

**CHAPTER 6****Employment and Welfare of Seamen****SECTIONS**

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**Editor's note:** The former provisions of chapters 1 to 12 of this title were repealed in their entirety by PL 10-76 § 1 and replaced by the provisions of PL 10-76, the "National Maritime Act, 1997" codified at chapters 1 to 13 of this title.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

### **§ 601. Application of chapter.**

This chapter applies to all seamen employed on vessels registered in the Federated States of Micronesia, and to citizens and nationals of the Federated States of Micronesia employed on any foreign vessel.

**Source:** PL 10-76 § 101.

**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**Case annotations:** The Seaman's Protection Act (a predecessor statute to the National Maritime Act of 1993), originally enacted for the entire Trust Territory by the Congress of Micronesia, relates to matters that now fall within the legislative powers of the national government under art. IX, § 2 of the Constitution, and has therefore become a national law of the Federated States of Micronesia under art. XV. That being so, a claim asserting rights under the Act falls within the jurisdiction of the FSM Supreme Court under art. XI, § 6(b) of the Constitution as a case arising under national law. 19 F.S.M.C. 401-437. *Lonno v. Trust Territory (I)*, 1 FSM R. 53, 72 (Kos. 1982).

### **§ 602. Shipping Officers.**

(1) The Principal Shipping Officer shall oversee the implementation and enforcement of the provisions of this chapter relating to employment and welfare of seamen.

(2) Other Shipping Officers appointed by the Secretary shall assist the Principal Shipping Officer in matters relating to employment and welfare of seamen.

**Source:** PL 10-76 § 102.

### **§ 603. Exemption of vessels.**

The Secretary may by regulation exempt a vessel or class of vessels from any requirement of this chapter for a specified period or for one or more voyages.

**Source:** PL 10-76 § 103.

**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.

### **§ 604. Employment of seamen.**

The Secretary may promulgate regulations prescribing:

(1) the condition of employment of seamen on vessels; and

(2) that a certain proportion of the crew of a Registered Vessel be citizens of the Federated States of Micronesia.

**Source:** PL 10-76 § 104.

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

### **§ 605. Freedom of association.**

Seamen shall have the right to establish and to become members of any lawful organization.

**Source:** PL 10-76 § 105.

### **§ 606. Shipping Articles.**

(1) The owner or master of a vessel shall enter into a written employment agreement with each and every seaman employed on board, which agreement shall be called Shipping Articles.

(2) All Shipping Articles shall provide adequate protection for the interests of the seamen, shall comply with the law, and shall be approved by the Principal Shipping Officer before they are signed by the seamen.

(3) The Principal Shipping Officer shall ensure that each seaman has read the Shipping Articles or has had them read to the seaman, and that each seaman understands the terms and conditions of employment set forth in the Shipping Articles.

(4) The term of such Shipping Articles may be for one or more voyages on a particular vessel or on one or more vessels of the same owner, but such term shall not exceed a period of one year.

(5) The owner or master shall file a copy of the Shipping Articles with the Principal Shipping Officer before a vessel goes to sea.

(6) A master shall not take a vessel to sea unless each and every seaman employed on board has signed the approved Shipping Articles.

(7) A master who takes a vessel to sea without complying with the terms of this section commits a civil offense and shall be liable to a fine not exceeding \$100,000.

**Source:** PL 10-76 § 106.

### **§ 607. Seaman prohibited from waiving protection of this chapter.**

(1) The Principal Shipping Officer shall not approve the Shipping Articles if they purport to modify any rights under this chapter.

(2) Shipping Articles shall not contain a provision to waive a seaman's right to salvage unless the vessel is primarily engaged in salvage operations.

(3) The Shipping Articles shall contain a provision specifying that any vessel on which the seaman is to be employed is, and shall remain, seaworthy.

