

TITLE 1

GENERAL

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CHAPTER 1 SOURCES OF LAW AND RULES OF CONSTRUCTION

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§1-101. Legislative intent of Code. —

(1) It is the intent of the Pohnpei Legislature that the Official Code of the State of Pohnpei, enacted pursuant to §1-102, shall be the official codification, revision, modernization, and re-enactment of the laws and statutory orders of the state of Pohnpei which are currently in force in the state and which have an application of a general and permanent nature.

(2) Consistent with Subsection (1) of this section, it is the intent of the Pohnpei Legislature through the enactment of this Code to resolve conflicts which exist in such laws and statutory orders and to repeal such laws and statutory orders that:

- (a) Are of Trust Territory or district origin and are no longer relevant or applicable to the constitutional government of this state or the principles of federalism embodied in the Constitution of the Federated States of Micronesia;
 - (b) Have become obsolete through the passage of time or for other causes;
 - (c) Have been declared unconstitutional or have otherwise been rendered legally invalid; or
 - (d) Have been superseded, directly or by implication, by the enactment of later laws.
- (3) Except as otherwise specifically provided in this Code, the enactment of the Code is not intended to alter the substantive law in existence on the effective date of this Code.

Source: S.L. No. 6L-79-06 §1-101, 11/1/06

Cross-reference: See [1 PC 1-103](#)

§1-102. Enactment of the Code as positive law. — The statutory portion of the codification of the laws of the state of Pohnpei, incorporated by reference as the document attached to the statute enacting the Code [*S.L. No. 6L-79-06*], is hereby enacted as the positive law of Pohnpei, which document is known and hereafter referred to as the “Official Code of the State of Pohnpei” and which shall have the full force and effect of statutory law.

Source: S.L. No. 6L-79-06 §1-102, 11/1/06

§1-103. Effective date of the Code. — The effective date of this Code shall be January 1, 2006; PROVIDED, HOWEVER, that the Code shall include the codified provisions of the codification statute [*S.L. No. 6L-79-06*].

Source: S.L. No. 6L-79-06 §1-103, 11/1/06

§1-104. Amendments, revisions, and replacements. — Subsequent versions of the Code shall include all amendments, revisions, and replacements thereof enacted by statute of the Pohnpei Legislature following the effective date of this Code.

Source: S.L. No. 6L-79-06 §1-104, 11/1/06

Cross-reference: See [1 PC 1-103](#)

§1-105. Authoritative version of Code; digital version and internet presentation. —

(1) The authoritative version of the Code shall be the printed version of the Code, and all amendments, revisions, and replacements thereof as enacted by the Pohnpei Legislature and on file in the Division of Legislative Counsel of the Pohnpei Legislature as provided by Chapter 4 of Title 2 of this Code.

(2) Digital versions of the Code may be prepared by the Division of Legislative Counsel for distribution in CD-ROM or DVD format and for presentation on the internet, which versions and presentations may vary in layout, format, citation, and numbering, consistent with the interactive nature of digital documents and presentations; PROVIDED that in the event of conflict, the printed version referred to in Subsection (1) of this section shall prevail.

Source: S.L. No. 6L-79-06 §1-105, 11/1/06

§1-106. Code classification, organization, and editorial material not to be construed as part of Code. —

(1) Code classifications, organization, and headings for units of the Code such as divisions, titles, chapters, subchapters, parts, sections, and other units are made for the purpose of convenient reference and orderly management and shall not be a part of the statutory provisions of the Code, nor shall any explanatory language separated by brackets and in italics, or any source descriptions, editorial notes, historical summaries, annotations, cross-references, headers, footers or other editorial material be construed as a statutory part of the Code. No implication, inference or presumption of a legislative construction shall be drawn therefrom.

Source: S.L. No. 6L-79-06 §1-106, 11/1/06

§1-107. Citation of Code. —

(1) Sections of the Code may be cited by the abbreviation “PC”, preceded by the title number and succeeded by the chapter number, a dash, and the section number. For example, this section would be cited as “1 PC 1-107”, representing Section 107 of Chapter 1 of Title 1 of the Official Code of the State of Pohnpei.

(2) Unless the context clearly requires otherwise, any reference in this Code or in any law, rule or regulation of this state to a provision of the Code shall be construed to refer to the Code as it now or hereafter exists.

Source: S.L. No. 6L-79-06 §1-107, 11/1/06

§1-108. Construction of Code. — The provisions of this Code shall be construed according to the fair construction of their terms, with a view to affect its object and to promote justice.

