (a) At the owner's option, to the port at
10 which he was engaged or where the voyage commenced or to a
11 port of the seaman's own country; or

12 (b) To another port, agreed upon between the
13 seaman and the owner or the master. However, in the event
14 that the seaman's contract period of service has not
15 expired, the owner shall have the right to transfer him to
16 another of the owner's vessels to serve thereon for the
17 balance of the contract period of service.

18 (2) Any seaman whose period of employment is
19 terminated by reason of completion of the voyage for which
20 he was engaged or by expiration of his contract period of
21 employment shall be entitled to repatriation, at no expense
22 to him, to the port at which he was engaged or to such
23 other port as may be agreed upon.

24 (3) The right to repatriation shall be lost by
25 failure of the seaman to request repatriation within 1 week

1 from the time that he is in condition to be repatriated."

2 Section 121. Title 19 of the Code of the Federated States of
3 Micronesia is hereby enacted by adding a new section 626 of chapter 6
4 to read as follows:

5 "Section 626. Repatriation - Loss of right. A seaman
6 shall forfeit his right of repatriation in case of:

7 (1) Desertion;

8 (2) Entering into a new agreement with the same owner
9 after his discharge;

10 (3) Entering into a new agreement with another owner
11 within 1 week after his discharge;

12 (4) Criminal offenses under sections 633, 635, and
13 636 of this chapter; or

14 (5) Unjustifiable repudiation of the shipping
15 articles."

16 Section 122. Title 19 of the Code of the Federated States of
17 Micronesia is hereby enacted by adding a new section 627 of chapter 6
18 to read as follows:

19 "Section 627. Compensation for unjustifiable discharge.

20 Any seaman who has signed shipping articles and is
21 afterward discharged before the commencement of the voyage
22 or before 1 month's wages are earned, without fault on his
23 part justifying such discharge and without consent, shall
24 be entitled to receive in addition to his earned wages a
25 sum equal in amount to 1 month's wages as compensation."

1 Section 123. Title 19 of the Code of the Federated States of
2 Micronesia is hereby enacted by adding a new section 628 of chapter 6
3 to read as follows:

4 "Section 628. Abandonment of seamen.

5 (1) No master or person in charge of a registered
6 vessel may, without justifiable cause, force any member
7 of the crew of such vessel on shore in order to leave
8 him behind in any foreign port or place, or refuse to bring
9 to such place as is required under the articles any member
10 of the crew of such vessel in condition and willing to
11 proceed when the master is ready to proceed.

12 (2) The abandoned seaman shall retain his right to
13 repatriation."

14 Section 124. Title 19 of the Code of the Federated States of
15 Micronesia is hereby enacted by adding a new section 629 of chapter 6
16 to read as follows:

17 "Section 629. Seaman left behind. A master shall notify a
18 shipping officer as soon as he or she learns that a seaman
19 has been or must be left behind."

20 Section 125. Title 19 of the Code of the Federated States of
21 Micronesia is hereby enacted by adding a new section 630 of chapter 6
22 to read as follows:

23 "Section 630. Grounds for discharge. The master may
24 discharge a seaman for justifiable cause, including any
25 of the following grounds:

- 1 (1) Unjustified failure to report on board at such
- 2 times and dates as may be specified by the master;
- 3 (2) Incompetence to perform duties for which the
- 4 seaman has represented himself as qualified;
- 5 (3) Theft, embezzlement, or willful destruction of
- 6 any part of the vessel, its cargo, or stores;
- 7 (4) Serious insubordination or willful disobedience
- 8 or willful refusal to perform assigned duties;
- 9 (5) Mutiny or desertion;
- 10 (6) Habitual intoxication, quarreling, or fighting;
- 11 (7) Possession of dangerous weapons, narcotics, or
- 12 contraband articles;
- 13 (8) Intentional concealment from the owner or master,
- 14 at a time prior to engagement under the shipping articles,
- 15 of a condition which resulted in sickness or injury;
- 16 (9) Assistance to stowaways; or
- 17 (10) Willful violation of the laws of the Federated
- 18 States of Micronesia or applicable local criminal laws."

19 Section 126. Title 19 of the Code of the Federated States of
20 Micronesia is hereby enacted by adding a new section 631 of chapter 6
21 to read as follows:

22 "Section 631. Certificate of service.

- 23 (1) The master shall sign and give to a seaman
- 24 discharged from his vessel, either on his discharge or on
- 25 payment of his wages, a certificate of service in a form

1 approved by the Secretary, specifying the period of his
2 service and the time and place of his discharge.

3 (2) If any person forges or fraudulently alters any
4 certificate of service, he shall, in respect of each
5 offense, be guilty of a misdemeanor."

6 Section 127. Title 19 of the Code of the Federated States of
7 Micronesia is hereby enacted by adding a new section 632 of chapter 6
8 to read as follows:

9 "Section 632. Offenses against the internal order of the
10 vessel.

11 (1) Any seaman on a registered vessel who commits any
12 of the following offenses may, in addition to any criminal
13 penalties provided in this chapter, be punished by the
14 master as follows:

15 (a) For neglecting or refusing without
16 reasonable cause to join his vessel or to proceed to sea in
17 his vessel, or for absence without leave at any time within
18 24 hours of the vessel's sailing from any port, either at
19 the commencement or during the progress of the voyage, or
20 for absence at any time, without leave and without
21 sufficient reason, from his vessel and from his duty, not
22 amounting to desertion, by forfeiture from his wages of not
23 more than 2 days' wages or wages sufficient to defray any
24 expenses which shall have been properly incurred in hiring
25 a substitute;

1 (b) For quitting the vessel without leave
2 before it is placed in security, by forfeiture from his
3 wages of not more than 1 month's wages;

4 (c) For intoxication or willful disobedience to
5 any lawful command, by being placed in restraint until such
6 intoxication or disobedience shall cease, and by forfeiture
7 from his wages of not more than 4 days' wages;

8 (d) For continued intoxication or willful
9 disobedience to any lawful command or continued willful
10 neglect of duty, by being placed in restraint until such
11 intoxication, disobedience, or neglect shall cease, and by
12 forfeiture, for every 24 hours continuance of such
13 intoxication, disobedience, or neglect, of a sum of not
14 more than 12 days' wages;

15 (e) For willfully damaging the vessel, or
16 embezzling, or willfully damaging any part of the stores or
17 cargo, whether on board the vessel, in boats, or ashore, by
18 forfeiture out of his wages of a sum equal in amount to the
19 loss thereby sustained;

20 (f) For any act of smuggling, whereby loss or
21 damage is occasioned to the master or owner, by payment to
22 such master or owner of such a sum as is sufficient to
23 reimburse the master or owner for such loss or damage,
24 the whole or any part of his wages may be retained in
25 satisfaction or on account of such liability;

1 (g) For assaulting any master, pilot, or
 2 officer, by forfeiture from his wages of not more than 3
 3 months' pay;

4 (h) For mutiny or desertion, by forfeiture of
 5 all accrued wages.

