

FEDERATED STATES OF MICRONESIA

ANNOTATED CODE 2014

**TITLE 18
TERRITORY, ECONOMIC ZONES AND PORTS OF
ENTRY**

CHAPTERS

- 1 Territorial Boundaries and Economic Zones (§§ 101-108)**
- 2 Ports of Entry (§§ 201-210)**
- 3 Regulation of Foreign Vessels (§§ 311-335)**

SUBCHAPTERS

- I Entry into Territorial Waters (§§ 311-317)**
- II Seizure and Forfeiture Proceedings (§§ 321-330)**
- III Pilotage of Foreign Vessels (§§ 331-335)**

CHAPTER 1

Territorial Boundaries and Economic Zones

SECTIONS

- § 101. Baseline system defined.**
- § 102. Territorial Sea and internal waters—Defined.**
- § 103. Territorial Sea and internal waters—Sovereignty.**
- § 104. Exclusive economic zone—Defined.**
- § 105. Exclusive economic zone—Regulation.**
- § 106. Submerged reefs.**
- § 107. Regulations.**
- § 108. Definitions.**

§ 101. Baseline system defined.

A baseline is a continuous line which encircles an island or atoll. The baseline from which the zones designated in this chapter are to be measured is as follows:

TITLE 18 6 TERRITORY, ECONOMIC ZONES
AND PORTS OF ENTRY

(1) The baseline of an island or portion of an island lacking a barrier reef, fringing reef, or other reef system is the low-water line of the island as marked on large-scale charts officially recognized by the Government of the Federated States of Micronesia.

(2) The baseline of an atoll or island or portion of an island having a barrier reef, fringing reef, or other reef system is a line following the contour of the seaward edge of the reef system, which line connects those outermost elevations of the reef which are above water at low tide, and which line exists as marked on large-scale charts officially recognized by the Government of the Federated States of Micronesia.

Source: COM PL 7-71 § 1; TT Code 1980, 52 TTC 51; PL 1-34 § 3; PL 5-112 § 1.

Cross-reference: FSM Const., art. I, § 1. The provisions of the Constitution are found in Part I of this code.

The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on the Congress of the Federated States of Micronesia are found in title 3 of this code. The statutory provisions on the FSM Supreme Court and the Judiciary are found in title 4 of this code.

The website of the FSM National Government contains announcements, press releases, news, forms, and other information on the National Government at <http://fsmgov.org>.

The FSM Supreme Court website contains court decisions, rules, calendar, and other information of the court, the Constitution, the code of the Federated States of

TITLE 18 6 TERRITORY, ECONOMIC ZONES
AND PORTS OF ENTRY

Micronesia, and other legal resource information at
<http://www.fsmsupremecourt.org/>.

The official website of the Congress of the Federated States of Micronesia contains the public laws enacted by the Congress, sessions, committee hearings, rules, and other Congressional information at <http://www.fsmcongress.fm/>.

§ 102. Territorial Sea and internal waters—Defined.

(1) There is hereby established a Territorial Sea of 12 nautical miles breadth. The inner boundary of the Territorial Sea of each island or atoll is the baseline as defined in section 101 of this chapter. The outer boundary is a line, every point of which is 12 nautical miles seaward of the nearest point of the baseline.

(2) Waters landward of the baseline, including the lagoons of atolls or islands, are internal waters.

Source: COM PL 7-71 § 1; PL IC-3 § 6; TT Code 1980, 52 TTC 52; PL 5-112 § 2, modified.

Cross-reference: FSM Const., art. I, § 1. The provisions of the Constitution are found in Part I of this code.

§ 103. Territorial Sea and internal waters—Sovereignty.

The sovereignty of the Federated States of Micronesia extends to its internal waters and Territorial Sea, including sovereign rights over the living and nonliving resources in the Territorial Sea and internal waters and in the airspace above the Territorial Sea and internal waters as well as its bed and subsoil.

Source: COM PL 7-71 § 1; TT Code 1980, 52 TTC 53; PL 5-112, § 3.

