



AMERICAN SAMOA GOVERNMENT
PAGO PAGO, AMERICAN SAMOA 96799
LEGISLATURE OF AMERICAN SAMOA

In reply refer to:

C E R T I F I C A T I O N

House Chamber
March 24, 1987

I certify that House Bill No. 48 passed third reading on this date in the House of Representatives during its First Regular Session of the Twentieth Legislature of American Samoa.

A handwritten signature in cursive script, reading "Wally F. Utu".

WALLY F. UTU
Chief Clerk
House of Representatives

Senate Chamber
March 27, 1987

I certify that House Bill No. 48 passed third reading on this date in the Senate during its First Regular Session of the Twentieth Legislature of American Samoa.

A handwritten signature in blue ink, reading "for Salilo K. Levi".
for MRS. SALILO K. LEVI

Secretary of the Senate

THE TWENTIETH LEGISLATURE OF AMERICAN SAMOA

First Regular Session

Begun and held at Fagatogo, Tutuila, American Samoa
on Monday, the twelfth day of January
one thousand nine hundred and eighty seven

AN ACT ESTABLISHING AN OFFICE OF MARINE AND WILDLIFE RESOURCES;
CREATING A NEW CHAPTER 03 UNDER TITLE 24 ASCA.

Section 1. There is created a new chapter 03 under Title 24
ASCA which reads:

"Chapter 03

OFFICE OF MARINE AND WILDLIFE RESOURCES

Sections:

- 24.0301 Policy.
- 24.0302 Definitions.
- 24.0303 Office established--Budget.
- 24.0304 Powers and duties.
- 24.0305 Dealers records.
- 24.0306 Fishermen's records.
- 24.0307 Reports of processors.
- 24.0308 Reports of wholesalers.
- 24.0309 Confidentiality of records.
- 24.0310 Enforcement.
- 24.0311 Violation and penalties.

24.0301 Policy.

It is the public policy of this Territory and purpose of this chapter to preserve, protect, perpetuate and manage the marine and wildlife resources within the Territory. This chapter is to be construed so as to implement such policy and purpose to the fullest extent.

24.0302 Definitions.

(a) As used in this chapter unless the context clearly requires otherwise:

(1) "Dealer" means any person or business entity engaged in the business of: buying, canning, curing, or preserving fish or shell fish; or manufacturing meal, oil, flour, protein

concentrate, animal food or fertilizer from fish or shellfish.

(2) "Director" means the director of marine and wildlife resources.

(3) "Fish" means those species of the classes osteichthyes, condrichthyes and agnatha that shall not be fished for except as authorized by rule of the director. The term "fish" includes all stages of development and the bodily parts of fish species.

(4) "Office" means the office of marine and wildlife resources.

(5) "Shellfish" means those species of marine and fresh water invertebrates that shall not be taken except as authorized by rule of the director. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.

(6) "Territory" means all territorial areas, and all marine waters and fresh waters within a three mile zone extending outward from the shoreline.

(7) "Wildlife" means all species of the animal kingdom whose members exist in a wild state, excepting "fish" and "shellfish", that shall not be taken except as authorized by rule of the director. The term "wildlife" includes all stages of development and the bodily parts of wildlife species.

24.0303 Office established--Budget.

There is created within the Executive branch of the government an office of marine and wildlife resources. The head of that office is a director appointed by the Governor and confirmed by the Legislature. An office budget shall be included in the Governor's annual budget submitted to the Legislature.

24.0304 Powers and duties.

The office has the following powers and duties:

(1) manage, protect, preserve and perpetuate the marine and wildlife resources in the Territory;

(2) prepare and develop a comprehensive plan or plans for the management, protection and preservation of marine and wildlife resources in the Territory;

(3) collect, analyze, and disseminate data and information relating to the marine and wildlife resources in the Territory;

(4) keep records necessary to monitor and regulate the commercial and recreational fisheries;

(5) encourage and conduct studies, investigations and research relative to commercial and recreational fisheries and wildlife and natural resources;

(6) in coordination with the local government, conduct education and training programs relating to the management and preservation of marine and wildlife resources in the Territory;

(7) adopt and amend rules or regulations implementing and consistent with this chapter to protect, preserve and perpetuate marine and wildlife resources in the Territory;

(8) issue such orders as may be necessary to effectuate the purposes of this chapter and enforce the same by all appropriate administrative and judicial proceedings;

(9) hold hearings relating to any aspect or matter in the administration of this chapter, and in connection therewith, compel the attendance of witnesses and the production of evidence; and

(10) accept, receive and administer grants or other funds or gifts from public and private agencies, including the federal government, for the purpose of carrying out any of the functions of this chapter.