6 (2) All earnings forfeited as a result of penalties
 7 imposed by the master pursuant to this section shall be
 8 applied to reimburse the master or owner for any loss or
 9 damage resulting from the act for which the forfeiture was
 10 imposed, and the balance with an accounting thereof shall
 11 thereupon be forwarded to the principal shipping officer."

12 Section 128. Title 19 of the Code of the Federated States of
 13 Micronesia is hereby enacted by adding a new section 633 of chapter 6
 14 to read as follows:

15 "Section 633. Endangering vessel, cargo, or persons
 16 aboard. Whoever, being a master, seaman, or other person
 17 on any vessel, by willful breach of duty or by reason of
 18 drunkenness, does any act tending to the immediate loss or
 19 destruction of, or serious damage to, such vessel or its
 20 cargo, or tending immediately to endanger his life or limb
 21 or the life or limb of any person belonging to or on board
 22 such vessel, or by willful breach of duty or by neglect of
 23 duty, or by reason of drunkenness refuses or omits to do
 24 any lawful act proper and requisite to be done by him for
 25 preserving such vessel and her cargo from immediate loss,

1 destruction, or serious damage, or for preserving any
2 person on such vessel from immediate danger to life or
3 limb, shall be subject to a fine."

4 Section 129. Title 19 of the Code of the Federated States of
5 Micronesia is hereby enacted by adding a new section 634 of chapter 6
6 to read as follows:

7 "Section 634. Desertion.

8 (1) Any seaman who deserts his vessel with the
9 intention of not returning to duty and who remains
10 unlawfully in a foreign country shall be guilty of
11 desertion and shall be liable to answer for any damages or
12 losses suffered by the owner as a consequence of such
13 desertion.

14 (2) The master shall make an entry of all desertions
15 in the logbook and file a report with the shipping
16 officer. The local authorities of the port shall be
17 notified and requested to apprehend and deliver the
18 deserter."

19 Section 130. Title 19 of the Code of the Federated States of
20 Micronesia is hereby enacted by adding a new section 635 of chapter 6
21 to read as follows:

22 "Section 635. Revolt, mutiny or riot - Attempt,
23 conspiracy, or solicitation. Whoever, being of the crew of
24 a registered vessel, endeavors to make a revolt or mutiny
25 on board such vessel, or combines, conspires, or

1 confederates with any other person on board to make such
2 revolt or mutiny, or solicits, incites, or stirs up any
3 other of the crew to disobey or resist the lawful orders of
4 the master or other officers of such vessel, or refuses or
5 neglects his proper duty on board thereof, or betrays his
6 proper trust, or assembles with others in a tumultuous and
7 mutinous manner, or makes a riot on board thereof, or
8 unlawfully confines the master or other commanding officer
9 thereof, shall be fined not more than \$1,000, or imprisoned
10 for not more than 5 years, or both."

11 Section 131. Title 19 of the Code of the Federated States of
12 Micronesia is hereby enacted by adding a new section 636 of chapter 6
13 to read as follows:

14 "Section 636. Unlawful usurpation of command. Whoever,
15 being of the crew of a registered vessel, unlawfully and
16 with force, or by fraud or intimidation, usurps the
17 command of such vessel from the master or other lawful
18 officer in command thereof, or deprives him of authority
19 and command on board, or resists or prevents him in the
20 free and lawful exercise thereof, or transfers such
21 authority and command to another not lawfully entitled
22 thereto, is guilty of a revolt and mutiny and shall be
23 fined not more than \$2,000, or imprisoned for not more than
24 10 years, or both."

25 Section 132. Title 19 of the Code of the Federated States of

1 Micronesia is hereby enacted by adding a new section 637 of chapter 6
2 to read as follows:

3 "Section 637. Entry of the offenses in logbook;
4 Notification to offender.

5 (1) Upon the commission of any offense, an entry
6 thereof shall be made in the official logbook of the vessel
7 on the day on which the offense was committed and an entry
8 made of any penalty or fine imposed, and shall be signed by
9 the master and by the mate or one of the crew.

10 (2) The offender, if still on the vessel, shall,
11 before next arrival of the vessel at any port or, if it is
12 at the time in port, before its departure therefrom, be
13 furnished with a copy of such entry and have the same read
14 over distinctly and audibly to him, and may thereupon make
15 such a reply thereto as he thinks fit.

16 (3) A statement that a copy of the entry has been so
17 furnished or the same has been so read over, together
18 with his reply, if any, made by the offender, shall
19 likewise be entered and signed in the same manner."

20 Section 133. Title 19 of the Code of the Federated States of
21 Micronesia is hereby enacted by adding a new section 638 of chapter 6
22 to read as follows:

23 "Section 638. Corporal punishment prohibited. Flogging
24 and all other forms of corporal punishment are hereby
25 prohibited on board any vessel, and any master who shall

1 violate the provision of this section shall be guilty of a
2 misdemeanor."

3 Section 134. Title 19 of the Code of the Federated States of
4 Micronesia is hereby enacted by adding a new section 639 of chapter 6
5 to read as follows:

6 "Section 639. Master's lien. A master shall have the same
7 lien for all disbursements or liabilities properly made or
8 incurred by him on account of the vessel as a seaman has
9 for his wages."

10 Section 135. Title 19 of the Code of the Federated States of
11 Micronesia is hereby enacted by adding a new section 640 of chapter 6
12 to read as follows:

13 "Section 640. Vessel to be properly manned. Vessels at
14 sea must carry at least the number of qualified seamen
15 required by the regulations for vessels of that size and
16 type."

17 Section 136. Title 19 of the Code of the Federated States of
18 Micronesia is hereby enacted by adding a new section 641 of chapter 6
19 to read as follows:

20 "Section 641. Crew accommodation. The managing owner or
21 master shall not permit a vessel to go to sea if the
22 managing owner or master knows or should have known that
23 the vessel does not conform to regulations regarding:

- 24 (1) Crew accommodations;
25 (2) Provisions; and

1 (3) Medical supplies and personnel."

2 Section 137. Title 19 of the Code of the Federated States of
3 Micronesia is hereby enacted by adding a new section 642 of chapter 6
4 to read as follows:

5 "Section 642. Crew lists. The managing owner shall keep a
6 crew list of each vessel in a safe place onshore, and the
7 master shall carry a copy in the vessel."