TITLE 18 6 TERRITORY, ECONOMIC ZONES
AND PORTS OF ENTRY

Cross-reference: FSM Const., art. IX, § 2 (m). The provisions of the Constitution are found in Part I of this code.

The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on the Legislature (the Congress of the Federated States of Micronesia) are found in title 3 of this code.

§ 104. Exclusive economic zone—Defined.

There is hereby established an exclusive economic zone contiguous to the Territorial Sea. The inner boundary of the exclusive economic zone of each island or atoll is the seaward boundary of the Territorial Sea, and the outer boundary is a line, every point of which is 200 nautical miles seaward of the nearest point on the baseline as defined in section 101 of this chapter.

Source: COM PL 7-71 § 1; TT Code 1980, 52 TTC 54; PL 1-34 § 4; PL 5-112 § 4, modified.

Cross-reference: FSM Const., art. IX, § 2(m). The provisions of the Constitution are found in Part I of this code.

§ 105. Exclusive economic zone—Regulation.

Within the exclusive economic zone, the National Government of the Federated States of Micronesia shall have:

(1) Sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or nonliving, of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone;

TITLE 18 6 TERRITORY, ECONOMIC ZONES
AND PORTS OF ENTRY

(2) Jurisdiction with regard to the establishment and use of artificial islands, installations, and structures; marine scientific research; and the protection and preservation of the marine environment; and

(3) Other rights and duties provided for in international law.

Source: COM PL 7-71 § 1; TT Code 1980, 52 TTC 55; PL 5-112 § 5.

Cross-reference: The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on the Congress of the Federated States of Micronesia are found in title 3 of this code.

§ 106. Submerged reefs.

Traditionally recognized fishing rights in submerged reef areas wherever located within the fishery zones if [sic] Micronesia shall be preserved and respected.

Source: COM PL 7-71 § 1; TT Code 1980, 52 TTC 56.

Cross-reference: FSM Const., art. I, § 1. The provisions of the Constitution are found in Part I of this code.

§ 107. Regulations.

The President of the Federated States of Micronesia may issue such regulations as are necessary to establish the boundaries of internal waters, the Territorial Sea, and the exclusive economic zone.

Source: COM PL 7-71 § 1; TT Code 1980 52 TTC 57; PL IC-3 § 8; PL 1-34 § 5; PL 5-112 § 6.

TITLE 18 6 TERRITORY, ECONOMIC ZONES
AND PORTS OF ENTRY

Cross-reference: The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on Administrative Procedure are found in title 17 of this code.

§ 108. Definitions.

As used in this chapter:

(1) "Atoll" means a naturally formed reef system which has one or more islands situated on the reef system, including Ngulu, Ulithi, Sorol, Eauripik, Woleai, Faraulep, Ifalik, Olaimarao, Elato, Lamotrek, West Fayu, Puluwat, Pulap, Pulusuk, Namonuito, Kuop, Nomowin, Murilo, Losap, Namoluk, Satawan, Etal, Lukunor, Minto Reef, Oroluk, Nukuoro, Kapingamarangi, Pakin, Ant, Sapwuafik, Mwoakiloa, and Pingelap.

(2) "Island" means a naturally formed area of land, surrounded by water, which is above water at high tide.

Source: PL 5-112 § 7.

CHAPTER 2
Ports of Entry

SECTIONS

§ 201. Ports of entry.

§ 202. Official ports of entry designated.

§ 203. Additional ports of entry.

§ 204. Ports authorized to issue entry permits.

§ 205. Foreign vessel or aircraft to report upon entry; Manifest required.

§ 206. Inspection at ports of entry.

§ 207. Delegation of authority.

§ 208. Regulations.

TITLE 18 6 TERRITORY, ECONOMIC ZONES
AND PORTS OF ENTRY

§ 209. Promulgation of rules and regulations.

§ 210. Purpose of rules and regulations.

§ 201. Ports of entry.

