

GOVERNMENT OF GUAM
Office of the Governor
Agana, Guam

EXECUTIVE ORDER NO. 65- 3

WHEREAS, Section 14161, Government Code of Guam, authorizes the Commercial Port Manager to make, alter, amend and repeal rules, regulations, fees and rates as required in the operation of the Commercial Port of Guam; and


WHEREAS, the aforesaid Section 14161, Government Code of Guam, provides that such rules, regulations, fees and rates shall have the force and effect of law after approval and promulgation by the Governor by executive order;

NOW, THEREFORE, by virtue of the foregoing, the attached order of the Commercial Port Manager recinding prior "Commercial Port Rates and Regulations" and all amendments thereto and making new "Commercial Port Rates and Regulations" as attached thereto and made a part thereof, is hereby approved and promulgated, and shall be in force and effect as of the 1st day of March 1965.

Dated at Agana, Guam, this 26th day
of February, 1965.


DENVER DICKERSON
Acting Governor of Guam

COUNTERSIGNED:


RUDOLPH G. SABLAN
Acting Secretary of Guam

GOVERNMENT OF GUAM
Commercial Port of Guam

ORDER

Commercial Port Rates and Regulations

1. Pursuant to the authority vested in the Commercial Port Manager by Section 14101, Government Code of Guam, Commercial Port Rates and Regulations heretofore made, approved and promulgated and amendments thereto are rescinded effective March 1, 1965.

2. Pursuant to the authority vested in the Commercial Port Manager by Section 14101, Government Code of Guam, the "Commercial Port Rates and Regulations", a copy of which is attached hereto and made a part hereof as if copied at length herein are hereby adopted to be in force and effect the 1st day of March, 1965.

Dated at Agaña, Guam, this 26th day of February 1965.


JOSE B. SARMIENTO
Commercial Port Manager

GOVERNMENT OF GUAM
COMMERCIAL PORT OF GUAM

RATES AND REGULATIONS

Section 1. BASIS AND PURPOSE. The following rates and regulations are prescribed for services furnished by the Commercial Port of Guam, Government of Guam, in accordance with the provisions of Chapter 2, Title XV, Government Code of Guam.

Section 2. DEFINITIONS. The following definitions shall govern in construing these rates and regulations:

Section 2.1. "Dock" means any wharf, pier, bulkhead, quay, landing, or any other structure to which a vessel may make fast, or which may be utilized in the discharge and loading of passengers and/or merchandise.

Section 2.2. "Vessel" means steamboats, motorboats, sailing vessels, motor vessels, barges, liners, pleasure craft, or any and all other structures made to float upon the water for navigation.

Section 2.3. "Cargo" means goods, wares, material, merchandise, or any other object of commerce.

Section 2.4. "Import Cargo" means cargo brought into the Commercial Port by water transportation.

Section 2.5. "Export Cargo" means cargo received at the Commercial Port for shipment by water transportation.

Section 2.6. "Transshipment Cargo" means cargo which is brought into the Commercial Port and transferred to another vessel for further transport, the consignee and destination of which are marked on the cargo and Bill of Lading or made known to the Commercial Port Manager or his duly authorized representative in writing prior to discharge at the Commercial Port.

Section 2.7. (a) "Revenue Ton" means two thousand (2,000) pounds weight, or forty (40) cubic feet measurement, and all charges will be computed on whichever will produce the greater revenue, unless specifically designated otherwise herein.

(b) "As-Freighted Revenue Ton" means the revenue ton used by the ocean carrier, according to the vessel's manifest.

Section 2.8. "Warehouse Storage" means storage inside any of the warehouses at the Commercial Port.

Section 2.9. "Outside or Yard Storage" means all other storage areas except those defined as Warehouse Storage.

Section 2.10. "Persons" means any natural person, group, or association of persons, firm, partnership, or corporation.

Section 2.11. "Handling Services" means services rendered by the Commercial Port on, or for the benefit of, cargo during the period in which the cargo is in the care and custody of the Commercial Port, from receipt of the cargo to the end of the vessel's tackle, and from the end of the vessel's tackle to issuance against a proper receipt.

Section 2.12. "Transshipment Handling Charges" means charges on transshipment cargo and are in lieu of any other handling charges, and in lieu of storage charges except as specified.