Source: S.L. No. 6L-79-06 §1-108, 11/1/06

§1-109. Conflicting provisions of the Code. — Two or more provisions of the Code which relate to the same subject matter shall be construed together in such manner as to give full effect to each provision, except in case of an irreconcilable conflict. In case of an irreconcilable conflict the provision last acted upon by the Legislature is controlling to the extent of such conflict. The provision last acted upon is determined by reference to the date of passage by the Legislature on final reading of the statute establishing or amending the provision, or if the enactment is vetoed, then upon the date of passage thereof over the Governor’s veto. An irreconcilable conflict between two or more acts which amend the same provision of the Code exists only if the amendatory acts make inconsistent changes in the provision as it theretofore existed.

Source: S.L. No. 6L-79-06 §1-109, 11/1/06

§1-110. Severability of provisions of the Code. — Except as otherwise specifically provided in this Code, in the event any title, chapter, subchapter, part, section, subsection, paragraph, subparagraph, item, sentence, clause, phrase, or word of this Code is declared or adjudged to be unconstitutional, such declaration or adjudication shall not affect the remaining portions of the Code which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of this Code.

Source: S.L. No. 6L-79-06 §1-110, 11/1/06

§1-111. Words and phrases generally. — Words and phrases, as used in this Code or in any regulation issued pursuant thereto, shall be read with their context and shall be construed according to the common and approved usage of the English language. Technical words and phrases and such other words and phrases as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to their peculiar and appropriate meaning.

Source: S.L. No. 6L-79-06 §1-111, 11/1/06

§1-112. Words denoting number, etc. — As used in this Code unless it is otherwise provided or the context requires a different construction, application or meaning:

- (1) Words importing the singular include and apply to several persons, parties or things;
- (2) Words importing the plural include the singular;
- (3) Words importing the masculine gender include the feminine; and
- (4) Words used in the present tense include the future.

Source: S.L. No. 6L-79-06 §1-112, 11/1/06

§1-113. English language text to prevail; exception. — Except for the official Pohnpeian version of the Pohnpei Constitution, whenever any provision of this Code, or any regulation, document or instrument adopted pursuant thereto shall have been translated in whole or in summary from English to a local language, should there be a possible difference of interpretation between the English text and the local translation, the English language text shall prevail and govern in the decision of all cases.

Source: S.L. No. 6L-79-06 §1-113, 11/1/06

§1-114. Supersession of prior laws by Code; exceptions. —

(1) All codes and statutes of the Trust Territory of the Pacific Islands (having application as the law of this state), and all codes and statutes of the district of Ponape and the state of Pohnpei, or portions of such codes and statutes, having general and permanent application, as well as orders of the Secretary of the Department of the Interior of the United States Government (having application as the law of this state), the High Commissioner of the Trust Territory of the Pacific Islands (having application as the law of this state), and the District Administrator of Ponape District (having the effect of law), which code provisions, acts, and statutory orders are codified in this Code, are hereby superseded in their entirety in the form embodied in this Code, unless such code provisions, acts or statutory orders, without regard to their appearance in this Code, are:

- (a) Expressly continued as a separate law by this Code; or
- (b) Omitted improperly or erroneously as a consequence of the compilation, revision or both, of the laws or statutory orders enacted or promulgated prior to the effective date of this Code.

(2) In the event of one of the exceptions stated in Subsection (1) of this section should be applicable, the law existing prior to the enactment of this Code shall continue to be valid, effective, and controlling.

Source: S.L. No. 6L-79-06 §1-114, 11/1/06

§1-115. Repeal of code provisions, acts, and statutory orders by the Code. —

(1) All provisions of the Trust Territory Code, orders of the Secretary of the Department of the Interior of the United States Government, and orders of the High Commissioner of the Trust Territory having the effect of the law of this state, and all enactments of the territorial Congress of Micronesia and Interim Congress of the Federated States of Micronesia having application as the law of this state and not superseded by provisions in this Code or continued as separate law

pursuant to §1-114(1)(a), are hereby repealed in their entirety with respect to their application as the law of this state.

(2) Those acts, code provisions, and statutory orders, or portions thereof, having the effect of law and enacted or promulgated in the Trust Territory, the district of Ponape and the state of Pohnpei prior to the effective date of this Code, and found by the Legislature to be inconsistent with the enactment of the Code pursuant to the codification statute [*S.L. No. 6L-79-06*], are hereby amended or repealed as provided in the codification statute.