All vessels and aircraft authorized to enter the Federated States of Micronesia must enter and obtain clearance from an official port of entry, and no vessel or aircraft shall call at any other port in the Federated States of Micronesia without first entering and obtaining clearance from an official port of entry unless the President or his designee determines that the public interest or an emergency requires the vessel or aircraft to anchor or land at any port in the Federated States of Micronesia and grants permission to do so. A vessel or aircraft in distress may anchor or land at any port in the Federated States of Micronesia, but the person having the command or charge of the vessel or aircraft shall immediately thereafter notify the nearest Government representative of the Federated States of Micronesia or nearest State government.

Source: COM PL 4-23 § 1(a); TT Code 1970, 53 TTC 101; TT Code 1980, 53 TTC 101; PL 1-79 § 8; PL 1-130 § 8.

Cross-reference: The statutory provisions on Admiralty and Maritime are found in title 19 of this code.

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

Editor's note: Sections 201 through 208 of this chapter are portions of the Immigration Act, PL 1-130. Other provisions of the Immigration Act are codified in title 50 of this code.

§ 202. Official ports of entry designated.

The official ports of entry in the Federated States of Micronesia

TITLE 18 6 TERRITORY, ECONOMIC ZONES
AND PORTS OF ENTRY

until otherwise provided by regulations are:

(1) Yap:

(a) Yap:

(i) Tomil Harbor; and

(ii) Yap International Airport.

(b) Ulithi:

(i) Ulithi Anchorage; and

(ii) Ulithi Airstrip.

(c) Woleai Atoll

(i) Woleai Anchorage; and

(ii) Woleai Airstrip.

(d) Satawal.

(2) Chuuk:

(a) Weno:

(i) Moen Anchorage; and

(ii) Chuuk International Airport.

(b) Satowan Atoll:

TITLE 18 6 TERRITORY, ECONOMIC ZONES
AND PORTS OF ENTRY

- (i) Satowan Anchorage;
- (ii) Satowan Airstrip; and
- (iii) Ta Airstrip.

(c) Faichuk Piannu Harbor:

- (i) Polle Anchorage Area; and
- (ii) Tolensom Anchorage.

(d) Northwest Harbor:

- (i) Polowat Anchorage Area;
- (ii) Pollap Anchorage Area;
- (iii) Hauk Airstrip; and
- (iv) Onoun Airstrip.

(3) Pohnpei:

- (a) Mesenieng Harbor;
- (b) Pohnpei International Airport;
- (c) Kapingamarangi Anchorage;
- (d) Kapingamarangi Airstrip;
- (e) Temwen Harbor;

TITLE 18 6 TERRITORY, ECONOMIC ZONES
AND PORTS OF ENTRY

(f) Sapwuahfik Airstrip; and

(g) Oroluk Airstrip.

(4) Kosrae:

(a) Lelu Harbor;

(b) Okat Harbor; and

(c) Kosrae International Airport.

Source: COM PL 4-23 § 1(a); TT Code 1970, 53 TTC 101; TT Code 1980, 53 TTC 101; PL 1-79 § 8; PL 1-130 § 8; PL 9-164 § 1; PL 13-41 § 1; PL 15-81 § 1.

Cross-reference: The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on the Congress of the Federated States of Micronesia are found in title 3 of this code.

§ 203. Additional ports of entry.

The President of the Federated States of Micronesia, in consultation with the State government so affected, may establish additional ports of entry by regulations.

Source: PL 1-79 § 14; PL 1-130 § 15.

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

§ 204. Ports authorized to issue entry permits.

The authorized officials in each of the ports listed under sections 202 and 203 of this chapter or regulations issued pursuant thereto

TITLE 18 6 TERRITORY, ECONOMIC ZONES
AND PORTS OF ENTRY

may issue entry permits.

Source: TT Code 1966 § 879; TT Code 1970, 53 TTC 102; TT Code 1980, 53 TTC 102; PL 1-79 § 9; PL 1-130 § 9.

Cross-reference: The statutory provisions on Admiralty and Maritime are found in title 19 of this code.

The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on the Congress of the Federated States of Micronesia are found in title 3 of this code.

Editor's note: Reference to section 203 was editorially added in the 1982 edition of this code.