**Source:** PL 10-76 § 107.

### **§ 608. Termination of Shipping Articles.**

(1) Shipping Articles may be terminated by:

- (a) mutual consent;
- (b) the total loss or inoperability of the vessel;
- (c) deregistration or deletion of the vessel from the Register;
- (d) the lawful discharge of the seaman; or
- (e) the suspension of the seaman; PROVIDED that the termination shall be only for the term of the suspension.

(2) Shipping Articles may not be terminated at a place away from the proper return port of the seaman without the consent of the Principal Shipping Officer.

**Source:** PL 10-76 § 108.

**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.

### **§ 609. Minimum age for employment.**

(1) Persons under the age of 16 years shall not be employed on vessels engaged in foreign trade, except on school ships, training vessels, or vessels on which only members of the person's family are employed.

(2) The master of a vessel shall keep a register of all persons under the age of 18 years employed on board the vessel which shall be filed with the Principal Shipping Officer before the commencement of each voyage.

**Source:** PL 10-76 § 109.

### **§ 610. Working hours and overtime.**

(1) This section does not apply to seamen employed on fishing vessels.

(2) The normal hours of work for seamen in port and at sea shall be eight per day; PROVIDED, that Saturdays and Sundays shall be included as regular workdays.

(3) A seaman who, in any 24 hour period, works more than eight hours shall be compensated at the overtime rate of one and one-half times the rate of basic pay for any period of time worked over eight hours.

(4) The number of seamen to be employed on each vessel, to ensure safety of life at sea and to avoid excessive work burdens, shall be in accordance with the manning requirements set out in the appropriate certificate of the vessel.

**Source:** PL 10-76 § 110.

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

### **§ 611. Vacation and public holidays.**

Every master and seaman employed on a vessel other than a fishing vessel shall be entitled to vacation and public holidays as set forth in regulations promulgated by the Secretary.

**Source:** PL 10-76 § 111.

### **§ 612. Stowaways.**

- (1) A stowaway is not entitled to wages, nor to maintenance and cure as provided in this chapter.
- (2) Stowaways shall be provided with, and may be required to work for, accommodation and subsistence.
- (3) The master shall discharge stowaways at the first convenient port of call.

(4) It shall be a national offense to stowaway on a vessel or to aid and abet a stowaway, punishable by a fine not exceeding \$50,000 or imprisonment for not more than two years, or both.

**Source:** PL 10-76 § 112.

### **§ 613. Seamen's wages.**

(1) Each seaman's wages shall commence on the day specified and agreed to in the Shipping Articles or at the time the seaman reports on board the vessel for the purpose of commencing work, whichever first occurs, and shall terminate on the day of the seaman's discharge or upon expiration of the Shipping Articles.

(2) In the absence of any agreement to the contrary, the owner or master of the vessel shall pay to every seaman the seaman's wages, overtime and any unpaid leave entitlement within two days after the expiration of the Shipping Articles or at the time when the seaman is discharged, whichever first occurs.

(3) Before the seaman is discharged or the Shipping Articles expire, every master shall deliver to the seaman a full and true account in the prescribed form of the seaman's wages, including any and all deductions made therefrom.

**Source:** PL 10-76 § 113.

**§ 614. Advances and allotment of wages.**

(1) Upon request to the master a seaman is entitled to receive one-half of the seaman's wages actually earned in local currency, less allotments and previous advances of wages, payable at every intermediate port but not more than once in any ten day period. In case of failure to pay a seaman his wages on demand, the seaman shall be entitled to file a complaint with the Principal Shipping Officer who shall investigate the complaint. If the complaint is upheld, the seaman may terminate the Shipping Articles and be entitled to payment of the balance of wages, overtime and leave earned.

(2) No master shall pay any seaman's wages before they are actually earned, or pay unearned wages or make any order, note or other evidence of indebtedness against future wages to any other person.

(3) The owner, master and any seaman may agree to make an allotment of a portion of the seaman's wages payable to a spouse, children, grandchildren, parents, grandparents, brothers, or sisters, or to a bank account in the name of the seaman.