24.0305 Dealers records.

(1) Every dealer shall make a legible record in the form of a receipt in triplicate on forms to be furnished by the office.

(2) The receipt shall show:

(a) the weight and number of each species of fish or shellfish received;

(b) the name of the fisherman providing the fish or shellfish;

(c) boat name and registration number, if applicable;

(d) the name of the dealer;

(e) the date of receipt;

(f) the price paid per species;

(g) the type of fishing gear used;

(h) whether the fish or shellfish are intended for sale in fresh, frozen or in processed form;

(i) which fish or shellfish were taken within and outside the territorial waters; and

(j) other statistical information as the office may require.

(3) The original signed copy of the receipt shall be delivered to the fisherman at the time of the purchase or receipt of the fish or shellfish. The duplicate copy shall be kept by the dealer or person receiving the fish or shellfish for a period of six months and shall be available for inspection at any time within that period by the office. The triplicate copy shall be delivered to the office on or before the sixteenth day of each month.

24.0306 Fishermen's records.

Every fisherman who sells fish or shellfish taken from the waters of the Territory or brought into the Territory in fresh or frozen condition to persons not licensed to sell fish shall fill out the receipt required by section 24.0305 and shall be subject to the sales tax imposed by the government.

24.0307 Reports of processors.

Each fish processor shall, on or before the fifth day of each calendar month, file with the office a written report on such form as may be prescribed containing a statement of the amount of fish or shellfish received at each of its plants during the preceding calendar month. The report shall also

state the amounts of fish or shellfish packed and the number and size of the containers of fish, fishery products and by-products packed, produced or reduced at each plant during the preceding calendar month.

24.0308 Reports by wholesalers.

Any person operating under a wholesale fish dealers license shall report to the office on the 5th day of the month the total amount of fresh fish and shellfish, in pounds, purchased, received, or taken by him.

24.0309 Confidentiality of records.

The receipts, reports, or other records filed with the office and the information contained therein, shall be confidential, and the records shall not be public records, and the information contained in the records shall be compiled or published as summaries, so as not to disclose the individual record or business of any person.

24.0310 Enforcement.

(a) The director and such office employees as the director designates shall have the authority to issue citations, collect fines, impound vessels and equipment, and make arrests for violations of this chapter and any rules or regulations hereunder.

(b) Persons arrested shall be taken before the next sitting of the district court if either:

(1) the person demands an immediate appearance in court, or

(2) the person refuses to sign the citation to give his written promise to appear in court as required by law or regulation.

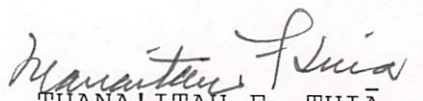
(c) Upon sworn information from witnesses or office employees, the district court judge shall issue process for arrest of any person charged with violation of any provision of this chapter or any regulations issued hereunder.

24.0311 Violations and penalties.

(a) Any person who violates any provision of this chapter or of rules promulgated under this chapter shall be guilty of a class B misdemeanor. A business entity found in violation of this chapter or of rules promulgated under this chapter shall be fined not less than \$1,000 per violation.

(b) Any property taken or possessed in violation of any provisions of this chapter or of rules promulgated under this chapter may be subject to forfeiture to the government pursuant to a civil proceeding in the High court of American Samoa."