§ 205. Foreign vessel or aircraft to report upon entry; Manifest required.

The master, captain, or other person having the command or charge of any foreign vessel or aircraft shall, on entry of such vessel or aircraft into any of the ports designated under sections 202 and 203 of this chapter, or regulations issued pursuant thereto, file a manifest in the form prescribed by the regulations issued pursuant to this chapter and signed by such master or other person having the command or charge of said vessel or aircraft as to the truth of the statements therein contained. Contents of such manifest shall be prescribed by regulation.

Source: TT Code 1966 § 880; TT Code 1970, 53 TTC 103; TT Code 1980, 53 TTC 103; PL 1-79 § 10; PL 1-130 § 10.

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

TITLE 18 6 TERRITORY, ECONOMIC ZONES
AND PORTS OF ENTRY

of Micronesia are found in title 3 of this code.

Editor's note: Reference to section 203 was added editorially in this section in the 1982 edition of this code.

§ 206. Inspection at ports of entry.

All vessels and aircraft entering and departing a port of entry shall be subject to immigration inspection, customs inspections, agricultural inspections and quarantines, and other administrative inspections authorized by law. If any vessel or aircraft not being in distress enters or attempts to enter a port in violation of the provisions of this chapter, such information shall be communicated by any person by the fastest means to the Governor of the affected State and to the President.

Source: COM PL 4-23 § 1(b); TT Code 1970, 53 TTC 104; TT Code 1980, 53 TTC 104; PL 1-79 § 11; PL 1-130 § 11.

Cross-reference: For statutory provisions on Taxation and Customs, see title 54 of this code; for provisions on agricultural inspection, see chapter 4 of title 22 (Agriculture & Livestock) of this code.

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

§ 207. Delegation of authority.

The President may delegate his authority to issue entry permits and to permit entry into the Federated States of Micronesia of persons, vessels, and aircraft under the provisions of this chapter and regulations promulgated pursuant thereto.

Source: PL 1-79 § 5; PL 1-130 § 5.

TITLE 18 6 TERRITORY, ECONOMIC ZONES
AND PORTS OF ENTRY

Cross-reference: The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on the Congress of the Federated States of Micronesia are found in title 3 of this code. The statutory provisions on Administrative Procedure are found in title 17 of this code.

§ 208. Regulations.

The President may, from time to time, issue regulations not inconsistent with law to implement this chapter.

Source: PL 1-79 § 12; PL 1-130 § 13.

Cross-reference: The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on Administrative Procedure are found in title 17 of this code.

§ 209. Promulgation of rules and regulations.

The President of the Federated States of Micronesia shall promulgate regulations for the use and operation of port and harbor facilities at official ports of entry in the Federated States as designated in sections 202 and 203 of this chapter, which shall apply to marine vessels engaged in foreign or interstate commerce.

Source: PL 1-131 § 1.

Cross-reference: The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on Administrative Procedure are found in title 17 of this code.

§ 210. Purpose of rules and regulations.

Port and harbor regulations shall address the following aspects of

TITLE 18 6 TERRITORY, ECONOMIC ZONES
AND PORTS OF ENTRY

port and harbor operation:

- (1) rules for the use of port and harbor facilities;
- (2) fees for use of port and harbor facilities, including dockage, wharfage, and entry fees; and
- (3) other aspects of port and harbor operation for which the President decides regulation is desirable.

Source: PL 1-131 § 2.

Cross-reference: The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on Administrative Procedure are found in title 17 of this code.

CHAPTER 3
Regulation of Foreign Vessels

SUBCHAPTER I
Entry into Territorial Waters

SECTIONS

- § 311. Definitions.**
- § 312. Permission to enter territorial waters.**
- § 313. Innocent passage.**
- § 314. Examination of unlicensed vessels.**
- § 315. Examination of hovering vessels.**
- § 316. Unlawful acts.**
- § 317. Penalty for violations; Seizure and forfeiture of vessel.**

SUBCHAPTER II
Seizure and Forfeiture Proceedings

TITLE 18 6 TERRITORY, ECONOMIC ZONES
AND PORTS OF ENTRY

SECTIONS

- § 321. Seizure authorized.
- § 322. Report of seizure.
- § 323. Investigation and prosecution by district attorney.
- § 324. Custody of vessel and equipment.
- § 325. Notice of libel.
- § 326. Filing of claims to vessel, equipment, and cargo.
- § 327. Forfeiture—Sale or retention of vessel.
- § 328. Disposal of proceeds of sale.
- § 329. Judgment for return.
- § 330. Compromise of claims.

