

TITLE 38.
POSTAL SERVICE

CHAPTER 1.

MARSHALL ISLANDS POSTAL SERVICE

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An Act to establish a Marshall Islands Postal Service, and for related matters, and to provide for the implementation of certain Postal Agreements. [Section numbering style modified to conform to format of the Code (Rev2003)][“Controller of Postal Service” replaced by “Postmaster General” - P.L. 2006-57.]

Commencement:	October 7, 1983
Source:	P. L. 1983-32
	P. L. 1985-3
	P. L. 2006-57
	P. L. 2007- 85

PART I - PRELIMINARY

§101. Short title.

This Chapter may be cited as the “Postal Service Act 1983”. [P.L. 1983-32, §1.]

§102. Interpretation.

In this Chapter :

- (a) “ Postmaster General” means the Postmaster Generals provided for by appointment under Section 108(1) of this Chapter ;
 - (b) “letter” includes a postcard, aerogram, air letter or letter card;
 - (c) “mail bag” includes any form of container or covering in which postal articles in the course of transmission by post are conveyed, whether or not it contains any such article;
 - (d) “Minister” means the Minister appointed by the President to be responsible for functions of the Minister, as specified under this Chapter ;
 - (e) “postal article” includes a letter, packet or parcel, and any other transmissible by mail, and includes a telegram being carried by mail;
 - (f) “postal authority” includes any duly constituted postal authority by the Universal Postal Union;
 - (g) “postal officer” includes the Postmaster General and any person employed in the operation of the Postal Service;
 - (h) “postmaster” means the officer in charge of a post office;
 - (i) “ post office” includes:
 - (i) any place where postal articles are received, sorted or delivered;
 - (ii) any place used for postal purposes; and
 - (iii) any official mailbox or other receptacle provided by or with the approval of the Postmaster General for the reception of postal articles for transmission by mail:
 - (j) “the President” means the President of the Republic of the Marshall Islands;
 - (k) “the Authority” means the Marshall Islands Postal Service Authority established under Section 104 of this Chapter :
 - (l) “the Fund” means the Marshall Islands Postal Service Authority Fund established under the Postal Service Fund (Amendment) Act, 2007.
- (2) For the purposes of this Chapter :
- (a) a postal article shall be deemed to be in the course of transmission by mail from

the time when it is delivered to a post office to the time when it is delivered to the person to whom it is addressed;

(b) the delivery of a postal article of any description to a mailman or other person authorized to receive postal articles of that description for the mail shall be deemed to be a delivery to a post office; and

(c) the delivery of a postal article to the person to whom it is addressed, to his agent or servant, or other person with apparent authority to receive it, at his house or office, or into his private box or mailbox, according to the usual manner of delivery of his mail, shall be deemed to be delivery to the person to whom it is addressed. [P.L. 1983-32, §2.][Subsection (1) amended by P.L. 2007-85.]

§103. References to Postal Agreements, etc.

The inclusion in any provision of this Chapter of any reference to

(a) the effect of Section 142 of this Chapter ;

(b) any Postal Agreement referred to in that Section;

(c) any treaty, convention, law, regulation or procedure referred to in Section 142(2) of this Chapter ; or

(d) any regulations made for the purpose of Section 140(3) of this Chapter , does not imply that Section, or as the case may be, does not apply in relation to other provisions of this Chapter , and Section 142 of this Chapter shall be taken as governing. [P.L. 1983-32, §3.]

PART II- ADMINISTRATION

§104. Administration of this Act.

(1) The Marshall Islands Postal Services Authority is hereby established.

(2) The Authority:

(a) shall be a body corporate with perpetual succession a common seal;

(b) may enter into contracts and may sue or be sued in its own name;

(c) may acquire, hold, manage, charge and dispose of real, personal and mixed property;

(d) for the purposes of executing its functions, shall have all the powers, duties and responsibilities of a corporation.