8 Section 138. Title 19 of the Code of the Federated States of
9 Micronesia is hereby enacted by adding a new section 643 of chapter 6
10 to read as follows:

11 "Section 643. Approval of service in foreign vessels. It
12 is unlawful to employ a citizen of the Federated States of
13 Micronesia as a seaman in a vessel to which this chapter
14 does not apply, and that is bound for a foreign port,
15 without the written approval of a shipping officer."

16 Section 139. Title 19 of the Code of the Federated States of
17 Micronesia is hereby enacted by adding a new section 644 of chapter 6
18 to read as follows:

19 "Section 644. Official log book. The master shall keep
20 and carry an official log book in the vessel."

21 Section 140. Title 19 of the Code of the Federated States of
22 Micronesia is hereby enacted by adding a new section 645 of chapter 6
23 to read as follows:

24 "Section 645. Disciplinary offenses.

25 (1) Every time a registered vessel reaches a port in

1 the FSM, the master shall make an official report to the
2 principal shipping officer of all findings of disciplinary
3 offenses or discharges for justifiable cause, if any, made
4 since the last report. The report shall include at least
5 the text of the official log entry, including the seaman's
6 reply, if any.

7 (2) By notice to the seaman in person, or by mail to
8 the seaman's last known address, the principal shipping
9 officer shall notify the seaman of the right to file a
10 written explanation or defense.

11 (3) After considering any explanation or defense
12 filed by the seaman, the principal shipping officer may
13 suspend a seaman where:

14 (a) Two or more disciplinary reports have been
15 made within a prescribed time; or

16 (b) The seaman has violated sections 630, 632,
17 633, 634, 635, or 636 of this chapter.

18 (4) The suspended seaman shall be notified in
19 writing, and his or her name shall be entered on the list
20 of suspended persons."

21 Section 141. Title 19 of the Code of the Federated States of
22 Micronesia is hereby enacted by adding a new section 646 of chapter 6
23 to read as follows:

24 "Section 646. Appeal against suspension. Where the
25 principal shipping officer suspends a seaman, the seaman

1 may appeal within 30 days of notice of suspension to the
2 Trial Division of the Supreme Court. The Court shall set
3 aside the decision of the principal shipping officer only
4 if it is found on the record to be arbitrary, capricious,
5 an abuse of discretion, or otherwise not in accordance with
6 law, and in that case, shall try the case de novo. The
7 Court may award lost wages and costs, if proven."

8 Section 142. Title 19 of the Code of the Federated States of
9 Micronesia is hereby enacted by adding a new section 647 of chapter 6
10 to read as follows:

11 "Section 647. Suspended person not to be employed as
12 seaman. No suspended person shall enter a seaman's
13 employment agreement, and no person shall knowingly
14 employ a suspended person as a seaman. An agreement to
15 employ a suspended person is void."

16 Section 143. Title 19 of the Code of the Federated States of
17 Micronesia is hereby enacted by adding a new section 648 of chapter 6
18 to read as follows:

19 "Section 648. Wrongful death of seaman, master or officer.

20 (1) This section shall not apply to seamen, masters
21 and officers on board a fishing vessel.

22 (2) Whenever the death of a seaman, master or
23 officer, resulting from an injury, shall be caused by
24 wrongful act, omission, neglect, or default occurring on
25 board a vessel, other than a fishing vessel, the personal

1 representative of the deceased seaman may maintain a suit
2 for damages, for the exclusive benefit of the deceased's
3 wife, husband, parent, child, or dependent relative,
4 against the vessel, person, or corporation which would have
5 been liable if death had not ensued."

6 Section 144. Title 19 of the Code of the Federated States of
7 Micronesia is hereby enacted by adding a new section 649 of chapter 6
8 to read as follows:

9 "Section 649. Death of seaman, master or officer on board
10 fishing vessels. In the case of death of a seaman, master
11 or officer occurring on board a fishing vessel, or in the
12 case of his death occurring on shore, if, at the time, he
13 was entitled to medical care and maintenance at the owner's
14 or employer's expense:

15 (1) The owner or employer shall be liable to defray
16 reasonable local funeral expenses and make payment of the
17 base wages of the deceased seaman, master or officer up to
18 the end of the month in which the death occurs;

19 (2) Wages, maintenance and benefits due to a
20 seaman, master or officer shall be paid after his death to
21 his estate; and

22 (3) The estate of the deceased seaman, master or
23 officer shall be entitled to assert a claim for a lump
24 sum payment in the amount set forth in the payment schedule
25 specified in regulations promulgated by the Secretary."

1 to read as follows:

2 "Section 651. Agreement to submit disputes to arbitration;
3 Compelling compliance with agreement.

4 (1) Agreement to submit disputes to arbitration. A
5 provision in a written contract of employment between an
6 owner or employer and a seaman, master or officer, to
7 settle by arbitration a claim or controversy arising out of
8 performance of the contract, the refusal to perform the
9 whole or any part thereof, or the breach of said contract,
10 shall be valid, enforceable, and irrevocable, except upon
11 such grounds as exist for the revocation of any contract.

12 (2) Compelling compliance with agreement. A party
13 aggrieved by the failure, neglect, or refusal of another to
14 perform under an agreement in writing providing for
15 arbitration may proceed in the manner provided for in the
16 agreement. Five days' notice in writing of the application
17 shall be served upon the party in default. Service thereof
18 shall be made in the manner provided for by subchapter I of
19 title 6 of the Code of the Federated States of Micronesia.
20 The court shall hear the parties, and upon being satisfied
21 that the making of the agreement is not in issue, the court
22 hearing the application shall make an order directing the
23 parties to proceed to arbitration in accordance with the
24 agreement. If the making of the agreement is in issue, the
25 court shall proceed summarily to the trial thereof. If the

Public Law No. 8 - 49

1 Section 145. Title 19 of the Code of the Federated States of
2 Micronesia is hereby enacted by adding a new section 650 of chapter 6
3 to read as follows:

4 "Section 650. Death on board; Procedure generally.

5 (1) In the event of a death on board a vessel, an
6 entry shall be made into the vessel's logbook by the master
7 and one of his officers. He shall also report the death to
8 the authorities at the first port of arrival and shall
9 submit a statement signed by him to the shipping officer.

10 (2) The logbook entry and statement shall contain the
11 first and last name, sex, nationality, year, and place of
12 birth of the deceased person, the cause of death, place of
13 death (latitude, longitude), date and time of death, the
14 names of next-of-kin, if known, and the name of the vessel.

15 (3) If the deceased person is a seaman, the entry and
16 statement shall contain, in addition, his rank or rating,
17 place and address of his residence or domicile, and the
18 number of his certificate with date of issuance.