SUBCHAPTER III
Pilotage of Foreign Vessels

SECTIONS

- § 331. Waters where registered pilots required.
[REPEALED]
- § 332. Registration of pilots. [REPEALED]
- § 333. Terms for pilotage services. [REPEALED]
- § 334. Violations; Penalties. [REPEALED]
- § 335. Exemptions. [REPEALED]

SUBCHAPTER I
Entry into Territorial Waters

§ 311. Definitions.

As used in this chapter, the following terms shall have the meanings respectively ascribed to them in this section:

- (1) "Hovering vessel" means any unlicensed vessel which is found or kept off any island, islet, atoll, or reef of the Trust Territory, within the territorial waters of the Trust Territory, if, from the

TITLE 18 6 TERRITORY, ECONOMIC ZONES
AND PORTS OF ENTRY

history, conduct, character, or location of the vessel, it is reasonable to believe that such vessel is being used or may be used to violate any of the provisions of this chapter or any law or regulation of the Trust Territory.

(2) "Innocent passage" means navigation through territorial waters for the purpose either of traveling it bona fide en route from one point to another on the usual course for such travel, wind and weather permitting, without entering inland waters, or of proceeding to inland waters at a point of entry, or of making for the high sea from inland waters, and includes stopping or anchoring only if incidental to ordinary navigation or in an emergency.

(3) "Territorial waters" means the waters of the Territorial Sea as defined and described in section 102 of this title.

(4) "Unlicensed vessel" means any vessel not operating under license, grant, or express permission of the High Commissioner of the Trust Territory, except public vessels of the United States traveling under proper orders and not engaged in commercial activities, outrigger vessels of all kinds, and vessels propelled by outboard motors.

Source: TT Code 1966 § 874; TT Code 1970, 19 TTC 101; COM PL 7-71 § 2; TT Code 1980, 19 TTC 101; PL 4-114 § 8.

Cross-reference: The statutory provisions on Admiralty and Maritime are found in title 19 of this code.

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

Errata: In subsection (3), reference to "§ 202 of this title"

TITLE 18 6 TERRITORY, ECONOMIC ZONES
AND PORTS OF ENTRY

should be to "§ 102 of this title." PL 4-114 § 8.

Editor's note: Subsections rearranged in alphabetical order in the 1982 edition of this code.

§ 312. Permission to enter territorial waters.

Except for innocent passage, stress of weather, or force majeure, it shall be unlawful for any unlicensed vessel to enter or remain within the territorial waters of the Trust Territory without first receiving permission therefor from the High Commissioner or a district administrator in accordance with provisions of chapter 2 of this title, and regulations issued pursuant thereto.

Source: TT Code 1966 § 875; TT Code 1970, 19 TTC 102; TT Code 1980, 19 TTC 102.

Cross-reference: Secretarial Order No. 2902.

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

§ 313. Innocent passage.

Nothing in this chapter shall be construed as limiting the right of innocent passage through the territorial waters of the Trust Territory. Passage is not innocent when any vessel makes use of the territorial waters of the Trust Territory for the purpose of doing any act prejudicial to the security, public policy or economic interests of the Trust Territory.

Source: TT Code 1966 § 875; TT Code 1970, 19 TTC 103; TT Code 1980, 19 TTC 103.

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

TITLE 18 6 TERRITORY, ECONOMIC ZONES
AND PORTS OF ENTRY

§ 314. Examination of unlicensed vessels.