**Source:** PL 10-76 § 114.

**§ 615. Assignment of wages or salvage.**

Except for allotments, assignment of wages or salvage made prior to the accruing thereof shall not bind the seaman.

**Source:** PL 10-76 § 115.

**§ 616. Wages, personal effects and equipment exempt from attachment.**

The wages, personal effects and equipment of a seaman shall not be subject to attachment or arrest by any court.

**Source:** PL 10-76 § 116.

**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.

**§ 617. Agreements void as to loss of lien or right to wages.**

Any agreement is null and void in which a seaman purports to:

- (1) forfeit the seaman's lien upon the vessel or be deprived of any remedy for the recovery of wages to which the seaman would otherwise have been entitled;
- (2) abandon the seaman's right to wages in the case of the loss of the vessel or any right to salvage.

**Source:** PL 10-76 § 117.

**§ 618. Wages not dependent on freight earned.**

A seaman's right to wages shall not depend on the earning of freight by the vessel; PROVIDED, that nothing in this section shall be construed to prevent profit-sharing by seamen in addition to their established wages.

**Source:** PL 10-76 § 118.

**§ 619. Wages, maintenance, and benefits for sick and injured seamen.**

(1) When a seaman becomes unable to work as a result of illness or injury and is under Shipping Articles with an owner or master of a vessel, the seaman shall be entitled to:

- (a) full wages, as long as he is sick or injured and remains on board the vessel;
- (b) reasonable medical and surgical treatment and supply of proper and sufficient medicines and therapeutic appliances as are reasonably available, up to a period of 30 weeks, or until declared by a physician to have reached a maximum cure or to be incurable;
- (c) where it is necessary to put the seaman ashore:
  - (i) board and lodging of equivalent quality to that received on board the vessel up to a maximum period of 30 weeks, PROVIDED that such entitlements shall terminate prior thereto when the seaman is declared by a physician to be fit to work and return to the vessel, to have reached maximum cure, or to be incurable; and
  - (ii) one-third of his base wages during any portion of such period subsequent to his landing from the vessel but not to exceed a maximum period of sixteen weeks commencing from the day of injury or commencement of the sickness;
- (d) repatriation to the seaman's proper return port including all expenses for transportation, accommodation, and food;
- (e) other benefits as listed in the disability schedule set forth in regulations promulgated by the Secretary.

(2) The seaman shall not be entitled to any of the benefits of this section:

- (a) if such illness or injury resulted from the seaman's intentional act or failure to act, or misconduct;



(b) if such illness or injury developed from a condition which the seaman intentionally concealed from the owner or master at or during the seaman's engagement under the Shipping Articles;

(c) if the seaman refuses or fails to avail himself of medical treatment for such illness or injury or is denied such treatment because of misconduct or default;

(d) if, at the time of the seaman's engagement, he refused to be medically examined when requested by the owner or master.

(3) The seaman shall have a maritime lien against the vessel for any wages due the seaman under this section.

(4) The master shall take adequate measures for safeguarding property left on board by a sick, injured, or deceased seaman and shall deliver all property of a deceased seaman to a Shipping Officer.

**Source:** PL 10-76 § 119; PL No. 10-137, § 6.

### **§ 620. Death of seaman on board a vessel or on shore.**

If a seaman who is under Shipping Articles dies on board the vessel or on shore, the employer shall:

- (1) forthwith return the seaman's remains to the seaman's proper return port;
- (2) defray reasonable local burial expenses;
- (3) be liable for and pay the base wages of the deceased seaman through the end of the month in which the death occurs;
- (4) pay the wages, maintenance and benefits due the seaman to his estate; and
- (5) pay the death benefit in the amount listed in the payment schedule set forth in regulations promulgated by the Secretary.

**Source:** PL 10-76 § 120.

**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.

### **§ 621. Procedures in respect of death on board a vessel.**

(1) In the event of a death on board a vessel, the master shall make an entry in the official logbook witnessed by an officer.