(3) All acts and statutory orders, or portions thereof, which are repealed or abrogated by this Code, or are repugnant to any law or statutory order repealed by this Code and which have not been re-enacted or consolidated, shall continue to be so repealed or abrogated.

Source: S.L. No. 6L-79-06 §1-115, 11/1/06

§1-116. Repeal of Spanish, German, and Japanese laws. — All laws, regulations, orders, and ordinances heretofore enacted, issued, made or promulgated by Spanish, German or Japanese authority which are still in force in the state of Pohnpei are hereby repealed except as provided in §1-124; PROVIDED, HOWEVER, that nothing in this Code shall change the effect of local custom which may have been included within the scope of laws, regulations, orders or ordinances enacted, issued, made or promulgated as aforesaid.

Source: TTC §23 (1966); 1 TTC §104 (1970); 1 TTC §104 (1980)

§1-117. Enactment of Code not to validate constitutionally invalid acts. — The enactment of this Code shall not validate an act or any portion thereof, which is constitutionally invalid.

Source: S.L. No. 6L-79-06 §1-117, 11/1/06

§1-118. Enactment of Code not to invalidate or affect rules and regulations. — Unless otherwise provided, the enactment of this Code and the incorporation of law and statutory order herein, shall not invalidate or affect any rules or regulations, promulgated pursuant to laws or statutory orders so codified herein, which were in effect on the effective date of this Code. Such rules and regulations shall remain in full force and effect under the authority of the codified provisions relative thereto until otherwise provided.

Source: S.L. No. 6L-79-06 §1-118, 11/1/06

§1-119. Enactment of Code not to validate invalid, unauthorized or defective rules and regulations. — The enactment of this Code shall not validate or authorize a rule or regulation, or any part thereof, or cure any defect therein, which would otherwise be invalid, unauthorized or defective on or before the effective date of this Code.

Source: S.L. No. 6L-79-06 §1-119, 11/1/06

§1-120. Enactment of Code not to affect existing legalities. —

(1) The enactment of this Code shall not affect or impair any existing right, remedy or defense, nor affect, impair, discharge or release any existing contract, obligation, duty or liability of any kind. It shall not affect any pending suit or action, prosecution now commenced or which shall be hereafter commenced, for any action or offense committed or omitted prior to the effective date of this Code. The law in existence immediately prior to the enactment of this Code shall continue in force with respect to all such suits, actions, and prosecutions.

(2) The supersession, repeal, re-enactment, revision, amendment or consolidation of any act or statutory order, or portion thereof, by the enactment of this Code shall not release, extinguish, alter, modify or change, in whole or in part, any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such act or statutory order, or portion thereof, so affected by the enactment of this Code, unless otherwise expressly provided by this Code. The superseded, repealed,

re-enacted, revised, amended or consolidated act or statutory order, or portion thereof, shall be treated and held as remaining in force for the purpose of sustaining any and all suits, actions or prosecutions, civil or criminal, for the enforcement of any penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such suits, actions or prosecutions imposing, inflicting or declaring a penalty, forfeiture or liability.

(3) When a limitation or period of time prescribed in any act or statutory order in effect on or before the effective date of this Code, for acquiring a right, barring a remedy or for any other purpose has begun to run before the effective date of this Code, and when a limitation or period of time is prescribed in this Code for acquiring the right, barring the remedy or for any other purpose, then the time which has already run shall be deemed to be part of the time prescribed by the limitation or period in this Code.

Source: S.L. No. 6L-79-06 §1-120, 11/1/06

§1-121. Continuation of laws, ordinances, and regulations. — All laws of the government of the state of Pohnpei, local government ordinances, and administrative regulations in force immediately before the effective date of the Constitution of Pohnpei [November 8, 1984] shall, to the extent they are consistent with the Constitution, continue in force until they expire by their own limitations or are amended, superseded or repealed.

Source: S.L. No. 3L-33-84 §3, 9/10/84

Note: S.L. No. 3L-33-84 §§1, 2, 4 – 6, & 8 temporary provisions have been omitted.

§1-122. Local customs; customary law. — The customs of the inhabitants of the state of Pohnpei not in conflict with the statutory laws of the state of Pohnpei shall be preserved. The recognized customary law of the state of Pohnpei shall have the full force and effect of law so far as such customary law is not in conflict with the statutory law of the state of Pohnpei.