The district administrators or their duly authorized representatives may at any time go on board any unlicensed vessel found within the territorial waters of the Trust Territory and, if there is reason to suspect that such vessel is violating any laws or regulations of the Trust Territory, may examine the manifest and other documents and papers, and inspect and search the vessel and every part thereof and any person, trunk, package, or cargo on board, and to this end may hail and stop such vessel, and use all necessary force to compel compliance.

Source: TT Code 1966 § 877; TT Code 1970, 19 TTC 104; TT Code 1980, 19 TTC 104.

Cross-reference: The statutory provisions on Admiralty and Maritime are found in title 19 of this code.

§ 315. Examination of hovering vessels.

(1) Any hovering vessel found within the territorial waters of the Trust Territory may at any time be boarded and examined by any district administrator or his duly authorized representative who may examine, upon oath, the master or other person having the command or charge of such vessel respecting the cargo and voyage of the vessel and may also bring the vessel into the most convenient port of the Trust Territory to examine the cargo. If the master or other person having the command or charge of such vessel refuses to comply with the lawful directions of such officer, or does not truly answer such questions as are put to him respecting the vessel, its cargo, or voyage he shall be liable as provided in section 317 of this chapter.

(2) If upon examination of any such vessel, its master, officers, crew members, passengers, or cargo by any proper officer,

TITLE 18 6 TERRITORY, ECONOMIC ZONES
AND PORTS OF ENTRY

sufficient evidence is found to satisfy the inspecting officer that any such person has been engaged in any unlawful act within the territorial waters of the Trust Territory or is actively planning to engage in such unlawful act, the vessel and the persons so engaged shall be subject to the penalties provided by section 317 of this chapter or other applicable laws of the Trust Territory.

Source: TT Code 1966 § 878; TT Code 1970, 19 TTC 105; TT Code 1980, 19 TTC 105.

Cross-reference: The statutory provisions on Admiralty and Maritime are found in title 19 of this code.

§ 316. Unlawful acts.

It shall be unlawful for any vessel to engage within the territorial waters of the Trust Territory in fishing, the harvesting of *trochus*, the removal of scrap iron, or animal, vegetable, marine, or mineral resources without authorization by an officer or agent of the Government of the Trust Territory.

Source: TT Code 1966 § 881; TT Code 1970, 19 TTC 106; TT Code 1980, 19 TTC 106.

Cross-reference: The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on Agriculture and Livestock are found in title 22 of this code. The statutory provisions on Resource Conservation are found in title 23 of this code. The statutory provisions on Marine Resources are found in title 24 of this code.

§ 317. Penalty for violations; Seizure and forfeiture of vessel.

(1) If any owner, master, person, company, corporation, charterer, any party to a charter agreement, or other person having command

TITLE 18 6 TERRITORY, ECONOMIC ZONES
AND PORTS OF ENTRY

or charge of a vessel fails to comply with the provisions of this chapter or obstructs or interferes with the exercise of any powers conferred by this chapter, or engages in any unlawful act under this chapter, he shall be fined not more than \$50,000, or imprisoned not more than two years, or both.

(2) Any vessel involved in the commission of unlawful acts, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the Trust Territory as provided in subchapter II of this chapter.

Source: TT Code 1966 § 882; TT Code 1970, 19 TTC 107; COM PL 7-27 § 1; TT Code 1980, 19 TTC 107.

SUBCHAPTER II
Seizure and Forfeiture Proceedings

§ 321. Seizure authorized.

Any district administrator or any person authorized by him to make seizures under this chapter, who has reasonable cause to believe that a vessel is subject to seizure for any violation of subchapter I of this chapter, may seize such vessel, together with her apparel, tackle, furniture, and equipment. The authority granted in this section shall not bar an application to the Trial Division of the High Court for a warrant of arrest of a vessel which has not been seized under this section.

Source: TT Code 1966 § 883(a); TT Code 1970, 19 TTC 151; TT Code 1980, 19 TTC 151.

Cross-reference: The statutory provisions on Admiralty and Maritime are found in title 19 of this code.

§ 322. Report of seizure.