(3) Article VII of the Constitution shall not apply to or in relation to the Authority.

[P.L. 1983-32, §4.][Amended by P.L. 2007-85.]

§105. Board of Directors.

(1) Subject to this Chapter , and to the articles of incorporation and bylaws adopted by the Authority, the Authority shall be controlled and managed by a Board of Directors.

(2) The Board may exercise and perform all powers and functions of the Authority under this Chapter .

(3) The Board shall consist of five (05) members. The Chairman and the four (04) other members of the Board shall be appointed by the Cabinet.

(4) The term of office for all Board members, not including the Chairman, shall be two years. The term of office for the Chairman shall be three years. The Cabinet may renew the term of office for each member, including the Chairman, for any number of terms.

(5) The Postmaster General appointed under Section 106B(1), shall be a member ex officio and shall serve as the Secretary of the Board.

(6) Upon the expiration of the term of an appointed member, his or her rights and powers of membership shall lapse and the Postmaster General shall declare the vacancy and notify the Cabinet in writing of such vacancy. Vacancies occurring before the expiration of a member's term shall be filled in the same manner as the original appointment for the remainder of the term of the vacancy.

(7) Notwithstanding Subsection (3), the Cabinet may remove any member appointed under Subsection (1), and appoint a replacement member. [P.L. 1983-32, §5.][Amended by P.L. 2006-57][Amended by P.L. 2007-85.]

§106. Meetings of the Board.

(1) The Board shall meet at such times and places in the Republic as may be designated by the Chairman, provided that the Board shall meet at least once every quarter.

(2) The quorum for a meeting of the Board shall be three (03) members.

(3) The Board shall adopt its own rules of procedure and regulations for transactions of business and for carrying out the purposes of this Chapter .

(4) The Board may act notwithstanding any vacancy in membership, provided that there is a quorum in accordance with Subsection (2). [P.L. 1983-32, §6; amended by P.L. 1985-3, §2, renumbering Subsections (3)-(8).][Amended by P.L. 2006-57.][Amended by P.L. 2007-85.]

§106A. Independence of the Board.

The Board is to function as an independent entity. The Cabinet may, in writing, issue directions to the Board with respect to policy matters, but shall not be involved with the day-to-day workings of the Board. [New section added by P.L. 2007-85.]

§106B. Appointment of Postmaster General and Staff.

(1) Subject to any direction by the Cabinet, the Authority shall employ a full-time Postmaster General of Postal Service, who shall possess such qualifications as may be established by the Authority, and who shall be responsible for the management and administration of the Authority.

(2) The Postmaster General may act for and on behalf of the Authority, subject to any direction given by the Board.

(3) The Authority may employ a Deputy Postmaster General, who shall be appointed in consultation with the Postmaster General.

(4) Except as provided in Subsection (3), the Authority may delegate to the Postmaster General the power to employ such other employees, consultants and advisers as he or she may deem necessary. Any person employed under this Section shall be employed on such terms and conditions approved by the Board and shall be exempt from Article VII of the Constitution. [New section added by P.L. 2007-85.]

§106C. Annual Report.

The responsible Minister, through the Cabinet, shall report to the Nitijela on the Authority's activities and planned programs on an annual basis, and may provide additional reports and information from time to time. [New section added by P.L. 2007-85.]

§106D. Functions of the Authority.

- (1) Unless otherwise provided in this Title, the Authority shall have the following functions.
 - (a) developing and establishing procedures for the provisions of an effective and efficient postal service for the Republic;
 - (b) developing strategic plans for the long term management and operation of the postal service in the Republic;
 - (c) employ and train staff members who will contribute effectively to the provision of an efficient postal service in the Republic;
 - (d) perform such other duties and functions as may necessary to carry out the purposes and provisions of this Chapter . [New section added by P.L. 2007-85.]

§106E. Compensation.