(2) The logbook entry shall contain the deceased's full name, gender, citizenship, date and place of birth, cause of death, place of death (latitude, longitude), date and time of death, place of address, and the names of next-of-kin, if known.

(3) If the deceased person is a seaman, the entry shall also contain the seaman's rank or rating and the number and date of issuance of the seaman's certificate.

(4) The master shall report the death to the appropriate authorities at the next port of arrival.

(5) Where an attending physician is aboard the vessel when a death occurs the physician shall also complete a written report on the cause of death.

(6) The master shall forthwith submit to the Principal Shipping Officer a signed statement containing all relevant information and copies of entries, reports and documents produced, attaching a list of personal effects and amounts of money left on board the vessel, and an account of wages for deceased seamen.

**Source:** PL 10-76 § 121.

### **§ 622. Exclusiveness of remedy.**

(1) If a seaman sustains a disabling injury or illness while employed on board a vessel, he shall be entitled to recover from his employer the compensation and benefits set forth in this chapter.

(2) The right to recover such benefits and compensation shall exclude all other liability of the employer to the seaman, his spouse, next of kin, dependents, legal representative, or anyone else who would otherwise be entitled to recover damages from the employer on account of the disabling injury, illness, or death.

(3) This section shall not apply if the employer has failed to provide the seaman with the benefits and compensation to which he is entitled under this chapter.

**Source:** PL 10-76 § 122.

### **§ 623. Liability of persons other than the employer.**

(1) When a seaman sustains a work-related injury, illness or death for which benefits and compensation are payable pursuant to this chapter under circumstances creating in some person other than the employer a legal liability to pay damages on account thereof, the seaman or the seaman's estate may bring an action to recover damages from such third person.

(2) If the seaman or the seaman's estate commences an action as provided for in subsection (1) of this section, the seaman's employer shall be served with a copy of the complaint by personal service or registered mail without delay and may join the action as a party plaintiff at any time before commencement of trial.

(3) If the seaman or the seaman's estate recovers damages in a suit against a third person brought under subsection (1) of this section, the employer is entitled to reimbursement of the benefits or compensation paid to the seaman under this chapter up to the amount of the damages recovered by the seaman against the third person.

(4) If an action has not been brought against a third person by the seaman or his estate within one year after the date of the work-related injury, illness or death for which benefits and compensation are payable under this chapter, the employer shall be subrogated to the rights of the seaman or his estate, and may bring an action against such third person. The seaman or his estate may at any time commence an action or join in any action commenced by the

employer against such third person.

(5) No release or settlement of any claim or action under this section is valid without the written consent of the employer and the seaman or the seaman's estate. Any settlement payment or judgment obtained from a third person is subject to the employer's right of reimbursement of compensation payments made under this chapter.

**Source:** PL 10-76 § 123.

#### **§ 624. Wrongful death of seamen.**

Whenever the death of a seaman is caused by gross negligence, misconduct, or intentional act, notwithstanding section 623 of this chapter, the personal representative of the deceased seaman may bring an action for wrongful death, for the benefit of the deceased's spouse, parent, child, or dependent relative, against the vessel, owner, employer, master, or any other party which would have been liable had death not occurred.

**Source:** PL 10-76 § 124, modified.

**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.

#### **§ 625. Wages after wreck or loss of vessel.**

A seaman whose employment is terminated because a vessel is wrecked, lost or unable to proceed is entitled to wages for 30 days after the employment is terminated.

**Source:** PL 10-76 § 125.

#### **§ 626. Repatriation.**

(1) Any seaman who is put ashore at a port other than the proper return port, for reasons for which the seaman is not responsible, shall be returned at no expense to the seaman to:

(a) the proper return port; or

(b) another port, agreed to between the seaman and the owner or master, if the seaman does not wish to return to the proper return port.

(2) Any seaman whose period of employment is not terminated shall continue to receive wages and benefits until the seaman has arrived at the proper return port.