LETULI TOLOA
President of the Senate


TUANA'ITAU F. TUIĀ
Speaker of the House

NOFOAIGA LUASEFULU FONOFAITULAFONO O AMERIKA SAMOA

Fono Tele Muamua

Nofoia ma usuia i Fagatogo, Tutuila, Amerika Samoa
Aso Gafua, aso sefululua o Ianuari
tasi le afe iva selau valusefulu fitu

O SE TULAFONO E FA'ATUINA SE OFISA TAMAOAIGA SAMI MA LE LAU-
ELEEELE; FA'AVAEINA SE MATAUPU FOU 03 I LALO O LE VAEGA 24 TFAS.

IA FAATULAFONONINA E LE FONOFAITULAFONO O AMERIKA SAMOA:

Maga 1. Ua fa'avaeina se mataupu fou 03 i lalo o le Vaega 24
TFAS e faitauina:

"Mataupu 03

OFISA TAMAOAIGA SAMI MA LE LAUELEEELE

Maga:

- 24.0301 Poloaiga.
- 24.0302 Fa'amatalaga.
- 24.0303 Ofisa fa'atuina--Tupe.
- 24.0304 Malosi ma tiute.
- 24.0305 Fa'amaumauga tagata fa'atau.
- 24.0306 Fa'amaumauga tagata faifaiva.
- 24.0307 Ripoti kamupani tu'uapa i'a.
- 24.0308 Ripoti fa'atau atoatoa.
- 24.0309 Fa'amaumauga e le fa'alauaitele.
- 24.0310 Fa'amalosiga.
- 24.0311 Soliga ma fa'asalaga.

24.0301 Poloaiga.

Ua avea ma poloaiga o galuega o lenei teritori ma mafua'aga
o lenei mataupu e tausia, puipuia, fa'atupuina ma pulea le
tamaoaiga o le sami ma le laueleele o le teritori. O lenei
mataupu e fa'auigaina ina ia fa'ataunu'u ai ia poloaiga ma
mafua'aga i le tulaga e gata ai.

24.0302 Fa'amatalaga.

(a) E pei ona fa'aaogaina i lenei mataupu vagana ua iai
se isi fa'aupuga e fa'aailoa manino mai e mana'omia:

(1) "Tagata fa'atau" o lona uiga so'o se tagata po'o pisinisi o lo'o faia pisinisi o le: fa'atau mai, tu'u apa, togafitia pe tausia i'a po'o figota; pe gaosia mea'ai, sua-u'u, falaoamata, sua toto'o, mea'ai a manu po'o fa'alelei eleele mai i'a po'o figota.

(2) "Fa'atonu" o lona uiga o le fa'atonu o le ofisa tamaoaiga o le sami ma le laueleele.

(3) "I'a" o lona uiga o ituaiga i'a ivia, i'a e leai ni ivi, ma le ituaiga pusi sami e leai ni auvae e le fagotaina vagana ua fa'atagaina e le fa'atonu. O le fa'aupuga "i'a" e aofia ai fa'asologa uma o le tuputupu a'e o vaega ma tino o ituaiga i'a o le sami.

(4) "Ofisa" o lona uiga o le ofisa tamaoaiga o le sami ma le laueleele.

(5) "I'a e fai atigi" o lona uiga o ituaiga meaola o sami ma le vai e leai ni tuasivi e le mafai ona fagotaina vagana ua fa'atagaina e le fa'atonu. O le fa'aupuga "fai atigi" e a'afia fa'asologa uma o le tuputupu a'e ma vaega o le tino o ituaiga i'a e fai atigi.

(6) "Teritori" o lona uiga o oganu'u uma o le teritori, ma meaola o le sami ma le vai i totonu o le oganu'u e tolu maila i tala atu o le matafaga.

(7) "Meaola" o ituaiga uma o meaola o latou totino e ola i se tulaga aivao, vagana "i'a" ma "i'a fai atigi", e le mafai ona fagotaina vagana ua fa'ataga i poloaiga e le fa'atonu. O le fa'aupuga "meaola" e aofia ai fa'asologa uma o le tuputupu a'e ma vaega o le tino o ituaiga meaola.

