

SIXTH GUAM LEGISLATURE  
1962 (FIRST) Special Session

Guam Territorial Law Library  
141 San Ramon Rd.  
Agana, Guam 96910

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 322(1-S), "An Act to repeal Article I of Chapter 4, Title XIII, Government Code of Guam, and to enact a new Article I of Chapter 4, Title XIII, Government Code of Guam, relative to game and fish, and for other purposes", was on the 27th day of February, 1962, duly and regularly passed.



A. B. WON PAT  
Speaker

ATTESTED:



V. B. BAMBA  
Legislative Secretary

This Act was received by the Governor this 5th day of March, 1962 at 11:20 o'clock A. M.

/s/ Manuel F.L. Guerrero

MANUEL F. L. GUERRERO  
Secretary of Guam

APPROVED:

/s/ BILL DANIEL

BILL DANIEL  
Governor of Guam

DATED: March 12, 1962  
2:25 P.M.

RECEIVED

APR 05 1986

GUAM TERRITORIAL  
LAW LIBRARY

P.L. 6-87

SIXTH GUAM LEGISLATURE  
1962 (FIRST) Special Session

Bill No. 322(1-S)

Introduced by: Committee on Rules, by  
request of the Governor  
in accordance with  
Section 6(b) of the  
Organic Act of Guam.

AN ACT TO REPEAL ARTICLE I OF CHAPTER 4, TITLE  
XIII, GOVERNMENT CODE OF GUAM, AND TO ENACT A  
NEW ARTICLE I OF CHAPTER 4, TITLE XIII, GOVERN-  
MENT CODE OF GUAM, RELATIVE TO GAME AND FISH,  
AND FOR OTHER PURPOSES.

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

2 Section 1. The Title of Chapter 4, Title XIII, Government  
3 Code of Guam, is hereby amended to read as follows:

4 "Game and Fish, Forestry and Conservation".

5 Section 2. Article I of Chapter 4, Title XIII, Government  
6 Code of Guam, is repealed in its entirety and a new Article I is added  
7 to Chapter 4, Title XIII, Government Code of Guam, to read as follows:

8 "ARTICLE I

9 Game and Fish

10 Section 12300. Definitions. For the purpose of  
11 this Article, certain terms and words are defined as  
12 follows:

13 (a) 'Take' means hunt, pursue, catch,  
14 capture, angle, seize, kill, trap, wound,  
15 shoot in any way or by any agency or device;  
16 every attempt to do such acts or to assist any  
17 other person in the doing of or the attempt  
18 to do such acts.

19 (b) 'Game' means all native or introduced  
20 species of wild birds or wild animals.

21 (c) 'Fish' means any aquatic life of  
22 whatever nature, including but not limited to  
23 oysters, clams, mollusks, mussels, crustaceans  
24 and shell fish.



1           Section 12301. Authority of Department. The  
2 control and regulation of fish and game in and about  
3 Guam and the administration of this Article shall be  
4 vested in the Department.

5           Section 12302. Chief Conservation Officer: Deputies.  
6 The provisions of this Article shall be enforced by  
7 the Director who shall be ex officio the Chief  
8 Conservation Officer, and suitable employees of the  
9 Department whom he may appoint as Deputy Conservation  
10 Officers, as well as by peace officers defined in  
11 Section 851, Chapter V, Title II, Part II of the  
12 Penal Code of Guam. The Chief Conservation Officer  
13 and the Deputy Conservation Officers acting hereunder  
14 shall have the powers of peace officers to carry arms  
15 and to make arrests for violations.

16           Section 12303. Taking Fish with Explosives. It shall  
17 be unlawful to take any fish using dynamite or any other  
18 explosive.

19           Section 12304. Use of Explosives Unlawful. It shall  
20 be unlawful for any person to throw, drop or explode any  
21 dynamite or other explosive, or cause to be thrown, dropped  
22 or exploded any dynamite or other explosive in any waters  
23 of Guam whether done for the purpose of taking fish or not,  
24 except as may be authorized pursuant to regulations.

25           Section 12305. Taking Fish by Means of Poisonous or  
26 Intoxicating Substance. It shall be unlawful for any  
27 person to take any fish by means of any substance which  
28 has a poisonous or intoxicating effect upon fish.

29           Section 12306. Use of Poison or Intoxicating  
30 Substance Unlawful. It shall be unlawful for any person  
31 to deposit, throw, drop or discharge or cause to be

1 deposited, thrown, dropped or discharged in any manner  
2 in the waters of Guam any substance which has a poisonous  
3 or intoxicating effect upon fish whether done for the  
4 purpose of taking fish or not.

5 Section 12307. Possession of Dynamite, Explosive,  
6 Poisonous or Intoxicating Substance. It shall be unlawful  
7 for any fisherman, or person in the habit of fishing, or  
8 person who is in the water or close by the shore where  
9 fish can be taken, to possess, in the absence of satis-  
10 factory cause for possession of the same, any dynamite or  
11 other explosive, or any substance which has a poisonous  
12 or intoxicating effect upon fish.

13 Section 12308. Fishing Equipment and Methods.  
14 The use of nets, flails, hooks and other devices and  
15 methods which may result in the taking of, or damage to,  
16 fish in violation of regulations governing fishing shall  
17 be unlawful; provided, however, that such regulations  
18 shall not prohibit the traditional method of catching  
19 local fish such as manahag, tiao and atulai by means  
20 of cast nets (lagua or talaya) or drag nets (chenchulo).