- (1) Members of the Board shall be compensated at such rate as may be set by the decision of the Authority when actually on the business of the Authority.
- (2) All members of the Board shall receive per diem and travel expenses at established Government rates while on the business of the Authority.
- (3) The Postmaster General shall receive remuneration for his or her services, the amount of which shall be fixed by the Authority. [New section added by P.L. 2007-85.]

§106F. Vesting of real, personal and mixed property.

As of the effective date of this Chapter , all real, personal and mixed property of the Marshall Islands Postal Service, including without limitation all monies lying in the Postal Service Fund created under Section 202 of the Postal Service Act, 1985, vest absolutely in the Authority; and all assets and liabilities, rights, duties, obligations and all contracts and agreements of the Republic relating to the Postal Service as of the effective date of this Chapter shall stand, and shall be transferred and vested in the Authority. [New section added by P.L. 2007-85.]

§106G. Funding and authorized investments.

- (1) Revenue of the Authority shall not be treated as revenue of the Government for the purposes of Article VIII of the Constitution.
- (2) The Authority shall, at the discretion of the Board, invest any of its monies in excess of the amount necessary for meeting the immediate requirements of the Authority, to ensure the greatest return commensurate with sound financial policies.
- (3) Funding for the administration of the Authority shall be provided under and in accordance with the Postal Service Fund Act, 1985 and may be expended for the purposes set out under that Act and pursuant to procedures adopted by the Board. [New section added by P.L. 2007-85.]

PART III - GENERAL PROVISIONS

§107. Exclusive privilege over the mail.

(1) Subject to Subsection (2) of this Section and to Section 142 of this Chapter , the Government of the Marshall Islands, acting through the Postal Service, has the exclusive privilege of receiving, carrying and delivering letters and postal articles within the Republic.

(2) Subsection (1) of this Section does not apply to:

- (a) a letter carried for delivery to a post office in the Republic;
- (b) a letter carried by a person on a journey undertaken by him otherwise than for the delivery of that letter or any other letter, and without hire, reward or other profit or advantage for so doing;
- (c) a letter solely concerning the affairs of the sender or receiver, sent by a messenger for that purpose;
- (d) subject to Subsection (3) of this Section, a letter solely concerning goods sent by sea, land or air, to be delivered with the goods to which the letter relates;
- (e) a letter carried by a servant of the sender or receiver, or by a special messenger employed by him; or
- (f) a letter sent on the service of the Republic.

(3) A letter referred to in Subsection (2)(d) of this Section must be opened to inspection and shall have prominently displayed on it the words “Consignee’s Letter”, or words to the same effect.

(4) Except in accordance with Subsection (2) of this Section or with an agreement or arrangement made by the Minister under this Chapter , or a Postal Agreement referred to in Section 142 of this Chapter , none of the following persons, in their capacities as such, shall receive, carry or deliver any letter:

- (a) A common carrier, or the servant or agent of a common carrier, except for a letter concerning goods in his vessel, vehicle or aircraft.
- (b) The owner or master of a vessel, vehicle or aircraft, or the servant or agent of the owner or master, except for a letter of the owner of the vessel, vehicle or aircraft or of goods on board the vessel, vehicle or aircraft.
- (c) Passengers or other persons on a vessel, vehicle or aircraft.
- (d) A postal officer, except for a letter in the course of transmission by mail. [P.L. 1983-32, §7.]

§108. General powers of the Postmaster General

(1) While a Postal Agreement referred to in Section 142 of this Chapter is in effect, the powers of the Postmaster General under this Section are subject to:

- (a) the provisions of that Agreement;
- (b) the provisions of any treaty, convention, law, regulation or procedure referred to in Section 142(2) of this Chapter ; and
- (c) any regulation made for the purposes of Section 140(3) of this Chapter .

(2) Subject to this Chapter the Postmaster General, in consultation with the Board, may make such arrangements as he or she thinks proper for the operation and development of postal services within the Republic, and in particular may implement the provisions of any convention or agreement of the Universal Postal Union not in conflict with the provisions of this Chapter or of the regulations made under Section 140 of this Chapter .