24.0303 Ofisa fa'atuina--Tupe.

Ua fa'atuina i le lala Fa'amalosi tulafono o le malo se ofisa tamaoaiga o le sami ma le laueleele. O le ulu o lena ofisa o se fa'atonu e tofia e le Kovana ma fa'amaonia e le Fonofaitulafono. O le tupe a le ofisa ia aofia i le tupe o le tausaga a le Kovana e auina i le Fonofaitulafono.

24.0304 Malosi ma tiute.

O le ofisa ua iai malosi ma tiute ua fa'aalia i lalo:

(1) pulea, puipuia, tausia ma fa'atupu pea tamaoaiga o le sami ma le laueleele o le Teritori;

(2) saunia ma fa'atupuina se fuafuaga aoao po'o ni fuafuaga mo le pulea, puipuia ma le tausiga o tamaoaiga o le sami ma le laueleele o le Teritori;

(3) Aoina, fa'avasega, ma fa'asalalauina tusitusiga ma fa'amatalaga e faia i le tamaoaiga o le sami ma le eleele o le Teritori.

(4) tausia fa'amaumuaga tatau e pulea ai faiga faiva fa'apisinisi ma faiva o tauvaga.

(5) u'una'i ma faia sa'iliga, su'esu'ega ma iloiloga e uiga i faiga faiva pisinisi po'o tauvaga ma tamaoaiga o le sami ma le laueleele;

(6) i le galulue fa'atasi ma malo fa'alenu'u, faia a'oga ma polokalama a'oa'oga e uiga i le pulea ma le puipuiga o le tamaoaiga o le sami ma le laueleele o le Teritori;

(7) talia ma sui tulafono galue po'o poloaiga e fa'ataunu'u ai ma ogatasi ma lenei mataupu e puipuia, teuteuina ma fa'atupuina tamaoaiga o le sami ma le laueleele o le Teritori;

(8) tu'uina atu fa'atonuga mana'omia e fa'ataunu'u ai mafua'aga o lenei mataupu ma fa'amalosia nei lava mea i tulaga tatau o pulega po'o fa'amasinoga;

(9) faia iloiloga e uiga i so'o se tulaga po'o mataupu i le pulea o lenei tulafono, ma i lena so'otaga, fa'amalosi ma auai o molimau ma le saunia o mōlimau; ma

(10) talia, taofia ma fa'agaoioi foa'i po'o isi tupe po'o meaalofo mai le lautele ma ofisa o tagata tua, e aofia ai le malo tele, mo le fa'ataunu'uina o so'o se galuega o lenei mataupu.

24.0305 Fa'amaumauga tagata fa'atau.

(1) O tagata fa'atau ta'itasi ia faia ni fa'amaumauga faigofie ona faitau i pepa e tolu e saunia e le ofisa.

(2) O le risiti e fa'aילוa ai:

(a) le mamafa o ituaiga ta'itasi o i'a sa maua mai po'o i'a atigi sa maua;

(e) igoa o le tautai sa maua i'a po'o i'a atigi;

(i) igoa o le va'a ma le numera fa'amauina; pe a tatau iai;

(o) igoa o le tagata fa'atau;

(u) le aso sa fai ai le risiti;

(f) le tau sa fa'atau ai ituaiga i'a;

(g) ituaiga mea fagota sa fa'aaogaina;

(l) po'o i'a po'o atigi e fuafua e fa'atau fou atu, tu'u aisa pe tu'u apa;

(m) po'o a i'a po'o i'a atigi sa maua i totonu po'o fafo o le teritori; ma

(n) isi tala aoga e mana'omia e le ofisa.

(3) O le lulu'a'i kopi sa sainiaina ua talia e tu'uina atu i le tagata faifaiva i le taimi o le fa'atau pe maua mai i'a. O kopi e lua ia taofi e le tagata fa'atau po'o le tagata e talia i'a mo le ono masina ma ia avanoa mo asiasiga i so'o se taimi i lena vaitausaga e le ofisa tamaoaiga o le sami ma le laueleele. O le kopi lona tōlu e tu'uina atu i le ofisa i le aso pe le'i o'o i le aso sefuluono o masina ta'itasi.