19 (4) The statement submitted by the master shall be
20 countersigned by any attending physician aboard; otherwise
21 by any of the ship's officers. A list of personal effects
22 and amounts of money left on board the vessel shall be
23 attached."

24 Section 146. Title 19 of the Code of the Federated States of
25 Micronesia is hereby enacted by adding a new section 651 of chapter 6

1 court finds that no agreement in writing providing for
2 arbitration was made, the proceeding shall be dismissed."

3 Section 147. Title 19 of the Code of the Federated States of
4 Micronesia is hereby enacted by adding a new section 652 of chapter 6
5 to read as follows:

6 "Section 652. Regulations. The Secretary may promulgate
7 regulations to implement this chapter, and these
8 regulations shall have the force and effect of law."

9 Section 148. Title 19 of the Code of the Federated States of
10 Micronesia is hereby enacted by adding a new section 701 of chapter 7
11 to read as follows:

12 "Section 701. Application. This chapter applies to the
13 territorial waters of the Federated States of Micronesia
14 outside of lagoons, including the seaward approach to
15 lagoons, and also inside lagoons, but only if necessary to
16 protect and regulate interstate and foreign commerce."

17 Section 149. Title 19 of the Code of the Federated States of
18 Micronesia is hereby enacted by adding a new section 702 of chapter 7
19 to read as follows:

20 "Section 702. Definitions. In this chapter:

21 (1) 'Aid' means a marine aid to navigation, including
22 any light or illuminating device, which is not maintained
23 and controlled by a State; and

24 (2) 'Owner' includes any person or persons who own or
25 are in possession or control of an aid."

1 Section 150. Title 19 of the Code of the Federated States of
2 Micronesia is hereby enacted by adding a new section 703 of chapter 7
3 to read as follows:

4 "Section 703. Aid to Navigation Officer. The Secretary
5 shall appoint an Aid to Navigation Officer."

6 Section 151. Title 19 of the Code of the Federated States of
7 Micronesia is hereby enacted by adding a new section 704 of chapter 7
8 to read as follows:

9 "Section 704. Establishment and alteration of aids. The
10 Secretary may establish, maintain, operate, alter or remove
11 aids."

12 Section 152. Title 19 of the Code of the Federated States of
13 Micronesia is hereby enacted by adding a new section 705 of chapter 7
14 to read as follows:

15 "Section 705. Private aids.

16 (1) It is unlawful for any person to establish,
17 operate, alter or remove an aid without the written
18 approval of the Secretary.

19 (2) If safety or convenience requires, the Secretary
20 may, by written notice, require the owner of an aid to
21 move, remove, modify or alter it.

22 (3) Where the owner fails to comply or if notice
23 cannot be served on the owner, the Secretary may take
24 possession or control of the aid, and do anything which
25 must be done for the safety of marine navigation, and the

Public Law No. 8 - 49

1 owner shall pay any and all costs incurred by the
2 Government under this subsection."

3 Section 153. Title 19 of the Code of the Federated States of
4 Micronesia is hereby enacted by adding a new section 706 of chapter 7
5 to read as follows:

6 "Section 706. Inspection of aids and lights.

7 (1) The Aid to Navigation Officer may inspect any aid
8 at any reasonable time, and for this purpose, the officer
9 may enter property.

10 (2) It is unlawful for any person to obstruct or
11 hinder an Aid to Navigation Officer in the performance
12 of his duties."

13 Section 154. Title 19 of the Code of the Federated States
14 of Micronesia is hereby enacted by adding a new section 707 of
15 chapter 7 to read as follows:

16 "Section 707. Offenses in relation to aids.

17 (1) It is unlawful to:

18 (a) Make fast to, damage, destroy or allow a
19 vessel to foul an aid;

20 (b) Cause the view of an aid to be obstructed
21 in such a manner as to lessen its efficiency;

22 (c) Without lawful authority, interfere with an
23 aid so as to hinder its effectiveness; or

24 (d) Trespass on or in an aid.

25 (2) In addition to any fine or penalty, a person

1 found guilty under subsection (1) of this section shall pay
2 the cost of repairing or replacing the aid.

3 (3) A person who, or the master of a vessel which,
4 damages, destroys, or interferes with an aid shall notify
5 the Aid to Navigation Officer as soon as practicable."

6 Section 155. Title 19 of the Code of the Federated States of
7 Micronesia is hereby enacted by adding a new section 708 of chapter 7
8 to read as follows:

9 "Section 708. Detention of a vessel which damages an aid.
10 A vessel which damages, destroys, or fouls an aid may be
11 detained until the cost of repairing or replacing the aid
12 is paid."

13 Section 156. Title 19 of the Code of the Federated States of
14 Micronesia is hereby enacted by adding a new section 709 of chapter 7
15 to read as follows:

16 "Section 709. Advisory committee on aids. The Secretary
17 may form an aids to navigation advisory committee, which
18 shall include at least two representatives of owners of
19 vessels which must pay dues for aids to navigation."

20 Section 157. Title 19 of the Code of the Federated States of
21 Micronesia is hereby enacted by adding a new section 710 of chapter 7
22 to read as follows:

23 "Section 710. Dues for aids to navigation.

24 (1) Where an owner or master of a vessel fails to pay
25 dues for aids to navigation, the owner and master may each

1 be fined.

2 (2) A vessel may be detained until its dues for aids
3 to navigation are paid."

4 Section 158. Title 19 of the Code of the Federated States of
5 Micronesia is hereby enacted by adding a new section 711 of chapter 7
6 to read as follows:

7 "Section 711. Regulations.

8 (1) The Secretary may promulgate regulations to
9 implement this chapter, and these regulations shall have
10 the force and effect of law.

11 (2) Any regulations promulgated pursuant to this
12 section shall provide that the Secretary shall take action
13 within a lagoon only if the State has failed to meet
14 minimum international safety standards, and action is
15 necessary to protect or regulate interstate or foreign
16 commerce."

17 Section 159. Title 19 of the Code of the Federated States of
18 Micronesia is hereby enacted by adding a new section 801 of chapter 8
19 to read as follows:

20 "Section 801. Definitions. In this chapter:

21 (1) 'Owner' means any person or persons to whom the
22 vessel wrecked belongs, or belonged at the time it wrecked,
23 or has belonged at any time after it wrecked.

24 (2) 'Wreck' includes jetsam, flotsam, lagan and
25 derelict."

1 Section 160. Title 19 of the Code of the Federated States of
2 Micronesia is hereby enacted by adding a new section 802 of chapter 8
3 to read as follows:

4 "Section 802. Receiver of wreck. The Secretary shall be
5 the receiver of wreck in the Federated States of
6 Micronesia, and shall superintend all matters relating to
7 wreck."