(3) Any seaman whose period of employment is terminated by reason of completion of the voyage for which the seaman was engaged or by expiration of the Shipping Articles or other employment contract, shall be entitled to

repatriation, at no expense to the seaman to:

- (a) the proper return port; or
- (b) another port, agreed to between the seaman and the owner or master.

(4) The seaman shall lose his right to repatriation if within one week from the time the seaman is in a condition to be repatriated:

- (a) he fails to comply with any arrangement made for his repatriation; or
- (b) he refuses to be repatriated.

(5) A seaman shall forfeit the right of repatriation under the seaman's Shipping Articles if the seaman enters into a new employment agreement or Shipping Articles with:

- (a) the same owner after his discharge; or
- (b) a new owner within one week after his discharge.

(6) A seaman shall forfeit the seaman's right of repatriation if the seaman commits any national offense or civil offense under this chapter.

**Source:** PL 10-76 § 126, modified.

**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.

### **§ 627. Abandonment of seamen.**

(1) No master or person in charge of a vessel in any foreign port or place may, without justifiable cause, refuse to bring any seaman to the seaman's proper return port if the seaman is physically able to proceed when the master is ready to proceed.

(2) An abandoned seaman shall retain his right to repatriation.

**Source:** PL 10-76 § 127.

### **§ 628. Seaman left behind.**

A master shall notify a Shipping Officer by the quickest possible means as soon as it is learned that a seaman has been or must be left behind somewhere other than the seaman's proper return port.

**Source:** PL 10-76 § 128.

**§ 629. Grounds for discharge.**

The master may discharge a seaman for justifiable cause, including any of the following grounds:

- (1) unjustified failure to report on board at such times and dates as may be specified by the master;
- (2) incompetence to perform duties for which the seaman has represented himself as qualified;
- (3) theft, embezzlement, or willful destruction of any part of the vessel, its cargo, or stores;
- (4) serious insubordination, willful disobedience or willful refusal to perform assigned duties;
- (5) mutiny or desertion;
- (6) habitual intoxication, quarreling, or fighting;
- (7) possession of dangerous weapons, narcotics, prohibited drugs, other illicit substances or contraband articles;
- (8) smuggling;
- (9) intentional concealment of a condition which resulted in illness or injury;
- (10) assistance to stowaways; or
- (11) violation of the laws of the Federated States of Micronesia.

**Source:** PL 10-76 § 129.

**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.

**§ 630. Compensation for unjustifiable discharge before completing one month of employment.**

Any seaman who has signed Shipping Articles and is unjustifiably discharged before the commencement of the voyage or before one month's wages are earned, shall be entitled to receive in addition to wages already earned, compensation amounting to one month's wages.

**Source:** PL 10-76 § 130.

**§ 631. Offenses against the internal order of the vessel.**

(1) Any seaman on a vessel who does any of the following acts commits an offense against the internal order of the vessel and may, in addition to any criminal penalties provided under this title, incur civil penalties as follows:

- (a) forfeiture of up to two days' wages for any of the following offenses:
  - (i) failure, without reasonable cause, to join the vessel or to proceed to sea;
  - (ii) absence without leave at any time within 24 hours of the vessel's sailing from any port;
  - (iii) absence from the vessel at any time, without permission or justifiable cause;
  - (iv) absence from the seaman's duty station when assigned to keep watch;
- (b) forfeiture of up to four days' wages and physical restraint for any of the following offenses:
  - (i) intoxication from alcohol or drugs while the vessel is at sea;
  - (ii) willful disobedience to any lawful command;
- (c) forfeiture of up to six days' wages for every 24 hours continuation of the behavior and physical restraint until cessation of the behavior which forms the basis of the offense, for any of the following offenses:
  - (i) intoxication from alcohol or drugs which impairs ability to perform duties;
  - (ii) willful disobedience to any lawful command;
  - (iii) willful neglect of duty;
- (d) forfeiture of up to 12 days' wages for any of the following offenses:
  - (i) willfully damaging the vessel;
  - (ii) embezzling ship's funds or property, or wrongfully converting, or willfully damaging any part of the stores or cargo, whether on board the vessel, in boats, or ashore;
  - (iii) for any act of smuggling;
- (e) forfeiture of up to 90 days wages for any of the following offenses:
  - (i) assaulting any master, pilot, or officer;
  - (ii) mutiny or desertion.

