

**TITLE 28**

**AGRICULTURE AND  
LIVESTOCK**



## TITLE 28 AGRICULTURE AND LIVESTOCK

### CHAPTER

- 1 PLANT AND ANIMAL QUARANTINE
- 2 AGRICULTURE
- 3 – 5 [RESERVED]
- 6 LIVESTOCK
- 7 – 9 [RESERVED]
- 10 AGRICULTURE AND LIVESTOCK FINANCES

---

### CHAPTER 1 PLANT AND ANIMAL QUARANTINE

#### Section

1-101 Purpose	1-106 Manifests and information
1-102 Promulgation of plant and animal quarantines - regulations	1-107 In-transit material
1-103 Administration and enforcement	1-108 Disposition of contraband material
1-104 Emergency measures authorized	1-109 Treatment for insects or other pests
1-105 Inspection of aircraft, vessels, cargoes, plants, and animals	1-110 Penalties

**§1-101. Purpose.** — In order to protect the agricultural and general well-being of the people of the state, quarantine regulations are promulgated as a means of preventing the introduction and further dissemination of injurious insects, pests, and diseases into and within the state of Pohnpei.

Source: TTC §730 (1966); 25 TTC §1 (1970); 25 TTC §1 (1980)

**§1-102. Promulgation of plant and animal quarantines - regulations.** —

(1) With the prior approval of the Governor, the Administrator of the Office of Economic Affairs shall issue plant and animal quarantines and regulations, relating to the administration and enforcement of the controls established by this chapter. Letters and memoranda may be issued from time to time by the Administrator, Governor, and Lieutenant Governor relating to the administration and enforcement of such controls, quarantines, and regulations.

(2) Emergency orders relating to domestic quarantine may be issued from time to time by the Governor, providing such emergency orders are not in conflict with the controls, quarantines, and regulations issued pursuant to Subsection (1) of this section.

(3) The plant and animal quarantines and regulations issued pursuant to this chapter shall be translated in whole or in summary from English to the predominant native language of each local government area, and shall be published by posting in each local government office and filing with the

Clerk of the Pohnpei Supreme Court a copy of such translation and a copy of the English language version.

Source: TTC §731 (1966); 25 TTC §2 (1970); P.L. No. 4C-32 §1; 25 TTC §2 (1980); S.L. No. 5L-14-00 §3-54, 10/1/00

**§1-103. Administration and enforcement.** —

(1) The Administrator of the Office of Economic Affairs, under the direction of the Governor, shall administer the plant and animal quarantine controls, quarantines and regulations.

(2) Agricultural quarantine inspectors may be appointed by the Governor, and shall, under the direction of the Administrator of the Office of Economic Affairs, enforce the plant and animal quarantine controls, quarantines and regulations.

Source: TTC §732 (1966); 25 TTC §3 (1970); P.L. No. 4C-32 §2; 25 TTC §3 (1980); S.L. No. 5L-14-00 §3-54, 10/1/00

**§1-104. Emergency measures authorized.** —

(1) Upon the discovery of a situation not covered by the controls, quarantines or regulations issued under this chapter, or any other situation warranting immediate action, emergency quarantine measures may be made at any time by an agricultural quarantine inspector or the Administrator of the Office of Economic Affairs.

(2) Such emergency quarantine measures must be reviewed by the Administrator of the Office of Economic Affairs and either incorporated into existing regulations in the manner which is or may be provided by law, or rescinded as soon as practicable after issuance, and in no case shall such action be taken later than 30 days after the measure is taken.

Source: TTC §733 (1966); 25 TTC §4 (1970); P.L. No. 4C-32 §3; 25 TTC §4 (1980); S.L. No. 5L-14-00 §3-54, 10/1/00

**§1-105. Inspection.** —

(1) All animals and plants or parts thereof, including seeds, fruits, vegetables, cuttings, etc., entering or transported within the state of Pohnpei are subject to inspection by agricultural quarantine inspectors and may be refused entry into or movement within the state if they are known to be, or are suspected of being, infected or infested with disease or pests.

(2) All aircraft and vessels or their cargoes, including baggage, ship's stores, and ballast, entering or moving within the state of Pohnpei, are subject to inspection by agricultural quarantine inspectors for the purpose of enforcing the controls, quarantines, and regulations established pursuant to this chapter; PROVIDED, that such inspections of U.S. military aircraft and vessels shall be subject to existent military security regulations.

(3) It shall be a petty misdemeanor for anyone to interfere with or refuse to submit to the inspections authorized by this section.