8 Section 161. Title 19 of the Code of the Federated States of
9 Micronesia is hereby enacted by adding a new section 803 of chapter 8
10 to read as follows:

11 "Section 803. Preservation of wreck.

12 (1) When any vessel is wrecked, stranded, or in
13 distress the receiver may take command of all persons
14 present, assign duties, issue directions, requisition
15 assistance, and demand the use of any nearby vehicle or
16 equipment, if necessary to preserve the vessel, the cargo,
17 and lives.

18 (2) The receiver shall not interfere between the
19 master of the vessel and his crew in matters relating to
20 the management of the vessel unless he is requested to do
21 so by the master.

22 (3) All cargo and other articles belonging to the
23 vessel that leave the vessel must be delivered to the
24 receiver and no person, including an owner, may secrete or
25 refuse to deliver the same to the receiver.

1 (4) A rescuer may pass over any adjoining lands if
2 necessary and may deposit on such lands any cargo or
3 article recovered. All damage caused to land or
4 property by rescuers or cargo shall be a salvage charge on
5 the vessel, cargo, or articles.

6 (5) No person, including the owner or occupier of any
7 land over which rescuers must pass, may impede or hinder
8 any rescuer or impede the deposit of cargo or other rescued
9 articles."

10 Section 162. Title 19 of the Code of the Federated States of
11 Micronesia is hereby enacted by adding a new section 804 of chapter 8
12 to read as follows:

13 "Section 804. Finding and taking possession of wreck.

14 If an owner or any other person finds or takes possession
15 of any wreck he shall notify the receiver and, if
16 requested, deliver the wreck to the receiver."

17 Section 163. Title 19 of the Code of the Federated States of
18 Micronesia is hereby enacted by adding a new section 805 of chapter 8
19 to read as follows:

20 "Section 805. Secretion of wreck. If the receiver learns
21 that any wreck has been secreted or otherwise not reported
22 to him, he may apply for a search warrant as provided by
23 law, and search for the wreck in any vessel or place."

24 Section 164. Title 19 of the Code of the Federated States of
25 Micronesia is hereby enacted by adding a new section 806 of chapter 8

1 to read as follows:

2 "Section 806. Notice by receiver of having taken
3 possession of wreck. When the receiver takes possession of
4 wreck, he shall cause a description of the wreck to be
5 broadcast on at least one radio station in each State."

6 Section 165. Title 19 of the Code of the Federated States of
7 Micronesia is hereby enacted by adding a new section 807 of chapter 8
8 to read as follows:

9 "Section 807. Removing wreck from custody of receiver.
10 It is unlawful to remove or attempt to remove a detained
11 vessel, cargo, apparel or wreck without the authority of
12 the receiver."

13 Section 166. Title 19 of the Code of the Federated States of
14 Micronesia is hereby enacted by adding a new section 808 of chapter 8
15 to read as follows:

16 "Section 808. Claimed wreck. Subject to the payment of
17 any expenses, fees, and salvage due, the receiver shall
18 return wreck if the owner establishes his claim to the
19 satisfaction of the receiver within 1 year of the time the
20 receiver takes possession."

21 Section 167. Title 19 of the Code of the Federated States of
22 Micronesia is hereby enacted by adding a new section 809 of chapter 8
23 to read as follows:

24 "Section 809. Unclaimed wreck. If no owner establishes
25 his claim to wreck within 1 year from the date the receiver

1 takes possession, the receiver shall sell the wreck, pay
2 all fees and other expenses, and pay the determined amount
3 of salvage. All remaining monies shall be deposited into
4 the General Fund of the Federated States of Micronesia."

5 Section 168. Title 19 of the Code of the Federated States of
6 Micronesia is hereby enacted by adding a new section 810 of chapter 8
7 to read as follows:

8 "Section 810. Payment to salvors. Any person other
9 than the receiver who assists a stranded, wrecked or
10 otherwise distressed vessel or helps to save the lives
11 of persons belonging to the vessel, or helps to save cargo
12 or apparel, or helps to save wreck, shall be paid a
13 reasonable amount of salvage."

14 Section 169. Title 19 of the Code of the Federated States of
15 Micronesia is hereby enacted by adding a new section 811 of chapter 8
16 to read as follows:

17 "Section 811. Life salvage. Salvage for saving the lives
18 of persons belonging to any vessel shall be paid before all
19 other claims for salvage."

20 Section 170. Title 19 of the Code of the Federated States of
21 Micronesia is hereby enacted by adding a new section 812 of chapter 8
22 to read as follows:

23 "Section 812. Manner of enforcing payment of salvage. The
24 receiver shall detain any vessel, cargo, property or wreck
25 until salvage has been paid or disposition ordered by the

1 Supreme Court, and shall notify any known owner as soon as
2 the property comes into the possession or control of the
3 receiver."

4 Section 171. Title 19 of the Code of the Federated States of
5 Micronesia is hereby enacted by adding a new section 813 of chapter 8
6 to read as follows:

7 "Section 813. Sale by receiver of detained property.

8 (1) The receiver may sell property detained for
9 payment of salvage if:

10 (a) The amount of salvage due is not disputed,
11 and

12 (b) The amount due is not paid within 20 days
13 of the date agreed upon for payment.

14 (2) Proceeds of sale shall be used to pay the fee and
15 expenses of the receiver for the property and salvage. Any
16 remaining proceeds shall be paid to the person legally
17 entitled to them, or, if in dispute, to the Trial Division
18 of the Supreme Court."

19 Section 172. Title 19 of the Code of the Federated States of
20 Micronesia is hereby enacted by adding a new section 814 of chapter 8
21 to read as follows:

22 "Section 814. Vessels wrecked.

23 (1) Where a vessel wrecked anywhere within a lagoon
24 is an obstruction or danger to interstate or foreign
25 commerce or shipping, or where a vessel wrecked outside

1 of a lagoon is an obstruction or danger to navigation, the
2 Secretary may:

3 (a) Require any owner to raise, remove or
4 destroy the wreck or to light or buoy it until it is
5 raised, removed or destroyed; or

6 (b) If no owner complies, the Secretary may
7 raise, remove, destroy, sell, or deal with the vessel
8 wrecked and any recovered property in such manner as he
9 thinks fit. The Secretary shall deduct any expenses
10 incurred, then pay the net proceeds to the persons
11 entitled to them.

12 (2) Upon posting notice, the Secretary may declare an
13 area around a vessel wrecked to be a prohibited area, and
14 no person or vessel may enter this area.

15 (3) The Secretary may recover from any owner of a
16 vessel wrecked any and all expenses incurred in guarding,
17 lighting, buoing, raising, removing or destroying the
18 vessel, which are not recovered from the proceeds of sale.