TITLE 18 6 TERRITORY, ECONOMIC ZONES
AND PORTS OF ENTRY

If the person making a seizure under this chapter is not a district administrator, he shall immediately report the seizure to the district administrator who authorized him so to act. It shall be the duty of the district administrator, whenever a seizure has been made by his authority under this chapter, to report it promptly to the district attorney and to the Attorney General of the Trust Territory, including in such report a statement of the names of any witnesses thereto.

Source: TT Code 1966 § 883(b); TT Code 1970, 19 TTC 152; TT Code 1980, 19 TTC 152.

Cross-reference: The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on Admiralty and Maritime are found in title 19 of this code.

§ 323. Investigation and prosecution by district attorney.

The district attorney of the district in which a seizure has been made for a violation of subchapter I of this chapter or in which such a violation occurs shall immediately inquire into the facts of the case reported to him by the district administrator or other proper officer. If it appears probable that any forfeiture has been incurred by reasons of such violation, the district attorney shall forthwith cause a libel to be filed and prosecuted in the Trial Division of the High Court for the condemnation and forfeiture of the vessel involved, together with her tackle, apparel, furniture, and equipment; provided, however, that if, upon inquiry and examination, the district attorney decides that such libel cannot probably be sustained or that the ends of justice do not require that it should be instituted or prosecuted, he shall report the facts to the High Commissioner for his direction in the premises.

Source: TT Code 1966 § 883(c); TT Code 1970, 19 TTC

TITLE 18 6 TERRITORY, ECONOMIC ZONES
AND PORTS OF ENTRY

153; TT Code 1980, 19 TTC 153.

Cross-reference: The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on Admiralty and Maritime are found in title 19 of this code.

§ 324. Custody of vessel and equipment.

Any foreign vessel, together with her tackle, apparel, furniture, and equipment, seized under this subchapter shall be placed and remain in the custody of the district administrator for the district in which the seizure was made to await disposition according to this chapter.

Source: TT Code 1966 § 883(d); TT Code 1970, 19 TTC 154, TT Code 1980, 19 TTC 154.

Cross-reference: The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on Admiralty and Maritime are found in title 19 of this code.

§ 325. Notice of libel.

After the filing of a libel under this chapter, the reputed owner of the vessel involved and any reputed holders of liens upon her shall be given due notice of the seizure and of the forfeiture proceedings in such manner as the court shall direct; provided, that no failure of such notice to reach the owner or any holder of a lien upon the vessel shall invalidate the proceedings provided the vessel has been seized in accordance with this chapter or has been arrested under a warrant of arrest issued by the court.

Source: TT Code 1966 § 883(e); TT Code 1970, 19 TTC 155; TT Code 1980, 19 TTC 155.

TITLE 18 6 TERRITORY, ECONOMIC ZONES
AND PORTS OF ENTRY

Cross-reference: The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on the FSM Supreme Court and the Judiciary are found in title 4 of this code. The statutory provisions on Admiralty and Maritime are found in title 19 of this code.

Editor's note: The phrase "or any holder of a lien upon the vessel" was contained in the 1966 edition of the Trust Territory Code but was deleted from the 1970 and 1980 editions.

§ 326. Filing of claims to vessel, equipment, and cargo.

(1) Any person claiming a vessel seized under this chapter may, at any time within 45 days after seizure or arrest of the vessel, or such longer time, if any, as the Court may allow, file in the Trial Division of the High Court in the district in which the seizure or arrest was made, a claim stating his interest therein.

(2) Upon filing of such claim the Court shall, after such notice, if any, as it deems justice requires, proceed to adjudicate the interests in the vessel, together with her tackle, apparel, furniture, and equipment, and determine whether they shall be condemned and forfeited.

(3) If the claimant is the owner or the person otherwise entitled to immediate possession of the vessel, he shall have the burden of proof to show that the violation occurred without his knowledge or without any negligence on his part. Upon satisfactory proof that the violation occurred without his knowledge or any negligence on his part, he shall be entitled to a return of said vessel, together with her tackle, apparel, furniture and equipment.