Source: TTC §734 (1966); 25 TTC §5 (1970); 25 TTC §5 (1980)

**§1-106. Manifests and information.** — Cargo manifests and other similar documents concerning aircraft and vessels traveling in the state of Pohnpei will be made available to the agricultural quarantine inspectors upon request. Those authorities having information as to the movements of aircraft and vessels will furnish such information to agricultural quarantine inspectors upon request; PROVIDED, that the provisions of this section are subject to military security regulations.

Source: TTC §735 (1966); 25 TTC §6 (1970); 25 TTC §6 (1980)

**§1-107. In-transit material.** — Any animals, plants or other quarantinable material in transit through the state of Pohnpei on aircraft or vessels shall be kept aboard such aircraft or vessels while in port or on any island of the state, unless such material is otherwise enterable. If it is necessary to transfer such

quarantinable material from one vessel or aircraft to another, such transfer shall be made under the direction of an agricultural quarantine inspector, and with such safeguards as he deems necessary.

Source: TTC §736 (1966); 25 TTC §7 (1970); 25 TTC §7 (1980)

**§1-108. Disposition of contraband material.** — Anything attempted to be brought into or transported within the state of Pohnpei in contravention of the controls, quarantines or regulations established pursuant to this chapter shall be seized by an agricultural quarantine inspector and destroyed by fire or other appropriate means, or expelled from the state, or returned to its place of origin, at the shipper's expense, depending on the pest risk involved.

Source: TTC §737 (1966); 25 TTC §8 (1970); 25 TTC §8 (1980)

**§1-109. Treatment for insects or other pests.** — Vessels and aircraft traveling into or within the state of Pohnpei and known or suspected upon reasonable grounds to be harboring insects or other agricultural pests will be subject to spraying with insecticides or such other treatment as may be deemed necessary by an agricultural quarantine inspector; PROVIDED, that the spraying of aircraft with insecticides and the fumigation of ships is subject to public health regulations.

Source: TTC §738 (1966); 25 TTC §9 (1970); 25 TTC §9 (1980)

**§1-110. Penalties.** — A person who violates any of this chapter or any properly issued plant and animal controls, quarantines or regulations shall be guilty of a misdemeanor.

Source: TTC §739 (1966); 25 TTC §10 (1970); 25 TTC §10 (1980)



## CHAPTER 2 AGRICULTURE

### Section

#### Part A Breadfruit

2-101 Breadfruit quarantine

2-102 – 2-110 [Reserved]

#### Part B Coconuts

2-111 Prohibition on export of coconuts from  
Nukuoro

### PART A BREADFRUIT

**§2-101. Breadfruit quarantine.** — It shall be unlawful to transport breadfruit plants or uncooked fruit from Pohnpei Island and Pingelap Atoll to any other islands of the State except when plants or fruits have been inspected and found healthy by the Administrator of the Office of Economic Affairs and a quarantine permit has been issued in accordance with the quarantine procedures of the State. Any person who willfully violates this section shall be guilty of a misdemeanor and upon conviction thereof shall be imprisoned for a period of not more than six months, or fined not more than \$100, or both such fine and imprisonment.

Source: PDC §11-3, 3/71; S.L. No. 5L-14-00 §3-53, 10/1/00

**§§2-102 – 2-110. [RESERVED]**

### PART B COCONUTS

**§2-111. Prohibition on export of coconuts from Nukuoro.** — The movement of coconut plants, sprouted coconuts, coconuts with perianth cap still on, and green coconut leaves from Nukuoro is prohibited.

Source: PDC §11-2, 3/71

## CHAPTERS 3 – 5 [RESERVED]





## CHAPTER 6 LIVESTOCK

### Section

6-101 Control of livestock required  
6-102 Impounding

6-103 Penalties

**§6-101. Control of livestock required.** — Any person or persons owning any animal or animals, including, but not limited to, cattle, carabao, pigs, goats, dogs or chickens, shall provide a means of control sufficient to prevent the animal or animals from causing damage to another's property, injury to people or creating unsanitary conditions or odors affecting another person or persons' health or comfort; PROVIDED, that fences shall not be required for the control of an animal or animals unless evidence to the individual animal or animals clearly shows that a fence is necessary, or unless a local government, by duly enacted ordinance, shall so require.