Source: TTC §21 (1966); 1 TTC §102 (1970); 1 TTC §102 (1980)

Note: Reference to 1 TTC §101 (1980) has been omitted.

§1-123. Applicability of common law. — The rules of the common law, as expressed in the restatements of the law approved by the American Law Institute and, to the extent not so expressed, as generally understood and applied in the United States of America, shall be the rules of decision in the courts of the state of Pohnpei in applicable cases, in the absence of written law applicable to the state of Pohnpei or local customary law applicable under §1-122 to the contrary and except as otherwise provided in §1-124; PROVIDED, that no person shall be subject to criminal prosecution except under the written laws of the state of Pohnpei or recognized local customary law not inconsistent therewith.

Source: TTC §22 (1966); 1 TTC §103 (1970); 1 TTC §103 (1980)

Note: Reference to 1 TTC §101 (1980) has been omitted.

§1-124. Land law not affected. — The law concerning ownership, use, inheritance, and transfer of land in effect in any part of the state of Pohnpei on December 1, 1941, shall remain in full force and effect to the extent that it has been or may hereafter be changed by express written enactment made under authority of the state of Pohnpei.

Source: TTC §24 (1966); 1 TTC §105 (1970); 1 TTC §105 (1980)

Note: The word "except" appears after "full force and effect" in TTC §24 (1966). See Public Law 3C-51, §1 and §3, 9/22/70.

§1-125. Amendments and revisions to the Code. —

(1) All statutes enacted after the effective date of this Code of a general and permanent nature shall be enacted as amendments and revisions of this Code. No local, private or temporary act or acts and no acts appropriating funds shall be enacted as amendments to this Code. If the subject matter of any law is already generally embodied in one or more of the titles of this Code or can be appropriately

classified therein, that new law shall be enacted as an amendment to that title or titles of the Code. If it is not possible to classify the subject matter of a new law in an existing title, a new title shall be enacted with appropriate chapter, subchapter, part, and section headings. New titles shall be given names which are broad and comprehensive in scope so that each title so created will accommodate the greatest number of new laws having related subject matter.

(2) In the enactment of new laws amending or revising this Code, the overall structure, style, format, arrangement, and classification of the Code shall be followed as closely as possible with the result that the Code and all amendments and revisions thereto will comprise a logical and harmonious entity containing all the laws of the state of a general and permanent nature.

(3) The reserved portions of the Code are for the purpose of accommodating future growth and expansion of the Code through the insertion of laws in logical places within the Code. Sections have been reserved in the initial legislation enacting this chapter for the purpose of insertion of existing code and statutory provisions and the addition of new laws having relevance to the contents of this chapter. When a unit of the Code, such as a title, chapter or subchapter, is repealed in its entirety, that unit number may be reserved for future use.

(4) Amendments or revisions to the Code which insert new units of the Code in places where reserved space is not available shall utilize an alphabetical suffix to the unit number, such as “Chapter 1A” or “Section 1-125A”. Subsequent publications of the Code may provide for the renumbering of the unit and the renumbering of its preceding and succeeding units to re-establish a direct numbering system without the necessity of further statutory enactment for the renumbering thereof.

Source: S.L. No. 6L-79-06 §1-125, 11/1/06

§1-126. Effect of repeal of repealing statutes. — No unit or provision of this Code which is repealed by statute shall be deemed to be revived by the repeal of the repealing act.

Source: S.L. No. 6L-79-06 §1-126, 11/1/06

§1-127. Code to be property of the Pohnpei Government; penalties. —

(1) The Official Code of the State of Pohnpei is the property of the Pohnpei Government, which shall have exclusive rights to the commercial publication, sale, and distribution thereof in printed, digital, and internet form. Any person who so publishes, sells or otherwise distributes copies or facsimiles thereof to the public for commercial purposes representing such printed document, digital copy or internet presentation to be the official embodiment of the general and permanent laws of the state, or who shall represent to the public that he or she has such authority, without the express permission of the Pohnpei Government as provided in Chapter 4 of Title 2 of this Code, shall be subject to a civil penalty of not more than \$1,000. In addition, any profits made from the sale or distribution in violation of this section shall be forfeit to the Government of Pohnpei.

(2) The prohibitions of Subsection (1) of this section shall not be construed to restrict the presentation of citations of portions of this Code in legal proceedings or the good faith use thereof in the administration of the law, education, research or related endeavors, nor to restrict the use of hyperlinks to web servers authorized to display the Code on the internet.