21 Section 12309. Illegally Taken Fish. It shall  
22 be unlawful for any person knowingly to take, buy, sell,  
23 transport or possess any fish or any part thereof contrary  
24 to the provisions of this Article or to regulations  
25 made under Section 12321.

26 Section 12310. Fish Weirs. (a) It shall be  
27 unlawful for any person to place or maintain a fish  
28 weir in the waters of Guam unless he holds a valid  
29 license from the Director. The Director may, in his  
30 discretion, issue such a license imposing such conditions



1 on the face thereof as are necessary so as not to unjustly  
2 restrict the fishing of others nor result in the violation  
3 of provisions of this Article and supporting regulations.  
4 A fee of one dollar (\$1.00) per weir shall be paid to  
5 the Department for such a license which shall be valid  
6 for only one (1) year from the date of issuance. The  
7 owner shall remove such weir from the water within  
8 thirty (30) days after the expiration of the license  
9 unless the license is otherwise renewed.

10 except (b) It shall be unlawful for an owner of a fish  
11 weir to leave such weir in the waters of Guam unattended  
12 for a period of fifteen (15) days.

13 (c) It shall be unlawful for any person to violate  
14 the conditions of any license issued under this section.

15 **Section 12311. Taking of Fish.** Fish may be taken  
16 by lawful means at any time except as prohibited by  
17 regulations made under Section 12321.

18 **Section 12312. Unprotected Wild Animals.** The  
19 following wild animals may be taken in the daytime:

- 20 (a) Wild dogs  
21 (b) Wild cats  
22 (c) Reptiles  
23 (d) Rats  
24 (e) Wild hogs  
25 (f) Fruit bats (fanihi).

26 **Section 12313. Unprotected Wild Birds.** The  
27 following wild birds may be taken in the daytime:

- 28 (a) Crows  
29 (b) Marianas starlings  
30 (c) Woodpeckers (kingfishers).  
31 without first obtaining a license issued by the Director.

1 The Director may, in his discretion, issue such a  
2 license imposing such conditions on the face thereof  
3 as are necessary for the control of such game.

4 (b) It shall be unlawful to harbor or maintain  
5 any protected game in captivity without first obtaining  
6 a license issued by the Director. The Director may, in  
7 his discretion, issue such a license imposing such  
8 conditions on the face thereof as are necessary for  
9 the control of such game.

10 (c) It shall be unlawful for any person to  
11 violate the conditions of any license issued under  
12 the provisions of this section.

13 Section 12319. Possession of loaded Rifle,  
14 Shotgun or Other Firearm in Vehicle: Definition: Exception.

15 (a) It shall be unlawful for any person to possess  
16 a loaded rifle, shotgun or other firearm other than a  
17 handgun in any vehicle which is standing on, or along,  
18 or is being driven on or along any highway or other way  
19 open to the public.

20 (b) A rifle, shotgun or other firearm other  
21 than a handgun shall be deemed to be loaded for the  
22 purposes of this section when there is an unexpended  
23 cartridge or shell in the firing chamber or in the  
24 magazine.

25 (c) The provisions of this section shall not  
26 apply to peace officers, the Chief Conservation Officer,  
27 the Deputy Conservation Officers or members of the  
28 Armed Forces of the United States, while on duty or  
29 going to or returning from duty, with respect to any  
30 firearm used in the performance of such duty.



1                   Section 12320. Use of Artificial Lights Prohibited.

2                   It shall be unlawful for any person to take any game with  
3                   a spot light or any other artificial light of any kind.  
4                   To be found with any spot light or any other artificial  
5                   light of any kind and with any rifle, shotgun or other  
6                   firearm, after sunset, in any wooded section or other  
7                   place where any game may reasonably be expected, shall  
8                   be prima facie evidence of violation of this section.

9                   Section 12321. Regulations. Regulations implementing  
10                   this Article shall be formulated, approved and issued in  
11                   accordance with the procedure set forth in Section 12007,  
12                   which regulations may include but shall not be limited  
13                   to the following:

14                   (a) To fix, close, terminate, shorten or divide  
15                   open seasons or make open seasons conditional;

16                   (b) To prescribe the time of day when taking is  
17                   permitted;

18                   (c) To regulate bag or creel limits and possession  
19                   limits;

20                   (d) To regulate buying, selling or transporting  
21                   game;

22                   (e) To regulate the size and type of any device  
23                   used for taking and regulate any method of taking;

24                   (f) To regulate or restrict the places where  
25                   taking is permitted;

26                   (g) To provide for the issuance of hunting licenses  
27                   under this Article; and

28                   (h) To otherwise implement or carry out the  
29                   purposes of this Article.

30                   Section 12322. Confiscation. Upon conviction of

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18

any offense under this Article, the court shall also order confiscated any firearm, trap or device used in such violation and shall order the same destroyed.

Section 12323. Penalty. Any person violating any provision of this Article and supporting regulations shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than two hundred fifty dollars (\$250.00), or by imprisonment for not less than fifteen (15) days nor more than ninety (90) days, or by both such fine and imprisonment. Provided that a violation of Sections 12303, 12304, 12305 and 12306 shall be punished by a fine of not less than fifty dollars (\$50.00), nor more than five hundred dollars (\$500.00) or by imprisonment for not more than ninety (90) days or by both such fine and imprisonment."

Section 3. Sections 626, 627, 627a, 628, 628a, 629, 630 and 637 of Chapter I, Title XV, Part I, Penal Code of Guam, are repealed in their entirety.