Source: PDC §11-1(a), 3/71; D.L. No. 3L-75-73 §1, 12/26/73; D.L. No. 3L-109-75 §1, 5/26/75; S.L. No. 5L-14-00 §3-52, 10/1/00

**§6-102. Impounding.** — Any stray livestock may be impounded by any person if such livestock is found doing damage to property, injury to people or creating unsanitary conditions and odors which affect people's health and comfort, and that person shall notify the chief executive of the local jurisdiction, mayor of the town or Chief of the Division of Police and Security or their duly appointed representatives within three days of the capture. The person impounding a stray animal may claim just compensation for its keep from the owner, or may keep the animal if no owner appears within 60 days.

Source: PDC §11-1(b), 3/71; S.L. No. 5L-14-00 §3-52, 10/1/00

**§6-103. Penalties.** — Any person who is found negligent in carrying out §6-101, or any person who willfully causes livestock to damage property, injure people or create unsanitary conditions and odors affecting people's health and comfort, whether owned by him or not, or any person who fails to report the capture of any stray livestock as provided for in §6-102 shall, upon conviction thereof, be imprisoned for a period of not more than three months, or fined not more than \$50, or both such fine and imprisonment.

Source: PDC §11-1(c), 3/71; S.L. No. 5L-14-00 §3-52, 10/1/00

## CHAPTERS 7 – 9 [RESERVED]



## CHAPTER 10 AGRICULTURE AND LIVESTOCK FINANCES

### Section

10-101 Purpose	10-103 Coconut development program
10-102 Farmers' revolving fund: authorization for appropriation; administration	10-104 Pepper development program
	10-105 Rice development program

**§10-101. Purpose.** — The development of an extensive agriculture industry in Pohnpei has been hampered by the inability of the individual farmer to obtain seeds, fertilizer, and other products and agricultural implements to enable him to establish a farm, to continue production or to increase production. It is hoped that the establishment of these funds will enable the farmers of this state to obtain all the necessary products and implements to maintain and increase their present level of production.

Source: D.L. No. 3L-19-72 §1, 5/25/72

**§10-102. Farmers' revolving fund: authorization for appropriation; administration.** —

(1) There is hereby created a revolving fund to be known as the Pohnpei State Farmers' Revolving Fund. This fund shall be administered by the Administrator of the Office of Economic Affairs.

(2) The Administrator of the Office of Economic Affairs shall use the fund to purchase seeds, fertilizer, and other materials and implements that have been requested or may be used by farmers in the state. Sums received by the Administrator of the fund from farmers who purchase these products and implements shall be used by him to purchase additional needed products and implements, thus providing the farmers of this state with a steady supply of farming articles.

(3) There is hereby authorized for appropriation out of the general fund of the Pohnpei Treasury a sum to be determined annually in the Comprehensive Budget Act for the purpose of establishing the revolving fund created by this section to be used in accordance with this section. The sum hereby authorized for appropriation shall be expended and administered by the Governor, in consultation with the Administrator of the Office of Economic Affairs, as provided in Subsection (2) of this section.

Source: D.L. No. 3L-19-72 §§2 – 4, 5/25/72; D.L. No. 3L-58-73 §36, 5/29/73; D.L. No. 4L-96-77 §1, 7/1/77; S.L. No. 5L-14-00 §3-23, 10/1/00

**§10-103. Coconut development program.** — There is hereby authorized for appropriation from the general fund of the Pohnpei Treasury a sum for a Coconut Subsidy Fund to subsidize programs to improve copra production in Pohnpei State. All sums herein authorized for appropriation shall be expended by the Governor solely for the purposes specified in this section. The Governor shall also be responsible for the proper supervision and administration of the fund.

Source: PDC §11-100, 3/71; D.L. No. 3L-58-73 §30, 5/29/73

**§10-104. Pepper development program.** — There is hereby authorized for appropriation from the general fund of the Pohnpei Treasury a sum to subsidize and accelerate the pepper development program in Pohnpei State. The administration and supervision of the program, including the expenditure of sums authorized for appropriation by this section, shall be the responsibility of the Governor, who shall make a progress report at each session of the Legislature.

Source: PDC §11-101, 3/71; D.L. No. 3L-58-73 §31, 5/29/73

**§10-105. Rice development program.** — There is hereby authorized for appropriation from the general fund of the Pohnpei Treasury a sum for subsidizing rice production within the state. The sum authorized for appropriation herein shall be used to accelerate rice production by providing subsidies to a maximum number of producers. The subsidy to any single producer shall not in any case exceed the amount of \$500. The administration and supervision of the program, including the expenditure of sums authorized for appropriation by this section, shall be the responsibility of the Governor, who shall make a progress report at each session of the Legislature.

Source: PDC §11-102, 3/71; D.L. No. 3L-58-73 §32, 5/29/73

(Next page is Title 29 divider)