(2) All wages forfeited as a result of penalties imposed by the master pursuant to this section shall be subject to review by the Principal Shipping Officer, and shall not be unreasonable under the prevailing circumstances. Forfeited wages shall first be applied to reimburse the master or owner for any loss or damage resulting from the act for which the forfeiture was imposed. Any remaining balance shall be transferred to the Principal Shipping Officer for deposit into a charitable fund for the benefit of seamen and their families. A full accounting of forfeited wages shall be provided by the master to the Principal Shipping Officer within 30 days.

**Source:** PL 10-76 § 131.

### **§ 632. Endangering vessel, cargo, or persons aboard.**

It shall be a national offense, punishable by a fine not exceeding \$500,000 or imprisonment for not more than

two years, or both, for a seaman or other person on any vessel to knowingly or while under the influence of alcohol or drugs to:

- (1) commit any act which causes or could cause the immediate loss or destruction of, or serious damage to, the vessel or its cargo;
- (2) commit any act which endangers or could endanger life or body or the life or body of any person belonging to or on board such vessel;
- (3) refuse or omit to do any lawful act which is necessary for the preservation of the vessel or the cargo from immediate loss, destruction, or serious damage; or
- (4) refuse or omit to do any lawful act which is necessary to protect any person on such vessel from immediate danger to life or body.

**Source:** PL 10-76 § 132.

**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.

### **§ 633. Desertion.**

- (1) Any seaman who leaves a vessel before the expiration of the seaman's Shipping Articles, and without permission, or intentionally fails to return to the vessel before its scheduled sailing time commits the national offense of desertion, punishable by a fine not exceeding \$10,000 or imprisonment for not more than one year, or both.
- (2) The master shall make an entry of all desertions in the Official Logbook and file a report thereof with the Principal Shipping Officer. The master shall notify the local authorities of the port or place of desertion and request assistance in the apprehension and return of the seaman to the vessel.

**Source:** PL 10-76 § 133.

### **§ 634. Mutiny; incitement to mutiny.**

- (1) It shall be a national offense, punishable by a fine not exceeding \$50,000 or imprisonment for not more than ten years, or both, for a seaman other than the master of a vessel to:
  - (a) unlawfully and with force, or by fraud or intimidation, usurp command of the vessel from the master or other lawful officer in command;
  - (b) deprive the master or a lawful officer in command of authority and command on board the vessel;
  - (c) resist or prevent the master or a lawful officer in command in the free and lawful exercise of his authority and command;
  - (d) transfer the authority and command of the master to another not lawfully entitled thereto; or

(e) physically restrain or confine the master without the master's consent.

(2) Any seaman other than the master who conspires with, solicits, or incites another to do any of the acts set forth in subsection (1) of this section, commits a national offense, punishable by a fine not exceeding \$50,000 or imprisonment for not more than ten years, or both.

**Source:** PL 10-76 § 134.

**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.

### **§ 635. Riot.**

It shall be a national offense, punishable by a fine not exceeding \$50,000 or imprisonment for not more than five years, or both, for a seaman other than the master of a vessel to assemble with others in a tumultuous and mutinous manner while on the vessel.

**Source:** PL 10-76 § 135.

### **§ 636. Entry in Official Logbook.**

(1) Every Registered Vessel shall carry an Official Logbook, Deck Logbook, Engine Logbook, and Oil Record Book; PROVIDED that the Principal Surveyor may waive this requirement for certain classes of vessels.