Source: S.L. No. 6L-79-06 §1-127, 11/1/06

§1-128. Tampering with Code; violations. —

(1) It shall be unlawful for any person to knowingly and willfully alter or cause to be altered any printed, digital or internet representation of any portion of the official version of the Code or to knowingly and willfully publish or distribute in printed, digital or internet form any altered facsimile thereof so as to cause any misrepresentation of such portion of the Code as enacted by the Pohnpei Legislature.

(2) Any person found guilty of a violation of Subsection (1) of this section shall be fined not more than \$5,000 or imprisoned not more than three years, or both such fine and imprisonment. In addition, such person shall be civilly liable for damages resulting from any such misrepresentation.

Source: S.L. No. 6L-79-06 §1-128, 11/1/06

CHAPTER 2 PROCEDURE TO AMEND CONSTITUTION

Section

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§2-101. Short title. — This chapter is known and may be cited as the “Constitutional Amendment Procedure Act of 1987.”

Source: S.L. No. 1L-122-87 §1, 3/31/87

§2-102. Method of proposing constitutional amendments. — The following shall be the methods of proposing amendments to the Pohnpei Constitution:

(1) *Legislative act.* A constitutional amendment may be proposed by an act of the Pohnpei Legislature, pursuant to Article 15 §1 of the Pohnpei Constitution, setting forth the text of the amendment.

(2) *Petition.* A constitutional amendment may be proposed by presentation to the Governor of a petition, pursuant to Article 15 §2 of the Pohnpei Constitution, setting forth the text of the amendment and bearing the requisite number of signatures of registered voters of Pohnpei.

Source: S.L. No. 1L-122-87 §2, 3/31/87

§2-103. Format of amendment. — The format of proposals for constitutional amendments to be placed before the people shall be uniform, as prescribed by the Election Commissioner, according to the following basic guidelines:

(1) Proposed constitutional amendments which have been received by the Governor, pursuant to §2-102 and that qualify for ratification, shall be transmitted by him forthwith to the Election Commissioner, who shall cause the same to be printed on ballots to be voted on simultaneously by all voters of Pohnpei during a general election or special election called by the Governor specifically for that purpose within the time specified by Article 15 §4 of the Pohnpei Constitution.

(2) The printed form containing the proposed amendment shall cite the appropriate article of the Constitution by title and shall state at length the section or its subsection proposed to be amended, and the effective date for the proposed amendment if so specified in the act or petition, followed immediately by the question:

“Do you approve of this proposed amendment to the Pohnpei Constitution:

YES [] NO []?”

(3) The printed form containing the proposed constitutional amendment shall be printed in Pohnpeian, and shall also be translated into English, Nukuoran, and Kapingamarangian. The Election Commissioner shall cause the Pohnpeian version and the translated versions to be distributed to the general public, publicly aired at least three times daily on the public radio station for ten days immediately prior to the date of the election, and posted at the local government buildings and other appropriate places that the Election Commissioner deems necessary in all the local jurisdictions of Pohnpei no later than ten days prior to the date of election.

(4) The Election Commissioner shall, prior to the date of election, conduct public education programs on the proposed constitutional amendment. In enhancing the purpose of this subsection, opportunity for fair comment shall be provided to both proponents and opponents of the proposed constitutional amendment.

(5) The Election Commissioner, as provided in the General Election Law, Title 10, shall, as soon as practicable after the election, certify and transmit the results of the votes cast on the amendment to the Governor and the Legislature.

(6) The Governor shall be the judge as to the approval of an amendment to the Constitution, subject to appeal to the Pohnpei Supreme Court.

Source: S.L. No. 1L-122-87 §3, 3/31/87

§2-104. Ratification of constitutional amendments. —

(1) The amendments shall be effective only if ratified in the manner prescribed by Article 15 §4 of the Pohnpei Constitution. If fifty percent (50%) of the registered voters fail to cast ballots at a special election, unless a Legislature-enacted proposal is withdrawn by the Legislature, the proposed amendment or amendments shall be submitted at the next general election or another special election called by the Governor within a reasonable time thereafter.

(2) In the event conflicting constitutional amendments submitted to the voters at the same election are approved, the amendment receiving the highest number of affirmative votes shall prevail to the extent of the conflict.

(3) Once ratified, an amendment becomes part of the Constitution and is as effective as all other parts of the Constitution.

