

A BILL FOR AN ACT

To establish a moratorium on the taking of wild giant clams, to provide penalties for violations of this Act, and for related purposes.

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

1 **Section 1. Findings.**

2 The Ninth Koror State Legislature hereby finds that wild “giant clam” stocks have
3 declined noticeably over the years, and that demand for giant clam meat has placed great stress
4 on wild clam populations. Giant clams take many years to reach maturity, and have no means of
5 escaping harvest. Efforts to grow clams in private farms are still in progress, but have not been
6 able to meet market demands. It is in the best interests of the people of the State of Koror to
7 establish a moratorium on the taking and possession of wild giant clams until further research
8 can be undertaken, or until private farms can meet market demands.

9 **Section 2. Definitions.**

10 As used in this Act, “giant clam” means and includes the meat and soft tissue of the
11 following species of clam: *tridacna gigas* (*otkang*), *tridacna maxima* (*melibs*), *tridacna derasa*
12 (*kism*), *tridacna crocea* (*oreuer*), *tridacna squamosa* (*ripkungal*), and *hipopus* and *hipopus*
13 *hipopus* (*duadeu*).

14 **Section 3. Moratorium established; prohibitions; cultured clams
14 excepted.**

15 A. There is hereby established a moratorium on the taking and possession of giant clams,
16 for a period of three (3) years from the effective date of this Act. During this moratorium period,
17 it shall be unlawful to take, remove, harvest, possess, transport, sell, transfer, or give to any
18 person, any giant clam or any part of a giant clam.

19 B. The prohibitions of this section apply to all persons in the territory of the State of
20 Koror. Any person found in possession of any giant clam or any part thereof in the waters of the
21 State of Koror shall be presumed to have taken, removed, or harvested such giant clam or parts
22 thereof from the waters of the State of Koror, and such presumption may only be overcome by

1 clear and convincing evidence.

C. The prohibitions of this section shall not apply to any giant clams which have been produced by mariculture or aquaculture programs or projects, and are intended to apply only to “wild” or naturally growing giant clams.

Section 4. Exemptions.

The Governor of the State of Koror may exempt any person from the prohibitions of this Act. Such exemption shall be in writing, and may only be granted for limited scientific research or studies.

Section 5. Penalties.

A. Any person convicted of violating Section 3 of this Act shall be sentenced to pay a fine in the amount of \$500.00 for each violation. Each separate or individual giant clam or part thereof that is taken, removed, harvested, possessed, transported, or otherwise controlled in violation of this Act shall be deemed a separate offense which may be punished separately.

B. It shall be unlawful to aid, abet, counsel, command, induce, or procure or cause the commission of a violation of Section 3 of this Act, which if directly performed by any person would be a violation of Section 3 of this Act, and any such person shall be punished as a principal. No distinction is made between principals in degrees, and no distinction is made between a principal and what may be referred to as an accessory before the fact.

Section 6. Severability.

In the event that a court of competent jurisdiction determines that any part or portion of this Act are invalid or otherwise unenforceable, then the offending part or portions may be stricken, and the remaining portions shall continue in full force and effect.

Section 7. Effective Date.

This Act shall become effective upon its becoming law by operation of the Koror State Constitution. Provided, however, that the Governor shall provide thirty (30) days public notice of the provisions of this Act before it may be enforced in the courts of the Republic of Palau.

NINTH KOROR STATE LEGISLATURE

Second Regular Session, July 2010

L.B. No. 9- 25

Date: July ____, 2010

Introduced by:

Legislator Uchel Sechewas
Ninth Koror State Legislature