(3) The Postmaster General, subject to the approval of the Board, may establish post offices

at such places as he or she thinks proper, and may close any such post office. [Amended by P.L. 2007-85.]

§109. Overseas mail.

(1) The transmission of postal articles addressed to or received from any place outside the Republic is subject to the provisions of any convention or agreement (including a Postal Agreement referred to in Section 142 of this Chapter) in regard to the transmission of such articles through the mails to which the Republic is a party or which is binding on the Republic.

(2) Without limiting the generality of Subsection (1) of this Section, but subject to Section 142 of this Chapter , as long as the Republic is a party to or is bound by the Postal Parcels Agreement of the Universal Postal Union, the transmission of postal articles between the Republic and any place outside the Republic shall be in accordance with that Agreement.

(3) If any postal article is mailed or sent by mail in contravention of this Chapter , any regulations made under Section 140 of this Chapter , or any convention or agreement (including a Postal Agreement referred to in Section 142 of this Chapter) to which the Republic is a party or which is binding on the Republic, transmission or carriage of the article may be refused and the article may, if necessary, be detained and opened by a postal officer.

(4) In a case to which Subsection (3) of this Section applies, the postal article may be:

(a) subject to the provisions of any convention, agreement or regulations as to additional postage or other charges, returned to the sender or forwarded to its destination; or

(b) destroyed or otherwise disposed of as the Postmaster General directs.

P.L. 1983-32, §9.

PART IV - STAMPS AND POSTAGE CHARGES

§110. Postage stamps.

(1)The Postmaster General may:

(a) cause to be issued postage stamps of such kinds and denominations as he considers necessary for the purposes of this Chapter ;

(b) declare that any postage stamps issued under Paragraph (a) of this Subsection shall cease to be valid for the purposes of this Chapter ; and

(c) from time to time, cause notice of stamps on issue and stamps invalidated to be published in the Government Gazette and in a newspaper of general circulation in the Republic. [P.L. 1983-32, §10.][P.L. 2006-57.][Amended by P.L. 2007-85.]

§111. Rates of postage.

(1) Subject to this Chapter and to the regulations made under Section 140 of this Chapter , there shall be paid on each postal article for transmission by mail such postage and other charges as are prescribed by these regulations.

(2) Subject to Subsection (3) of this Section, the postage and other charges shall be prepaid by means of valid postage stamps issued under this Chapter , not previously used, obliterated or defaced.

(3) With the approval of the Postmaster General, postage may be paid at the time of mailing. [P.L. 1983-32, §11.]

§112. Under-stamped postal articles.

(1) If the full amount of postage and other charges due on a postal article is not paid in accordance with Section 111 of this Chapter , there is payable at the time of delivery the deficiency of postage and charges together with such fee as is prescribed for the purpose by the regulations made under Section 140 of this Chapter .

(2) The person to whom a postal article on which any postage, charge or fee is due (whether under Subsection (1) of this Section or imposed by another postal authority) is tendered for delivery shall pay, on his acceptance of delivery, the amount due.

(3) If a person refuses to pay any postage, charge or fee due on a postal article for delivery to him, the Postmaster General or a postmaster may withhold the article (unless it is an article sent on the service of the Republic) until it is paid. [P.L. 1983-32, §12.]

PART V - REGISTRATION AND COMPENSATION

§113. Registration.

The sender of a postal article may, upon payment of the registration fee prescribed by the regulations made under Section 140 of this Chapter , have the package registered by, and obtain a receipt for it from, a postmaster. [P.L. 1983-32, §13.]

§114. Compensation for loss or damage.

(1) The Postmaster General may pay compensation for the loss, while in custody of the Postal Service, of a registered postal article, subject to any applicable monetary limitations and other conditions prescribed by the Universal Postal Union.