(2) The master of a Registered Vessel shall enter in the Official Log Book all events relating to the operation of the vessel and affairs of the crew as prescribed in regulations.

(3) The master of a Registered Vessel shall cause to be kept and accurately maintained a Deck Logbook, Engine Logbook, and Oil Record Book.

(4) Upon the commission of any offense, the master shall enter the offense in the Official Logbook, together with any penalty or forfeiture of pay imposed, on the day on which the offense was committed. The entry shall be signed by the master and witnessed by the mate or one of the crew.

(5) The offender, if still on the vessel, shall immediately be provided with a copy of the entry and have it read to him. The offender may make any reply he or she thinks fit which shall be recorded in the Official Logbook.

(6) The master shall record in the Official Logbook that the requirements of this section have been met.

**Source:** PL 10-76 § 136.

**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.

### **§ 637. Disciplinary Reports.**

(1) Where a disciplinary offense has occurred on board a vessel, the master, upon reaching a port in the Federated States of Micronesia, shall make a Disciplinary Report to the Principal Shipping Officer of all findings of disciplinary offenses or discharges for justifiable cause since the last report. The Disciplinary Report shall include the text of the Official Logbook entry, including the seaman's reply, if any, and any other relevant facts and documents.

(2) The Principal Shipping Officer shall notify the seaman by personal service or registered mail sent to the seaman's last known address, of the seaman's right to file a written explanation or defense.

**Source:** PL 10-76 § 137.

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

### **§ 638. Principal Shipping Officer's review of disciplinary action.**

(1) The Principal Shipping Officer shall conduct a review of each Disciplinary Report and the seaman's explanation, if any, filed under section 637 and within 15 days of the completion of the review, make written findings as to whether or not any sanctions taken against the seaman, including discharge, forfeiture of wages or other penalties, were justified in the circumstances. The written findings of the Principal Shipping Officer shall be kept on file at the Department together with the Disciplinary Report, the seaman's reply, if any, and all other relevant documents.

(2) The Principal Shipping Officer shall notify the master and the seaman of his or her findings under subsection (1) of this section, by personal service or by registered mail.

(3) If the Principal Shipping Officer finds that any monetary sanctions imposed against the seaman were unjustified, the owner or master shall be required to reimburse the seaman immediately for all amounts paid or forfeited.

(4) The master and the seaman shall have the right to challenge the findings of the Principal Shipping Officer in accordance with procedures set forth in title 17 of this code.

**Source:** PL 10-76 § 138.

**Cross-reference:** The statutory provisions on Administrative Procedures are found in title 17 of this code.

### **§ 639. Corporal punishment prohibited.**

(1) Flogging and all other forms of corporal punishment are prohibited on board any vessel.

(2) Violation of this section is a national offense, punishable by a fine not exceeding \$100,000 or imprisonment for not more than one year, or both.

**Source:** PL 10-76 § 139.

#### **§ 640. Crew accommodations, provisions and supplies.**

The owner or master shall not permit a vessel to go to sea if the owner or master knows or should have known that the vessel does not conform to regulations regarding:

- (1) crew accommodations;
- (2) provisions; and
- (3) medical supplies and medical personnel.

**Source:** PL 10-76 § 140.

**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.

#### **§ 641. Crew lists.**

The owner shall keep a crew list of each vessel in a safe place onshore, and the master shall carry a copy on the vessel.

**Source:** PL 10-76 § 141.

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

#### **§ 642. Approval of employment on foreign vessels.**

No person shall employ a citizen or a national of the Federated States of Micronesia as a seaman on a foreign vessel that is bound for a foreign port, without the written approval of the Principal Shipping Officer, whose approval shall be given if the requirements are met.

**Source:** PL 10-76 § 142.

**§ 643. Master's lien.**

A master shall have a maritime lien for all disbursements or liabilities properly made or incurred by the master on account of the vessel.

**Source:** PL 10-76 § 143.

**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.