19 (4) Any regulations promulgated pursuant to this
20 section shall provide that the Secretary shall take action
21 inside of a lagoon only if the state has not acted, and
22 action is necessary to protect interstate or foreign
23 commerce."

24 Section 173. Title 19 of the Code of the Federated States of
25 Micronesia is hereby enacted by adding a new section 815 of chapter 8

1 to read as follows:

2 "Section 815. Offenses relating to wreck.

3 (1) It is unlawful to knowingly obliterate or deface
4 any mark on wreck.

5 (2) It is unlawful to take to any foreign port and
6 sell any stranded, derelict or otherwise distressed vessel,
7 its cargo or apparel, or any wreck, found in the
8 territorial waters of the Federated States of Micronesia."

9 Section 174. Title 19 of the Code of the Federated States of
10 Micronesia is hereby enacted by adding a new section 817 of chapter 8
11 to read as follows:

12 "Section 817. Regulations. The Secretary may promulgate
13 regulations to implement this chapter, and these
14 regulations shall have the force and effect of law."

15 Section 175. Title 19 of the Code of the Federated States of
16 Micronesia is hereby enacted by adding a new section 901 of chapter 9
17 to read as follows:

18 "Section 901. Definitions. In this chapter:

19 (1) 'Contracting state' means a country or territory
20 which is a member of or party to the Convention;

21 (2) 'Convention' means the International Convention
22 for the Unification of Certain Rules of Law Relating to
23 Bills of Lading signed at Brussels on August 25, 1924, as
24 amended by the Protocols done at Brussels on February 23,
25 1968 and December 21, 1979."

1 Section 176. Title 19 of the Code of the Federated States of
2 Micronesia is hereby enacted by adding a new section 902 of chapter 9
3 to read as follows:

4 "Section 902. Application. This chapter applies to all
5 goods carried by sea:

6 (1) Between ports in different States of the
7 Federated States of Micronesia; or

8 (2) Under a bill of lading issued in a contracting
9 state;

10 (3) From a port in a contracting state; or

11 (4) Under a contract which provides that this
12 chapter and the provisions of the Convention are to govern
13 the contract."

14 Section 177. Title 19 of the Code of the Federated States of
15 Micronesia is hereby enacted by adding a new section 903 of chapter 9
16 to read as follows:

17 "Section 903. No warranty as to seaworthiness. There
18 shall not be implied in any contract for the carriage of
19 goods by sea any absolute warranty that the vessel in
20 which the goods are carried is seaworthy."

21 Section 178. Title 19 of the Code of the Federated States
22 of Micronesia is hereby enacted by adding a new section 904 of
23 chapter 9 to read as follows:

24 "Section 904. Issue of bills of lading. Every bill of
25 lading shall contain an express statement that it is issued

1 subject to this chapter and the regulations promulgated
2 pursuant to it."

3 Section 179. Title 19 of the Code of the Federated States of
4 Micronesia is hereby enacted by adding a new section 905 of chapter 9
5 to read as follows:

6 "Section 905. Shipped bill of lading. A bill of
7 lading issued in conformity with the regulations is a
8 shipped bill of lading."

9 Section 180. Title 19 of the Code of the Federated States of
10 Micronesia is hereby enacted by adding a new section 906 of chapter 9
11 to read as follows:

12 "Section 906. Bulk cargo. Where, by custom or usage of
13 any trade, the weight of bulk cargo is ascertained by a
14 third party, and the bill of lading contains a statement
15 that the weight is so ascertained, then the bill of lading
16 is not prima facie evidence of the weight stated in the
17 bill of lading, and the accuracy of the weight at the time
18 of shipment is not guaranteed by the shipper."

19 Section 181. Title 19 of the Code of the Federated States of
20 Micronesia is hereby enacted by adding a new section 907 of chapter 9
21 to read as follows:

22 "Section 907. Jurisdiction of Supreme Court.

23 (1) All bills of lading or other contracts for the
24 carriage of goods from any place within the Federated
25 States of Micronesia are subject to the laws of the

1 Federated States of Micronesia.

2 (2) Any part of any such bill of lading or other
3 contract which purports to remove jurisdiction over it
4 from the Supreme Court of the Federated States of
5 Micronesia shall be void.

6 (3) Any part of an agreement, wherever made,
7 which purports to remove the jurisdiction of the Supreme
8 Court over any bill of lading or other document relating to
9 the carriage of goods by sea from any place outside the
10 Federated States of Micronesia shall be void."

11 Section 182. Title 19 of the Code of the Federated States of
12 Micronesia is hereby enacted by adding a new section 908 of chapter 9
13 to read as follows:

14 "Section 908. Regulations. The Secretary may promulgate
15 regulations to implement this chapter, and these
16 regulations shall have the force and effect of law."

17 Section 183. Title 19 of the Code of the Federated States of
18 Micronesia is hereby enacted by adding a new section 1001 of chapter
19 10 to read as follows:

20 "Section 1001. Definitions. 'Limitation of Liability
21 Convention' means the International Convention relating to
22 the Limitation of Liability of Owners of Sea-going Ships
23 signed at Brussels on October 10, 1957, as affected by the
24 Protocol of 1979 Relating to the Limitation of Liability
25 Convention."

1 Section 184. Title 19 of the Code of the Federated States of
2 Micronesia is hereby enacted by adding a new section 1002 of chapter
3 10 to read as follows:

4 "Section 1002. Application. This chapter applies to all
5 registered vessels, all government vessels, and all
6 vessels operating in the territorial waters of the
7 Federated States of Micronesia."

8 Section 185. Title 19 of the Code of the Federated States of
9 Micronesia is hereby enacted by adding a new section 1003 of chapter
10 10 to read as follows:

11 "Section 1003. Liability and division of loss.

12 (1) Where two or more vessels cause property damage
13 or loss, liability shall be proportional to the degree of
14 fault; PROVIDED that if it is not possible to establish
15 degrees of fault, liability shall be apportioned equally.

16 (2) Where two or more vessels cause loss of life or
17 personal injury to any person on board a vessel,
18 liability shall be joint and several.

19 (3) Nothing in this section shall affect the right
20 of any person to limit his liability in a manner provided
21 by law."

22 Section 186. Title 19 of the Code of the Federated States of
23 Micronesia is hereby enacted by adding a new section 1004 of chapter
24 10 to read as follows:

25 "Section 1004. Abolition of presumption of fault. In case

1 of collision, a vessel shall not be deemed at fault solely
2 because the master or person in charge has infringed any
3 provision of the Collisions Convention."