(2) Subject to Section 142 of this Chapter , the Postmaster General may pay compensation for the loss of, or for damage to the following, in accordance with the provisions of the Parcels Post Agreement of the Universal Postal Union:

- (a) a postal article accepted for transmission by mail to or from the Republic; or
- (b) the whole or part of the contents of any such article.

(3) Compensation is not payable if:

- (a) the loss or damage was due to causes outside the control of the Postal Service and could not be avoided by the exercise of due care; or
- (b) the loss or damage arose wholly or in part through the fault of the sender or receiver. [P.L. 1983-32, §14.]

§115. Insurance of postal articles.

The Postmaster General may provide for the insurance of postal articles subject to such terms and conditions as are prescribed by the regulations made under Section 140 of this Chapter , and may enter into an agreement with another postal authority for the reciprocal exchange of insured postal articles. [P.L. 1983-32, §15.] [Amended by P.L. 2007-85.]

PART VI- MONEY ORDERS

§116. Provisions for money orders.

(1) Subject to Section 142 of this Chapter , the regulations made under Section 140 of this

Chapter may provide for the remittance of sums of money through the postal and telegraphic services.

(2) Subject to Section 142 of this Chapter , the Postmaster General may from time to time determine at what post office money orders may be issued and paid. [P.L. 1983-32, §16.] [Amended by P.L. 2007-85.]

§117. Exemption from liability with respect to money orders.

Subject to Section 142 of this Chapter , the Republic is not liable for any loss caused by either of the following and no postal officer is liable for any such loss unless he caused it fraudulently:

- (a) anything done in accordance with any regulations made under Section 140 of this Chapter for the purposes of this Part;
- (b) the payment of a money order;
- (c) any delay in the payment of a money order; or
- (d) any other irregularity in connection with a money order. [P.L. 1983-32, §17.]

PART VII- CARRIAGE OF MAIL

§118. Mail contracts.

(1) Subject to Section 142 of this Chapter , the Minister may, on behalf of the Republic, enter into contracts for the conveyance by sea or air of postal articles to or from the Republic.

(2) Subject to Section 142 of this Chapter , the Minister may, on behalf of the Republic, enter into contracts for the carriage of postal articles by land, sea or air within the Republic, or for any other public service performed with respect to the carriage of mail. [P.L. 1983-32, §18.]

§119. Carriage of overseas mail.

(1) The master of a vessel or aircraft that is about to depart from a port or airport in the Republic for a place outside the Republic, if so required by a postal officer, or any other person authorized for the purpose by the Postmaster General, shall receive mailbags on board the vessel or aircraft, and:

- (a) give a receipt for them if so required by the person delivering them to the vessel or aircraft;
- (b) carefully deposit and keep them in a secure and dry place on board the vessel or aircraft; and
- (c) carry them on the then-intended voyage or flight.

(2) Subject to Section 142 of this Chapter , the master of a vessel or aircraft receiving postal articles under Subsection (1) of this Section is entitled to payment for the carriage of them at the rate prescribed by the Universal Postal Union. [P.L. 1983-32, §19.]

§120. Delivery of mailbags from overseas to postmaster, etc.

Any mailbags which, at the time of the arrival of a vessel or aircraft at any place in the Republic from any place outside the Republic, are on board the aforesaid vessel or aircraft and are addressed to that place in the Republic shall be delivered to the postmaster, a customs officer at that place, or to some other person authorized for the purpose by the Postmaster General. [P.L. 1983-32, §20.]

§121. Carriage of internal mail.

(1) The Postmaster General may require the master of any vessel or aircraft operating within the Republic, or the owner or driver of any vehicle carrying passengers or goods for hire or reward, to receive, carry and deliver postal articles at the places at which he calls.

(2) The compensation for any services rendered by a person under Subsection (1) of this Section shall be determined by agreement between the Postmaster General and that person, or in default of agreement by the Minister. [P.L. 1983-32, §21.]