TITLE 18 6 TERRITORY, ECONOMIC ZONES
AND PORTS OF ENTRY

(4) If the claimant is a lien holder, he shall, upon satisfactory proof that the violation occurred without his knowledge or any negligence on his part, be entitled to have the amount of his lien determined and protected in the manner and to the extent the Court determines justice requires, in any judgment entered under this chapter.

Source: TT Code 1966 § 883(f); TT Code 1970, 19 TTC 156; PL 7-17 § 1; TT Code 1980, 19 TTC 156.

Cross-reference: The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on the FSM Supreme Court and the Judiciary are found in title 4 of this code. The statutory provisions on Admiralty and Maritime are found in title 19 of this code.

§ 327. Forfeiture—Sale or retention of vessel.

If, after due process of law, the court finds in favor of the libellant, the court shall condemn and declare the vessel forfeited, together with her tackle, apparel, furniture and equipment, and shall order the sale thereof at public auction or shall order the vessel forfeited to the High Commissioner for the use of the Trust Territory, subject in either case to such provisions as the court deems justice requires for the protection of liens which have been determined in accordance with section 326 of this subchapter.

Source: TT Code 1966 § 883(g); TT Code 1970, 19 TTC 157; TT Code 1980, 19 TTC 157.

Cross-reference: The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on the FSM Supreme Court and the Judiciary are found in title 4 of this code. The statutory

TITLE 18 6 TERRITORY, ECONOMIC ZONES
AND PORTS OF ENTRY

provisions on Admiralty and Maritime are found in title 19 of this code.

§ 328. Disposition of proceeds of sale.

The proceeds of the sale shall be disposed of as follows:

- (1) the payment of all proper expenses of the proceedings of forfeiture and sale, including expenses of seizure, maintaining the custody of the vessel, advertising, and Court costs;
- (2) the payment of liens to the extent that the Court has determined they shall be protected in accordance with sections 326 and 327 of this subchapter; and,
- (3) the residue, if any, shall be deposited with the treasurer of the Trust Territory as a navigation fine.

Source: TT Code 1966 § 883(h); TT Code 1970, 19 TTC 158; TT Code 1980, 19 TTC 158.

Cross-reference: The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on the FSM Supreme Court and the Judiciary are found in title 4 of this code. The statutory provisions on Admiralty and Maritime are found in title 19 of this code.

§ 329. Judgment for return.

Upon the entry of judgment in favor of a claimant who is the owner or the person otherwise entitled to immediate possession, all the property seized or arrested shall be returned forthwith to the claimant or his agent; provided, that, if it appears there was reasonable cause for the seizure or arrest, the Court shall cause a proper certificate thereof to be entered and the claimant shall not

TITLE 18 6 TERRITORY, ECONOMIC ZONES
AND PORTS OF ENTRY

be entitled to costs, nor shall the person who made the seizure, nor the prosecutor, be liable to suit or judgment on account of such seizure or prosecution.

Source: TT Code 1966 § 883(i); TT Code 1970, 19 TTC 159; TT Code 1980, 19 TTC 159.

Cross-reference: The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on the FSM Supreme Court and the Judiciary are found in title 4 of this code. The statutory provisions on Admiralty and Maritime are found in title 19 of this code.

§ 330. Compromise of claims.

Any claim for forfeiture under this chapter may be compromised by the High Commissioner at any time on such terms and conditions as he deems reasonable and just. The High Commissioner may in connection therewith remit or mitigate the forfeiture or any part thereof, or order discontinuance of any prosecution relating thereto; provided, that nothing in this section shall be construed to deprive any person without his consent of an award made before such compromise.

Source: TT Code 1966 § 883(j); TT Code 1970, 19 TTC 160; TT Code 1980, 19 TTC 160.

Cross-reference: The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on the FSM Supreme Court and the Judiciary are found in title 4 of this code.

SUBCHAPTER III
Pilotage of Foreign Vessels

TITLE 18 6 TERRITORY, ECONOMIC ZONES
AND PORTS OF ENTRY

[REPEALED by PL 8-49 § 1]

Editor's note: Sections 331 to 335 of this subchapter III were repealed by PL 8-49 § 1.