Source: S.L. No. 1L-122-87 §4, 3/31/87

§2-105. Notice of ratification – effectiveness. — Upon receipt of the certified results of votes pursuant to §2-103(5) and having made the determination that an amendment has been ratified in accordance with §2-104(1), the Governor shall, not later than 15 days thereafter, issue a proclamation announcing the ratification of the amendment and its effective date. An amendment to the Constitution ratified pursuant to the Constitution and this chapter shall take effect at such time as is specified in the act or petition proposing the amendment; PROVIDED that if there be no such time specified, such amendment shall take effect retroactively to the date of the election.

Source: S.L. No. 1L-122-87 §5, 3/31/87

Note: S.L. No. 1L-122-87 §6 repealed S.L. No. 2L-162-83, 2/1/83 in its entirety.

**CHAPTERS 3 – 5
[RESERVED]**

CHAPTER 6 NAMES, EMBLEMS, SYMBOLS, AND ANTHEM

Section

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§6-101. “Pohnpei” is official term. — Upon the effective date of the Constitution of Pohnpei [November 8, 1984] and in recognition of the implementation of the Constitution, use of the term “Pohnpei” is hereby acknowledged as the official and appropriate form of reference to this jurisdiction and to this government and all governmental branches, agencies, authorities, and instrumentalities hereof or established herefor, inclusive of those established prior to the effective date of this section [September 10, 1984] or the Constitution.

Source: D.L. No. 4L-200-79 §1, 8/28/79; S.L. No. 3L-33-84 §7, 9/10/84

Note: Original section referred to the use of the term “State” in recognition of the implementation of the FSM Constitution.

§6-102. The great seal of the state of Pohnpei. — There is hereby adopted a great seal for the state of Pohnpei. The Pohnpei State Seal shall be circular in form and when reproduced shall have the following representation:

(1) *Center.* There shall be a coconut tree centered in a representation of the main gateway to Nan Dowas of the ruins of Nan Madol. There shall be a half coconut shell on a sea below the coconut tree and the gateway.

(2) *Supporters.* The center shall be supported by two palm leaves partially surrounded by eleven stars.

(3) *Base.* The base shall have a scroll with the words “Official Seal” imprinted on it.

(4) *Edge.* The edge shall have the legends “Pohnpei State Seal” and “Federated States of Micronesia.”

Source: S.L. No. 2L-208-83 §1, 10/20/83; S.L. No. 6L-79-06 §2-101, 11/1/06

§6-103. Custody and use of the seal. — The Pohnpei state seal shall be kept and used by the Governor officially.

Source: S.L. No. 2L-208-83 §2, 10/20/83

§6-104. Malicious or commercial use of the seal. — Any person who maliciously uses or for commercial purposes, without written approval of the Governor, uses or allows to be used any reproduction or facsimile of the Pohnpei state seal in any manner whatsoever, is guilty of a misdemeanor.

Source: S.L. No. 2L-208-83 §3, 10/20/83

§6-105. Flag of Pohnpei. — There shall be and is hereby designated an official flag of Pohnpei, selected as the winning design pursuant to S.L. No. 3L-135-75, as amended, and as modified herein. The official flag shall consist of a circle of eleven white stars and a “kouwa” surrounded by palm leaves, centered on a field of blue. The width of the flag of Pohnpei shall bear a ratio to its length of one to one-and-nine-tenths. The design of the official flag of Pohnpei shall be as depicted on the first official flag flown by order of the Governor on the effective date of this section [November 8, 1991].

The flag may be reproduced for unofficial purposes with different dimensions, but the design thereof shall be an accurate depiction of the first flag.

Source: S.L. No. 2L-172-90 §1, 11/8/91

§6-106. Display of the flag. —

(1) The flag of Pohnpei shall be displayed in the open only from sunrise until sunset and during such hours shall be displayed only on buildings, flagstaffs or halyards;

(2) The flag of Pohnpei shall be hoisted briskly and lowered ceremoniously;

(3) When the flag of Pohnpei is flown or displayed together with other official flags, it shall be flown or displayed at approximately the same level and shall occupy the left-hand position when looking from the building or platform;

(4) When, by appropriate proclamation, other flags are flown at half-mast, the flag of Pohnpei shall likewise be flown at half-mast; and

(5) The Governor of Pohnpei shall establish rules and regulations for the half-mast display of the flag of Pohnpei upon the death of a government or traditional leader or distinguished citizen or friend of Pohnpei.

Source: S.L. No. 2L-172-90 §2, 11/8/91

§6-107. State bird. — *Trichoglossus rubiginosus*, also known as Pohnpei lorikeet and locally known as serehd, is hereby designated as the state bird for the state of Pohnpei.