4 Section 187. Title 19 of the Code of the Federated States of
5 Micronesia is hereby enacted by adding a new section 1005 of chapter
6 10 to read as follows:

7 "Section 1005. Seagoing vessels. For the purposes of this
8 chapter and the regulations promulgated pursuant to it, a
9 vessel shall be treated as if it were a seagoing ship where
10 it is:

11 (1) A registered vessel or a foreign vessel in the
12 territorial waters of the Federated States of Micronesia;

13 (2) A ship under construction and intended for use
14 in trade or commerce;

15 (3) A Government vessel, including a vessel being
16 built by or on behalf of, or to the order of the
17 Government; or

18 (4) A vessel that has been launched but not
19 completed and delivered under the building contract."

20 Section 188. Title 19 of the Code of the Federated States of
21 Micronesia is hereby enacted by adding a new section 1006 of chapter
22 10 to read as follows:

23 "Section 1006. Application to determine owners'
24 liability. Any person who may limit his liability under
25 regulations promulgated by the Secretary pursuant to the

1 Limitation of Liability Convention may apply to the Trial
2 Division of the Supreme Court to determine the limit of
3 that liability for any particular claim, and the Supreme
4 Court may order the creation, administration and
5 distribution of a limitation fund."

6 Section 189. Title 19 of the Code of the Federated States of
7 Micronesia is hereby enacted by adding a new section 1007 of chapter
8 10 to read as follows:

9 "Section 1007. Government vessels. Nothing in this title
10 shall authorize proceedings in rem against any Government
11 vessel or authorize any lien on any Government vessel,
12 cargo or other property."

13 Section 190. Title 19 of the Code of the Federated States of
14 Micronesia is hereby enacted by adding a new section 1008 of chapter
15 10 to read as follows:

16 "Section 1008. Regulations.

17 (1) The Secretary may promulgate regulations to
18 implement this chapter, and these regulations shall have
19 the force and effect of law.

20 (2) The Secretary may by regulation adopt all or any
21 part of the rules of the Limitation of Liability Convention.

22 (3) The Secretary shall by regulation determine the
23 method by which tonnage shall be calculated or estimated."

24 Section 191. Title 19 of the Code of the Federated States of
25 Micronesia is hereby enacted by adding a new section 1101 of chapter

1 11 to read as follows:

2 "Section 1101. Regulations for small craft.

3 (1) To the extent that small craft navigate outside
4 lagoons, or navigate within lagoons in such a way as to
5 effect interstate or foreign commerce or shipping, the
6 Secretary may promulgate regulations necessary to provide
7 for the safety and control of small craft, which
8 regulations shall have the force and effect of law.

9 (2) Any regulations promulgated pursuant to this
10 section shall provide that the Secretary shall take action
11 inside of a lagoon only if the state has not acted, and
12 action is necessary to protect interstate or foreign
13 commerce."

14 Section 192. Title 19 of the Code of the Federated States of
15 Micronesia is hereby enacted by adding a new section 1102 of chapter
16 to read as follows:

17 "Section 1102. Detention of a vessel.

18 (1) Where a vessel is subject to detention the
19 Secretary, upon written notice served to the person on
20 board in charge of the ship, may detain the vessel without
21 warrant.

22 (2) An owner or master whose ship is subject to a
23 detention order may petition the Secretary, in the manner
24 prescribed by regulations, to review the detention order.
25 Upon receipt of such a petition, the Secretary shall

1 affirm, modify, or withdraw the detention order, within the
2 time specified by regulation.

3 (3) A ship unreasonably detained or delayed by the
4 Secretary acting under the authority of this title is
5 entitled to compensation for any loss or damage suffered
6 thereby.

7 (4) Where a foreign vessel is detained, the
8 Secretary, through diplomatic channels, shall notify the
9 diplomatic representative of the vessel's flag state,
10 including the reason for detention."

11 Section 193. Title 19 of the Code of the Federated States of
12 Micronesia is hereby enacted by adding a new section 1103 of chapter
13 11 to read as follows:

14 "Section 1103. Proceedings on forfeiture of a vessel.

15 (1) Where a vessel is subject to forfeiture under
16 this title, a law officer authorized in writing by the
17 Secretary may seize and detain the vessel.

18 (2) Upon written notice of the proposed forfeiture
19 being given to all parties with a registered interest in
20 the vessel, and after hearing, the Supreme Court may order
21 the vessel and its equipment forfeited to the Government."

22 Section 194. Title 19 of the Code of the Federated States of
23 Micronesia is hereby enacted by adding a new section 1104 of 3
24 chapter 11 to read as follows:

25 "Section 1104. Break or injury to submarine cable or

1 pipeline.

2 (1) 'Submarine cable or pipeline' means a cable or
3 pipeline found underwater outside of a lagoon.

4 (2) It is unlawful to willfully or negligently break
5 or injure a submarine telegraph or telephone cable, a
6 submarine pipeline or a submarine high-voltage power cable,
7 unless the injury was caused by persons acting to save
8 their lives or their vessels.

9 (3) If a person laying or repairing a submarine cable
10 or pipeline damages another cable or pipeline he or she
11 shall pay the cost of repair.

12 (4) If, after all reasonable precautionary measures
13 have been taken, an anchor, a net or any other article
14 belonging to a vessel is sacrificed to avoid injuring a
15 submarine cable or pipeline, the owner of the cable or
16 pipeline shall pay for the loss."

17 Section 195. Title 19 of the Code of the Federated States of
18 Micronesia is hereby enacted by adding a new section 1105 of chapter
19 11 to read as follows:

20 "Section 1105. Delegations. The Secretary, registrar,
21 principal surveyor, principal shipping officer and Aids
22 to Navigation Officer may delegate in writing all or any
23 of their powers under this title, except this power of
24 delegation."

25 Section 196. Title 19 of the Code of the Federated States of

1 Micronesia is hereby enacted by adding a new section 1106 of chapter
2 11 to read as follows:

3 "Section 1106. Personal liability. The Secretary,
4 registrar, principal surveyor, principal shipping officer,
5 Aids to Navigation Officer and their delegates shall not be
6 liable for any act or omission done under the authority of
7 this title, if done in good faith and without gross
8 negligence."

9 Section 197. Title 19 of the Code of the Federated States of
10 Micronesia is hereby enacted by adding a new section 1107 of chapter
11 11 to read as follows:

12 "Section 1107. Continuity of documents. Any certificate,
13 license, instrument or document which is valid and current
14 immediately prior to the effective date of this act, and
15 which has a similar effect as a certificate of registry,
16 certificate of competency, certificate of service,
17 certificate of inspection, load line certificate, tonnage
18 certificate, or license as operator of a small craft,
19 shall remain in force for 12 months from the date this act
20 becomes law, or until it expires, whichever is earlier."