24.0306 Fa'amaumauga tagata faifaiva.

O tagata faifaiva ta'itasi e fa'atau atu i'a po'o figota fai atigi sa maua i le sami o le Teritori pe aumai i totonu o le Teritori i le tulaga fou pe tu'u aisa i tagata e le'i laiseneina e fa'atau atu ia fa'atumu le risiti mana'omia e le maga 24.0305 ma ia totogia le lafoga mea fa'atau e fa'ae'e iai e le malo.

24.0307 Ripoti kamupani tu'uapa.

O kamupani ta'itasi tu'uapa i'a i le aso pe le'i o'o i le aso lima o le masina o masina kalena, faila i le ofisa se ripoti tusia, i pepa fa'atonuina, o iai se fa'amatalaga o le aofa'i o i'a po'o figota atigi sa maua i o latou kamupani tu'uapa i le masina kalena ua mavae. O le ripoti ia fa'ailoa ai fo'i le aofa'i o i'a po'o figota atigi sa tu'upaina, gaosia pe fa'aitiitia i fale faigaluega ta'itasi i le masina kalena ua mavae.

24.0308 Ripoti tagata fa'atau atoatoa.

So'o se tagata e faia lana pisinisi i lalo o le laisene fa'atau atoa i'a e ripoti i le ofisa i le aso 5 o le masina le aofa'i atoa o i'a fou, figota atigi, i pauna, sa fa'atau mai, talia, pe sa avea e ia.

24.0309 Fa'amaumauga e lē fa'alauaitele.

O risiti, ripoti, po'o isi fa'amaumauga e fa'auluina i le ofisa ma tala o iai, e le mafai ona fa'alauaitele, ma e le mafai ona avea ma fa'amaumauga lautele, ma o tala o iai e tu'ufa'atasi ma lomia e avea ma otootoga, ina ia le fa'ailoaina fa'amaumauga ta'itasi po'o pisinisi a so'o se tagata.

24.0310 Fa'amalosiga.

(a) O fa'atonu ma tagata faigaluega e lea ofisa e pei ona tofia e le fa'atonu ua iai le pule e tusia ai tusi valaau, aoina sala, taofia va'a ma meafaigaluega, ma fa'apagotaina mo soliga o lenei mataupu ma so'o se poloaiga ua iai.

(e) O tagata ua pu'eina e faia i luma o le fa'amasinoga e soso'o ai o le fa'amasinoga falelima pe afai:

(1) e mana'o vave le tagata e tula'i i luma o le fa'amasinoga, pe

(2) o le tagata e tete'e ona sainia le tusi valaau e faia ai lana folafolaga tusia e tula'i i le fa'amasinoga e pei ona mana'omia e le tulafono po'o poloaiga.

(i) Mai tala fa'atautaina mai molimau po'o tagata faigaluega a le ofisa, o le fa'amasino falelima e auina atu poloaiga saisai mo le fa'apagotaina o so'o se tagata ua molia i soliga o so'o se aiaiga o lenei mataupu pe so'o se poloaiga ua auina atu i lenei mataupu.

24.0311 Solia ma fa'asalaga.

(a) So'o se tagata e solia so'o se aiaiga o lenei mataupu po'o poloaiga ua faia i lalo o lenei mataupu ua nofosala i le solitulafono vasega E mama. O se pisinisi e solia lenei mataupu po'o poloaiga i lalo i lenei mataupu e fa'asalaina e le silia i le \$1,000 i le soliga e tasi.

(e) So'o se meatotino e aveesea pe taofia ona o soliga o so'o se aiaiga o lenei mataupu po'o poloaiga i lalo o lenei mataupu e mafai ona avemotu i le malo e tusa ma taualumaga o tagi i le Fa'amasinoga Sili o Amerika Samoa.

Letuli To'loa
LETULI TOLOA

Peresetene, Maota Mau'aluga

Tuana'itau F. Tuiā
TUANA'ITAU F. TUIĀ

Fofoga Fetalai, Maota
o Sui

Hereby Approved this 23rd day of April, 19 87

A. L. L. L.
Governor of American Samoa