Source: S.L. No. 2L-90-81 §1, 11/9/81

§6-108. State anthem: “*I Sohte Kak Moanokehla Pohnpei.*” — The composition consisting of the words and the music known as “*I Sohte Kak Moanokehla Pohnpei*” is hereby adopted and designated as the state anthem, which anthem may also be referred to as the official song of the state of Pohnpei.

Source: S.L. No. 4L-72-98 §1, 4/2/98

§6-109. Conduct during playing. — During the playing of the state anthem when the flag is displayed, all present, except those in uniforms of authority of the state, should stand at attention facing the flag in an attitude showing respect for the state that and the people whom these symbols represent. Each person in a uniform of authority of the state present during said playing of the state anthem should render and maintain the appropriate salute as prescribed by the highest uniformed officer of the state. When the flag is not displayed, those present should face toward the music and act in the same manner they would if the flag were displayed.

Source: S.L. No. 4L-72-98 §2, 4/2/98

Note: S.L. No. 4L-72-98 §3 appropriation and §4 superseding provisions have been omitted.

CHAPTER 7 HOLIDAYS

Section

7-101 Holidays designated

7-103 Observance of holidays falling on Sundays

7-102 Other holidays

and Saturdays

§7-101. Holidays designated. — The following days of each year are set apart and established as Pohnpei holidays:

- (1) January 1, known as New Year's Day;
- (2) March 31, known as Rahn en Kawoupen Tiahk kan;
- (3) September 11, known as Rahn en Mwei Mwahu;
- (4) November 8, known as Rahn en Poahsoan en Kosonned en Weipokon en Pohnpei;
- (5) December 25, known as Christmas Day;
- (6) Good Friday, being the Friday immediately before Easter Sunday; and
- (7) Any day designated by resolution of the Legislature and proclaimed by the Governor as an official Pohnpei holiday.

Source: S.L. No. 2L-14-80 §1, 9/8/80; S.L. No. 2L-210-83 §1, 10/20/83; S.L. No. 1L-37-85 §1, 10/8/85; S.L. No. 2L-2-88 §1, 3/29/88

§7-102. Other holidays. — Other holidays designated by proclamation by the President of the Federated States of Micronesia, or by act of Congress of the Federated States of Micronesia shall also be observed as official holidays in the state of Pohnpei, as applicable.

Source: S.L. No. 2L-14-80 §2, 9/8/80

§7-103. Observance of holidays falling on Sundays and Saturdays. — If any of the official Pohnpei holidays fall on Sunday, the following Monday shall be observed as a holiday. If the day falls on Saturday, the preceding Friday shall be observed as a holiday.

Source: S.L. No. 2L-14-80 §3, 9/8/80

GENERAL

CHAPTER 8 CENSUS

Section

8-101 Short title	8-106 Information as confidential
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§8-101. Short title. — This chapter is known and may be cited as the “Census Act of 1985.”

Source: S.L. No. 1L-33-85 §1, 9/19/85

§8-102. Definitions. — As used in this chapter, unless the context requires another meaning or unless it is otherwise provided:

(1) “Administrator” means the highest management official of the division designated for the administration of this chapter pursuant to Subsection (2) of this section.

(2) “Division” means the division within the Office of the Governor designated by the Governor for the administration of this chapter.

(3) “Governor” means the Governor of the state of Pohnpei.

(4) “Respondent” includes a corporation, company, association, firm, partnership, proprietorship, society, joint stock company, individual or other organization or entity which reported or is required to report, or on behalf of which information was reported, in response to a questionnaire, inquiry or other request of the Division.

Source: S.L. No. 1L-33-85 §2, 9/19/85

§8-103. Authority to conduct periodic census of population. —

(1) The Division shall periodically conduct a census of the population of the state of Pohnpei; PROVIDED that a periodic census of the population shall be conducted at intervals of no greater than ten years to determine the total population by local jurisdiction.

(2) In order to conduct a census, the Division shall have the authority to:

(a) Gather statistical and related information as to economic, social, and demographic characteristics of persons residing in the state of Pohnpei;

(b) Prepare questionnaires and determine the inquiries, and the number, form, and subdivisions thereof for conducting the census;

(c) Compile, analyze, and disseminate the data obtained in the census; and

(d) Do everything reasonably necessary and proper to carry out this chapter.

(3) The date on which the census of the population shall be taken shall be determined by the Administrator, who shall take appropriate measures to publicize that date.