PART VIII- PROHIBITED ARTICLES**§122. Dangerous articles.**

No person shall send by mail the following articles except upon such conditions as are prescribed by the regulations made under Section 140 of this Chapter :

- (a) any explosive, inflammable, filthy, noxious or deleterious substance;
- (b) any sharp instrument not properly protected; or
- (c) any article or thing which is likely to cause injury or damage to any person or to other postal articles in the course of transmission by mail. [P.L. 1983-32, §22.]

§123. Controlled substances.

No person shall send by mail any narcotic drugs within the meaning of the Narcotic Drugs (Prohibition and Control) Act 1987, except as permitted by that law and any other applicable law, and by any regulations made under Section 140 of this Chapter . [P.L. 1983-32, §23.]

§124. Other prohibited articles.

No person shall send by mail:

- (a) any indecent, obscene or seditious publication or article;
- (b) any postal article having on it or on its cover any words, pictures, marks or designs of an indecent, obscene, seditious or grossly offensive character;
- (c) any postal article relating to a fraudulent or immoral business; or
- (d) any postal article that is, or that contains an article or thing that is, prohibited by any other law of the Republic or of the country to which the postal article is addressed. [P.L. 1983-32, §24.]

§125. Dealing with prohibited articles.

If the Postmaster General or a postmaster has reason to suspect that any postal article contravenes the preceding provisions of this Part, he may cause it to be detained and opened, and if it is found to contravene those provisions, he shall cause it to be destroyed or otherwise deal with it as the Board directs. [P.L. 1983-32, §25.] [Amended by P.L. 2007-85.]

PART IX - OFFENSES AND PENALTIES**§126. Infringement of exclusive privilege.**

(1) In this Section, “the exclusive privilege” means the exclusive privilege conferred on the

Government of the Marshall Islands, acting through the Postal Service, by Section 107(1) of this Chapter .

(2) Any person who, without the authority of the Postmaster General:

(a) sends, conveys or delivers otherwise than by mail a letter within the exclusive privilege;

(b) performs any service incidental to conveying otherwise than by mail any letter within the exclusive privilege;

(c) sends, or tenders or delivers to be sent, otherwise than by mail a letter within the exclusive privilege;

(d) makes a collection of letters expected from the exclusive privilege for the purpose of sending them otherwise than by mail; or

(e) carries, receives, tenders, delivers or collects letters in contravention of Section 107(4) of this Chapter , shall be guilty of a misdemeanor and shall upon conviction be liable to a fine not exceeding \$25 with respect to each such letter. [P.L. 1983-32, §26.] [Amended by P.L. 2007-85.]

§127. Failing to receive mail for carriage.

(1) Any person who refuses or fails, without reasonable excuse, to comply with a requirement under Section 19(1) of this Chapter shall be guilty of a misdemeanor and shall upon conviction be liable, for each such refusal, to a fine not exceeding \$1,000.

(2) Any person who refuses or fails, without reasonable excuse, to comply with a requirement under Section 121(1) of this Chapter shall be guilty of a misdemeanor and shall upon conviction be liable, for each such refusal, to a fine not exceeding \$500. [P.L. 1983-32, §27.]

§128. Failing to deliver overseas mail.

Any person who, knowingly or negligently, detains or keeps in his possession, or who fails to deliver, any mailbag or postal article to which Section 120 of this Chapter applies shall be guilty of a misdemeanor and shall upon conviction be liable to a fine not exceeding \$1,000. [P.L. 1983-32, §28.]

§129. Prohibited articles.

Any person who contravenes or attempts to contravene Section 122,123 or 124 of this Chapter shall be guilty of a misdemeanor and shall upon conviction be liable to a fine not exceeding \$1,000 or to a term of imprisonment not exceeding one year, or both. [P.L. 1983-32, §29.]

§130. Taking or opening mailbag or postal article.

