

CHAPTER 8

Marine Aids to Navigation

SECTIONS

- § 801. **Application.**
- § 802. **Aid to Navigation Officer.**
- § 803. **Powers and duties of Aids to Navigation Officer.**
- § 804. **Coordination of marine aids to navigation.**
- § 805. **Unauthorized establishment, alteration or removal of marine aids to navigation.**
- § 806. **Offenses in relation to marine aids to navigation.**
- § 807. **Offenses in relation to submarine cables or pipelines.**
- § 808. **Advisory committee on marine aids to navigation.**
- § 809. **Dues for aids to navigation.**

Editor's note: The former provisions of chapters 1 to 12 of this title were repealed in their entirety by PL 10-76 § 1 and replaced by the provisions of PL 10-76, the "National Maritime Act, 1997" codified at chapters 1 to 13 of this title. PL 10-76 took effect April 1, 1998.

§ 801. Application.

This chapter applies to all marine aids to navigation situated in waters of the Federated States of Micronesia used for guiding seamen in the safe navigation of vessels near reefs, shoals, and other dangers to navigation.

Source: PL 10-76 § 165.

Cross-reference: The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on Territory, Economic Zones and Ports of Entry are found in title 18 of this code.

§ 802. Aids to Navigation Officer.

The Secretary shall appoint an Aids to Navigation Officer who shall be responsible for the implementation and enforcement of this chapter.

Source: PL 10-76 § 166.

Cross-reference: The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on Territory, Economic Zones and Ports of Entry are found in title 18 of this code.

§ 803. Powers and duties of Aids to Navigation Officer.

(1) The Aids to Navigation Officer shall inspect marine aids to navigation on a regular basis to ensure that they remain unobstructed and in good condition.

(2) The Aids to Navigation Officer shall be allowed to enter any public or private property if required in order to gain access to a marine aid to navigation for purposes of inspection.

(3) Any person who obstructs or hinders an Aids to Navigation Officer in the performance of the officer's duties commits a civil offense, and shall be liable to a fine not exceeding \$200,000.

Source: PL 10-76 § 167.

§ 804. Coordination of marine aids to navigation.

The Aids to Navigation Officer shall coordinate with the states in regard to the establishment, maintenance, operation, alteration or removal of marine aids to navigation in conformity with international standards to maintain uniform national standards as needed for the safe navigation of vessels in the waters of the Federated States of Micronesia.

Source: PL 10-76 § 168.

§ 805. Unauthorized establishment, alteration or removal of marine aids to navigation.

(1) Any person who alters or removes a marine aid to navigation established by the Aids to Navigation Officer without prior written approval of the Aids to Navigation Officer commits a civil offense and shall be liable to a fine not exceeding \$200,000.

(2) No person may establish or operate a private aid to navigation within any of the waters of the Federated States of Micronesia used for foreign or interstate commerce without prior written approval of the Aids to Navigation Officer.

(3) If safety or convenience requires, the Aids to Navigation Officer may, by written notice, require the owner of any private aid to navigation to move, remove, modify or alter it.

(4) Where the owner fails to comply with a request made under subsection (3) of this section, or if notice cannot be served on the owner, the Aids to Navigation Officer may take possession or control of the aid, and do anything which must be done for the safety of marine navigation, and the owner shall pay any and all costs incurred by the Government under this subsection.

Source: PL 10-76 § 169.

Cross-reference: The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on Territory, Economic Zones and Ports of Entry are found in title 18 of this code.

Case annotation: The common law "incomplete privilege" of one to enter onto the land of another in times of private necessity is essentially codified by 19 F.S.M.C. 805(3), which states that "no person, including the owner or occupier of land may hinder or impede a rescuer." But it cannot have been the intent of 19 F.S.M.C. 805(3) to prevent law enforcement officials from carrying out their official duties in the face of an emergency rescue situation. *Pohnpei v. M/V Miyo Maru No. 11*, 8 FSM R. 281, 292 (Pon. 1998).

§ 806. Offenses in relation to marine aids to navigation.

In relation to marine aids to navigation:

- (1) No person may:
 - (a) make fast to, damage, destroy or allow a vessel to foul a marine aid to navigation;
 - (b) cause the view of a marine aid to navigation to be obstructed in such a manner as to lessen its efficiency;
 - (c) interfere with a marine aid to navigation so as to limit its effectiveness; or
 - (d) trespass on or in a marine aid to navigation.

(2) A person who, or the master of a vessel which, damages, destroys, or interferes with a marine aid to navigation shall notify the Aids to Navigation Officer as soon as practicable.

(3) Anyone who knowingly or intentionally interferes with or trespasses on a marine aid to navigation commits a national offense, punishable by a fine not exceeding \$500,000 or imprisonment for not more than two years, or both.

(4) In addition to any other penalty provided under this title for violation of this section, the violator shall pay to the Secretary for disbursement to the appropriate authorities, the cost of repairing or replacing the marine aid to navigation.

Source: PL 10-76 § 170.

§ 807. Offenses in relation to submarine cables or pipelines.

(1) Submarine cables or pipelines in this section mean those cables or pipelines found underwater outside of a lagoon or inside a lagoon if affecting interstate and international commerce.

(2) It shall be a violation of this section to negligently damage or destroy a submarine cable or pipeline unless the damage or destruction was caused by persons acting to save life or property.

(3) A vessel which damages, destroys, or fouls a marine aid to navigation, or a submarine cable or pipeline may be detained until the cost of repair or replacement is paid.

(4) It shall be a national offense, punishable by a fine not exceeding \$500,000 or imprisonment for not more than two years, or both, to knowingly or intentionally damage or destroy a submarine cable or pipeline.

(5) If a person laying or repairing a submarine cable or pipeline damages or destroys another cable or pipeline that person shall pay the cost of repair.

(6) If an anchor, a net or any other article belonging to a vessel is sacrificed to avoid injuring a submarine cable or pipeline, the owner of the cable or pipeline shall pay for the loss.

Source: PL 10-76 § 171.

Cross-reference: The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on Territory, Economic Zones and Ports of Entry are found in title 18 of this code.

§ 808. Advisory committee on marine aids to navigation.

The Aids to Navigation Officer may form a marine aids to navigation advisory committee, which may include at least two owners of vessels which must pay dues for aids to navigation, to assist the Aids to Navigation Officer in matters relating to marine aids to navigation.

Source: PL 10-76 § 172.

§ 809. Dues for aids to navigation.

(1) The owner or master of a vessel shall pay dues for marine aids to navigation on every entry into port.

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

Source: PL 10-76 § 173.

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