(4) The tabulation of the results of the census shall be completed within four months after the census date and reported by the Administrator to the Governor.

Source: S.L. No. 1L-33-85 §3, 9/19/85

§8-104. Conduct of census. — In order to conduct a census as authorized in §8-103, the Administrator or any enumerator or census officer designated by the Administrator shall be empowered to supply a schedule to any respondent and require such respondent to supply to the best

of his knowledge all information requested in the schedule in accordance with instructions accompanying the schedule, and require that person to return the completed schedule to the Administrator or his designated agent by a specific date.

Source: S.L. No. 1L-33-85 §4, 9/19/85

§8-105. Dissemination of statistical data; restrictions on use. —

(1) Subject to the limitations set forth in §§8-106 and 8-108, the Administrator may furnish copies of tabulations and other statistical materials which do not disclose the information reported by, or on behalf of, any particular respondent, and may make special statistical compilations or surveys, for departments, offices, and agencies of the state government.

(2) In no case shall information furnished under this section be used to the detriment of any respondent or other person to whom such information related, except in the prosecution of alleged violations of this chapter.

Source: S.L. No. 1L-33-85 §5, 9/19/85

§8-106. Information as confidential. — The Administrator and any officer or employee of the Division, shall not:

(1) Use the information furnished under this chapter for any purpose other than for the purpose of conducting a census or for compiling tabulations or other statistical materials; or

(2) Make any publication whereby the data furnished by any particular establishment or individual under this chapter can be identified; or

(3) Permit anyone other than the Administrator and the sworn officers and employees of the Division to examine the individual reports.

Source: S.L. No. 1L-33-85 §6, 9/19/85

§8-107. Oath of employee. — The Administrator and every person involved in carrying out this chapter shall take and subscribe an oath to fulfill their duties in accordance with this chapter. The oath shall be taken, retained, and recorded by the State Chief Justice.

Source: S.L. No. 1L-33-85 §7, 9/19/85

§8-108. Wrongful disclosure of information. — Whoever, being or having been involved in carrying out any provision of this chapter, either temporary or permanent, or having taken and subscribed the oath set forth in §8-107, or otherwise having sworn to observe the limitations imposed by §8-106, willingly publishes or communicates any information, the disclosure of which is prohibited under §8-106, and which comes into his possession by reason of his employment or provisions of services under this chapter, shall be fined not more than \$1,000, or imprisoned not more than one year, or both such fine and imprisonment.

Source: S.L. No. 1L-33-85 §8, 9/19/85

§8-109. Refusal or neglect to answer questions; false answers. —

(1) Whoever, being over 18 years of age, refuses or willfully neglects, when requested by any authorized employee of the Division, to answer to the best of his knowledge any of the questions on any schedule submitted to him in connection with any census provided for under this chapter, applying to himself or to the family to which he belongs or is related, shall be fined not more than \$100 and subject to court order compelling him to answer the offered questions.

(2) Nothing in this section shall affect any law relating to the disclosure of any official, secret or confidential information, evidence or document. A person required by the Administrator to supply any information, to give any evidence or to produce any document shall be entitled in respect to such information, evidence or document to plead the same privilege before the administration as before a court of law.

(3) Whoever, being over 18 years of age, hinders or obstructs the Administrator or any authorized employee of the Division in the lawful service of powers under this chapter shall be fined not more than \$100.

(4) Whoever, being over 18 years of age, when requested by any authorized employee of the Division, to answer to the best of his knowledge any of the questions on any schedule submitted to him in connection with any census provided for under this chapter, applying to himself or to the family to which he belongs or is related, willfully gives any answer that is false, with intent to deceive, shall be fined not more than \$500.

(5) Notwithstanding any other provision of this chapter, no person shall be compelled to disclose information other than those information requested in the schedule supplied by the Administrator pursuant to §8-104.

Source: S.L. No. 1L-33-85 §9, 9/19/85

§8-110. Administration of chapter. — The Administrator shall be charged with the administration of this chapter, and shall perform such functions as are conferred upon him by this chapter. The Administrator shall have all such authority as may be reasonably necessary for the performance of any function of the Division or for the administration of this chapter including the authority to promulgate such rules and regulations as he deems necessary to conduct the periodic censuses of the population or to otherwise effect the administration of this chapter.

Source: S.L. No. 1L-33-85 §10, 9/19/85

Note: The former Office of Planning and Statistics has been repealed.