A person who unlawfully:

(a) takes away or opens a mailbag carried by any vessel, vehicle or aircraft in pursuance of this Chapter ; or

(b) takes a postal article in the course of transmission by mail out of any mailbag, shall be guilty of a crime and shall upon conviction be liable to a term of imprisonment not exceeding five (5) years. [P.L. 1983-32, §30.]

§131. Detention of mailbag or postal article.

A person who fraudulently retains, willfully secrets, keeps or detains, or (when required by a postal officer to do so) fails to deliver up a mailbag or postal article which is in the course of transmission by mail and which ought to have been delivered to some other person, or has been found by him or any other person, shall be guilty of a misdemeanor and shall upon conviction be liable to a fine not exceeding \$500 or to a term of imprisonment not exceeding six (6) months, or both. [P.L. 1983-32, §31.]

§132. Falsely inducing delivery.

A person who, by means of a false pretense or misstatement, causes a postal officer to deliver a postal article to a person other than the person to whom it is addressed shall be guilty of a misdemeanor and shall upon conviction be liable to a fine not exceeding \$500. [P.L. 1983-32, §32.]

§133. Maliciously opening postal articles.

A person who, not being a postal officer, willfully and with intent to cause loss or damage to the other person or to obtain some benefit for himself, opens a postal article addressed to some other person and which is in the course of transmission by mail, or which has been transmitted by mail, shall be guilty of a misdemeanor and shall upon conviction be liable to a fine not exceeding \$500. [P.L. 1983-32, §33.]

§134. Imitation of stamps and marks.

A person who, without lawful authority, makes on any envelope, wrapper, card, form or paper sent by mail:

(a) any mark in imitation of, similar to or purporting to be any stamp or mark of the Postal Service or of a post office, or of the United States Postal Service in use under a Postal Agreement referred to in Section 142 of this Chapter ; or

(b) any words, letters or marks which suggest or imply that a postal article is sent on the service of the Republic, shall be guilty of a misdemeanor and shall upon conviction be liable to a fine not exceeding \$250. [P.L. 1983-32, §34.]

§135. Obstructing the mail.

A person who willfully obstructs or retards the mail, or willfully obstructs a postal officer in the performance of his duties, shall be guilty of a misdemeanor and shall upon conviction be liable to a fine not exceeding \$250. [P.L. 1983-32, §35.]

§136. Damage, etc., to mailboxes.

A person who unlawfully:

(a) places or attempts to place in or against a mailbox, letter box or other receptacle for the reception of postal articles any fire, match, explosive substance, filth or dangerous, noxious or deleterious substance;

(b) commits a nuisance in or against any such receptacle; or

(c) does or attempts to do anything likely to injure any such receptacle, shall be guilty of a misdemeanor and shall upon conviction be liable to a term of imprisonment not exceeding six (6) months. [P.L. 1983-32, §36.]

§137. Offenses by postal officers.

(1) A postal officer who grants or issues a money order with a fraudulent intent shall be guilty of a crime and shall upon conviction be liable to a term of imprisonment not exceeding five (5) years.

(2) A postal officer who, contrary to his duty:

(a) opens or tampers with any postal article in the course of transmission by mail, or procures or permits any such article to be opened or tampered with; or

(b) willfully conceals mail or detains or delays delivery of mail,

shall be guilty of a misdemeanor and shall upon conviction be liable to a term of imprisonment not exceeding one year. [P.L. 1983-32, §37.]

§138. Failure to comply with this Act, generally.

If a postal officer, the master or a member of the crew of a vessel or aircraft, or any other person employed or authorized by, under or for the purposes of this Chapter to receive, sort, carry or deliver any mail or postal articles, contravenes or fails to comply with any provision of this Chapter, or of the regulations made under Section 140 of this Chapter, for which no other penalty is provided, he shall be guilty of a misdemeanor and shall upon conviction be liable to a fine not exceeding \$250. [P.L. 1983-32 §38.]