21 Section 198. Title 19 of the Code of the Federated States of
22 Micronesia is hereby enacted by adding a new section 1108 of chapter
23 to read as follows:

24 "Section 1108. Regulations. The Secretary may promulgate
25 regulations to implement this chapter, and these

1 regulations shall have the force and effect of law."

2 Section 199. Title 19 of the Code of the Federated States of
3 Micronesia is hereby enacted by adding a new section 1201 of chapter
4 12 to read as follows:

5 "Section 1201. Unlawful to act in violation. It is
6 unlawful to act in violation of this title, or in
7 violation of any regulation promulgated pursuant to this
8 title."

9 Section 200. Title 19 of the Code of the Federated States of
10 Micronesia is hereby enacted by adding a new section 1202 of chapter
11 12 to read as follows:

12 "Section 1202. Investigation of violations.

13 (1) Upon receipt of evidence that a violation has
14 occurred, the Secretary shall investigate.

15 (2) The Secretary may issue subpoenas requiring the
16 attendance of witnesses and the production of documents.

17 The Secretary may request the Attorney General to invoke
18 the aid of the Trial Division of the Supreme Court to
19 compel compliance with a subpoena.

20 (3) The Secretary may inspect any vessel in any
21 port under the jurisdiction of the Federated States of
22 Micronesia.

23 (4) Upon completion of the investigation, the
24 Secretary shall take the action he or she deems appropriate
25 under this title. If a foreign ship is involved, the

1 Secretary shall, through diplomatic channels, notify the
2 diplomatic representative of the vessel's flag state."

3 Section 201. Title 19 of the Code of the Federated States of
4 Micronesia is hereby enacted by adding a new section 1203 of chapter
5 12 to read as follows:

6 "Section 1203. Civil penalties.

7 (1) A person who is found by the Secretary, after
8 notice and an opportunity to be heard, to have violated any
9 provision of this title or the regulations issued
10 thereunder, shall be liable for a civil penalty not to
11 exceed \$5,000 for each violation.

12 (2) Each day of a continuing violation shall
13 constitute a separate violation.

14 (3) Any person who makes a false or fraudulent
15 statement or representation to the Secretary under this
16 title or the regulations shall be liable for a civil
17 penalty not to exceed \$10,000 for each such statement or
18 representation.

19 (4) In determining the amount of a civil penalty,
20 the Secretary shall consider the nature, circumstances,
21 extent, and gravity of the act, the violator's degree of
22 culpability, history of prior offenses, and ability to pay,
23 and other matters as justice may require. The Secretary
24 may modify a civil penalty.

25 (5) If any person fails to pay a civil penalty, the

1 Secretary may refer the matter to the Attorney General
2 for collection in any appropriate Trial Division of the
3 Supreme Court."

4 Section 202. Title 19 of the Code of the Federated States of
5 Micronesia is hereby enacted by adding a new section 1204 of chapter
6 12 to read as follows:

7 "Section 1204. Criminal penalties. A person who knowingly
8 violates any provision of this title or the regulations
9 issued thereunder shall, for each violation, be fined not
10 more than \$10,000 or imprisoned not more than 1 year, or
11 both, unless a specific section of this title provides for
12 greater punishment."

13 Section 203. Title 19 of the Code of the Federated States of
14 Micronesia is hereby enacted by adding a new section 1205 of chapter
15 12 to read as follows:

16 "Section 1205. Time limits on rights of action.

17 (1) The following rights of action are subject to a
18 1-year limitation:

19 (a) Claims arising out of the shipping articles.

20 (2) The following rights of action are subject to a
21 2-year prescription:

22 (a) The right of action for death of a seaman
23 caused by wrongful act, neglect, or default on the high
24 seas;

25 (b) Claims of owners against the master for

1 acts committed during the performance of his duties; and

2 (c) All other tort claims.

3 (3) All other claims are subject to a 3-year
4 prescription.

5 (4) The period of prescription of the claims laid
6 down in the preceding subsections runs from the time when
7 the right of action accrues."

8 Section 204. Title 19 of the Code of the Federated States of
9 Micronesia is hereby enacted by adding a new section 1206 of chapter
10 12 to read as follows:

11 "Section 1206. Vessel liable in rem. A vessel, except for
12 a government vessel, operated in violation of this title or
13 any regulation promulgated pursuant to it is liable in rem
14 for any fine or civil penalty."

15 Section 205. Title 19 of the Code of the Federated States of
16 Micronesia is hereby enacted by adding a new section 1207 of chapter
17 12 to read as follows:

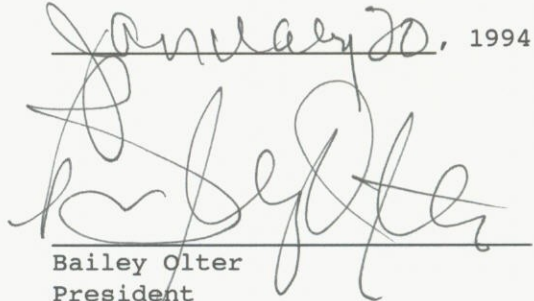
18 "Section 1207. Foreign vessels. Notwithstanding any
19 other provision of law in this title, if a violation is
20 committed by a foreign vessel, or its owner or master,
21 the Secretary, after consultation with the Attorney
22 General, may refer the matter through diplomatic channels
23 to the country of registry for appropriate action."

24 Section 206. Title 19 of the Code of the Federated States of
25 Micronesia is hereby enacted by adding a new section 1208 of chapter

1 Section 209. This act shall become law upon approval by the
2 President of the Federated States of Micronesia or upon its becoming
3 law without such approval.

4
5 **PRESIDENTIAL COMM. NO. 8-173**
6 **FSM CONGRESS**

7 January 20, 1994

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11 Bailey Olter
12 President
13 Federated States of Micronesia



1 12 to read as follows:

2 "Section 1208. Other remedies not limited. Nothing in
3 this title shall limit, deny, amend, modify, or repeal any
4 other remedy available to the Federated States of
5 Micronesia or to any other person, except as expressly
6 provided in this title."

7 Section 207. Title 19 of the Code of the Federated States of
8 Micronesia is hereby enacted by adding a new section 1209 of chapter
9 12 to read as follows:

10 "Section 1209. Regulations. The Secretary may promulgate
11 regulations to implement this chapter, and these
12 regulations shall have the force and effect of law."

13 Section 208. This act shall become effective six months
14 after it becomes law.

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1 Section 209. This act shall become law upon approval by the
2 President of the Federated States of Micronesia or upon its becoming
3 law without such approval.

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PRESIDENTIAL COMM. NO. 8-173
FSM CONGRESS

January 20, 1994



Bailey Olter
President
Federated States of Micronesia

