

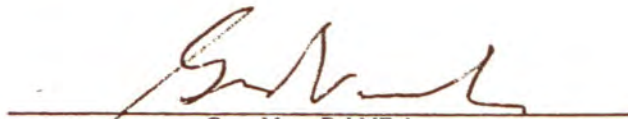
TWELFTH GUAM LEGISLATURE
1974 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR


This is to certify that Bill No. 416, "An Act adding a new Article 5 to Chapter 4 of Title XIII, Government Code of Guam to regulate the taking of live coral, and for other purposes", was on the 30th day of October, 1974, duly and regularly passed.


F. T. RAMIREZ
Speaker

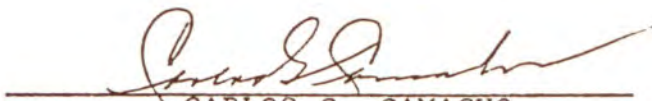
ATTESTED:


G. M. BAMBA
Legislative Secretary

This Act was received by the Governor this 8th day
of November, 1974 at 3:05 o'clock P.M.


KEITH L. ANDREWS
Attorney General of Guam

APPROVED:


CARLOS G. CAMACHO
Governor of Guam

DATED: NOV 20 1974
10:47 a.m.

Public Law
12-186

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TWELFTH GUAM LEGISLATURE
1973 (FIRST) Regular Session

Bill No. 416
Substitute Bill

Introduced by F. G. Lujan

AN ACT ADDING A NEW ARTICLE 5 TO
CHAPTER 4 OF TITLE XIII, GOVERNMENT
CODE OF GUAM TO REGULATE THE TAKING
OF LIVE CORAL, AND FOR OTHER PURPOSES.

1 WHEREAS, it is the finding of the Legislature:

2 THAT, as island people, Chamorros have traditionally had
3 strong cultural and life sustaining ties with their magnificent
4 reefs which have been a source of food, recreation, and social
5 importance;

6 THAT, the increased transient and permanent population,
7 which has arrived as a consequence of the island's expanding
8 tourist and construction industry and it's strategic importance
9 as a military base, has upset the reef's fragile ecological
10 balance;

11 THAT, the significant increase in inhabitants who are
12 unaware and unconcerned of our traditional lifestyle and
13 natural conservation practices has been responsible for the
14 rape of numerous reef areas including Tumon Bay and Cocos
15 Lagoon;

16 THAT, that Guam's fantastic coral fields are most
17 threatened by this influx of souvenir hunting tourists and
18 commercial exploiters;

19 THAT, it is in the best interest of the people of Guam
20 that the taking of coral be regulated under the police power
21 so that a balance can again be established between the people
22 of Guam and her reefs; now therefore

23 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

24 Section 1. A new Article 5 is hereby added to Title
25 XIII, Chapter 4 of the Government Code of Guam to read as

1 follows:

2 "Article 5. Regulation of the taking of live coral.

3 Section 12380. It shall be unlawful to remove live
4 coral from that area surrounding the Island of Guam
5 extending from the shore of the island outwards to the
6 ten fathom contour, except in accordance with this Article.

7 Section 12381. Harvesting of coral.

8 (a) The Commercial harvesting of coral may be
9 conducted by obtaining a license from the Director of
10 Agriculture and the payment of a fee as established by
11 the Director.

12 (b) For purposes other than the sale of coral,
13 live coral may be taken only by obtaining a license
14 from the Director of Agriculture, such license being
15 limited in time to a maximum of five (5) days at any
16 given time and to a specific location from which the
17 coral is to be taken, and for such license a fee may
18 be charged. The Director may restrict the amount of
19 coral to be taken under any license and may impose
20 such other restrictions as may be necessary to insure
21 the conservation of our coral fields.

22 Section 12382. Commercial permits. (a) Permits for
23 the Commercial taking of coral may be issued by the
24 Director of Agriculture upon the following conditions:

25 1. The permit must state the individual or
26 individuals who will be taking the coral;

27 2. The permit must state the time, date and
28 location from which the coral is to be taken;

29 3. The Director may limit each permit to a
30 specified amount of coral to be taken, taking into
31 account the location from which the coral is to be
32 taken, the amount of living coral remaining and the

1 likelihood of damage caused to the reef area by the
2 taking of the coral.

3 (b) The Director of Agriculture may, by regulation,
4 establish a fee schedule based upon the amount and value
5 of the coral to be taken commercially; establish areas
6 on Guam where no coral may be taken, limited coral may
7 be taken or unlimited coral may be taken, and impose any
8 other restrictions necessary for the conservation of our
9 coral reserves, all subject to the permits as required
10 by this Article.

11 Section 12383. Penalties. Any violation of this
12 Article or the regulations and permits issued pursuant to it
13 shall be a misdemeanor punishable by a fine of not more
14 than Five Hundred Dollars (\$500.00) or by imprisonment
15 of not more than six (6) months or by both such fine and
16 imprisonment for each offense.

17 Section 12384. Enforcement. This Act shall be
18 enforced primarily by the Director of Agriculture and the
19 Conservation Officers as authorized by Section 12302 of
20 this Title and secondarily by Peace Officers defined in
21 Section 851 of the Penal Code of Guam."

22 Section 2. The effective date of this Act shall be
23 immediately. The enforcement of the provisions of this Act as
24 it pertains to those who are required to obtain permits shall
25 be thirty (30) days after the promulgation of regulations by
26 the Director of Agriculture.

27 Section 3. The requirement of legislative concurrence as
28 a prerequisite to the transfer of government owned property as
29 imposed by Section 3 of Public Law 12-61 is hereby extended to
30 all submerged lands owned by the government of Guam.

31 Section 4. Subsection V.A.v.4 of Section 2 of Part One of
32 Public Law 12-150 is amended to read as follows:

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"4. For contractual services, not to exceed the total of Twenty-Four Thousand Dollars (\$24,000) as follows:

For commission projects, rental of office space, maintenance of office equipment, communications (overseas calls, cables), telephone, printing, hiring of graphic artist and copying machine, not to exceed

\$ 24,000"