PART X - MISCELLANEOUS**§139. Evidence.**

(1) In any proceedings for an offense under this Chapter, evidence that any article is in the course of transmission by mail, or has been accepted by the Postal Service or a post office, is sufficient evidence that the article is a postal article.

(2) In any proceedings, a mailbag or postal article in the charge of or being carried by a postmaster or other postal officer, or any other person employed or authorized by, under or for the purposes of this Chapter, shall, until the contrary is proved, be deemed to be in the course of transmission by mail.

(3) Where in any proceedings for an offense in relation to a postal article in the course of transmission by mail it is necessary to aver the ownership of a postal article, it is sufficient to aver that the article is the property of the Postal Service. [P.L. 1983-32 §39.]

§140. Regulations.

(1) Subject to Subsection (3) of this Section, the Authority, in accordance with the provisions of the Administrative Procedures Act, 1979 may make regulations, not inconsistent with this Chapter, prescribing all matters that are required or permitted by this Chapter to be prescribed by the regulations, or that are necessary or convenient to be so prescribed for carrying out or giving effect to this Chapter, and in particular in relation to:

(a) the receipt, dispatch, carriage and delivery of postal articles;

(b) the permissible dimensions and weights of postal articles;

(c) the registration of postal articles;

(d) the franking of official postal articles;

(e) the treatment of undeliverable postal articles;

- (f) the conditions under which private mailboxes and private mailbags may be supplied;
- (g) the supply, sale and use of postage stamps; and
- (h) the operation of the money order service.

(2) The Authority shall, with the approval of the Cabinet and in accordance with the Administrative Procedures Act, 1979 set fees to be charged for the carriage of postal articles and for any other service provided under this Chapter or the regulations.

(3) The regulations may provide for penalties of imprisonment for periods not exceeding three (3) months, or fines not exceeding \$250, or both, for contravention of or failures to comply with the regulations.

(4) While a Postal Agreement referred to in Section 142 of this Chapter is in effect:

(a) any regulations made under this Section shall not be inconsistent with that Agreement or with any treaties, conventions, laws, regulations and procedures referred to in Section 142(2) of this Chapter ; and

(b) the regulations may provide for the adaptation of the provisions of this Chapter to the requirements and circumstances of that Agreement.

(5) A certificate given by or on behalf of the United States Postal Service that a regulation or proposed regulation complies with Subsection (3)(a) or (b) of this Section is conclusive as to that fact. [P.L. 1983-32, §40.] [Amended by P.L. 2007-85.]

PART XI- TRANSITIONAL PROVISIONS

§141. Compliance with Universal Postal Union requirements.

Until such time as the Republic is a member of the Universal Postal Union in its own right, in the administration of this Chapter , all relevant requirements, conventions and agreements of the Universal Postal Union shall, subject to this Chapter , and in particular to Section 142 of this Chapter , be complied with as if they were binding on the Republic. [P.L. 1983-32, §41.]

§142. Effect of Postal Agreements.

(1) In this Section, “ Agreement” means Article VI of the Federal Programs And Services Agreement Between The Government of the United States And The Government Of The Republic of the Marshall Islands (Postal Services and Related Programs Agreement) concluded pursuant to Article III of Title One, Article II of Title Two, (including Section 222), and Section 231 of the Compact of Free Association, as Amended

(2) Notwithstanding anything in this Chapter , while any Postal Agreement is in effect, this Act is subject to the provisions of that Agreement, and compliance in any relevant respect with treaties, conventions, laws, regulations and procedures of or applicable to the United States Postal Service shall be deemed to be compliance with this Chapter .[P.L. 1983-32, §42.][Amended by P.L. 2006-57.]

§143. Status of the U.S. military postal system.

Nothing in this Chapter affects the operations of military post offices and mail facilities operated, in accordance with applicable laws or agreements between the Republic and the Government of the United States, by or on behalf of the armed forces of the United States. [P.L. 1983-32, §43.]