Section 2.13. "Stevedoring Services" means services rendered by the Commercial Port, on or for the benefit of the cargo, during the period in which the cargo is being moved by employees of the Commercial Port between the end of the vessel's tackle and the vessel's hold or from the vessel's hold to the end of the vessel's tackle, and includes placing of cargo on pallets, slings, nets, or other equipment for the purpose of lifting cargo into or out of a vessel; placing cargo in stow in the vessel or removing from stowed location in the vessel; lifting cargo into the vessel from the dock or from the vessel to the dock.

Section 2.14. "Day" means 24 hours commencing at midnight and ending at midnight.

Section 2.15. "Special Services" include but is not limited to checking, cleaning, garbage and trash removal, shifting, lashing, sorting, removal of lashing or shoring, laying of dunnage, discharging and/or backloading of dunnage, building or removal of catwalk or other services requested by the carrier or necessarily incidental to the loading or discharging of cargo and not ordinarily performed by the Commercial Port.

Section 2.16. "Whaleback" means a carrier specially constructed steel pallet not larger than eight (8) feet by twelve (12) feet.

Section 2.17. "Van" means a manufactured, reusable cargo container which is specifically designed for, and used as, a means of enclosing and transporting, within one unit, cargo, including bulk cargo, which otherwise would move and be accounted for on a smaller, per piece, basis; all such vans, except vans approved and authorized by the Department of Defense for household effects, shall have a minimum limit of 160 cubic feet outside measurement, or 130 cubic feet inside measurement.

Section 2.18. "Containerized Cargo" means cargo which has been received at the Commercial Port in fully enclosed vans or cargo loaded on and affixed to a whaleback for handling as a single unit, the vans or whalebacks being loaded or unloaded at other than Commercial Port premises.

Section 2.19. "Under the hook" means:

(a) Receipt of cargo by the carrier at the end of the vessel's tackle directly from the truck or other conveyance owned by or under the control of the shipper or his agent without handling services being given the cargo by the Commercial Port.

(b) Delivery of cargo by the carrier from the end of the vessel's tackle directly to the truck or other conveyance owned by or under the control of the consignee or his agent without handling services being given the cargo by the Commercial Port.

Section 2.20. "Non-Working Weather Days" means those days which the Commercial Port is normally open for business and because of press of vessel operation, rain or other inclement weather the Commercial Port Manager declares such day to be a non-working day.

Section 2.21. "Unitized Cargo" means cargo which has been received at the Commercial Port in unbroken, unitized loads of not less than 2,000# minimum and 4,000# - 80 cube maximum, consisting of one mark consigned to one consignee and received or delivered as one unit. Shipment shall be securely strapped or otherwise fastened together on skids or pallets suitable for mechanical handling.

Section 3. STEVEDORING CHARGES. The Commercial Port will provide stevedoring services to vessels loading and/or discharging at the Commercial Port limited to the availability of stevedores.

Section 3.1. The rate for stevedoring services, except as otherwise herein provided, are as follows:

(a) Inbound - two dollars and twelve cents (\$2.12) per revenue ton.

(b) Outbound - two dollars and seventy-five cents (\$2.75) per revenue ton.

Section 3.2. The rate for stevedoring services for mail is cost plus fifteen per cent (15%).

Section 3.3. The rate for stevedoring services for bagged copra and/or trochus shell is one dollar and five cents (\$1.05) per revenue ton. Special rates for these commodities may be negotiated by the Commercial Port Manager if it appears that the Commercial Port or the economy of Guam may benefit thereby.

Section 3.4. The rate for stevedoring services for empty vans is two dollars and five cents (\$2.05) per as-freighted revenue ton, with a minimum charge of two dollars and five cents (\$2.05) per van.

Section 3.5. The rate for stevedoring services for empty metal drums not larger than 55 gallons capacity is seventy-five cents (75¢) per revenue ton.

Section 3.6. Carriers or other persons responsible for stevedoring charges will be charged the following hazard pay rates, in addition to other stevedoring charges, for all stevedoring services as applicable:

(a) Frozen or chilled cargo --Five cents (5¢) per hour for each member of the stevedore gang.

(b) Bagged cement and lime cargo, including special services of cleaning holds after cement has been removed --Ten cents (10¢) per hour for each member of the stevedore gang.

(c) Scrap metal cargo --Ten cents (10¢) per hour for each member of the stevedore gang.

(d) Ammunition or explosives cargo

--Ten cents (10¢) per hour for each member of the stevedore gang, and all employees, permanent as well as intermittent, engaged in supervision, checking and sorting of the cargo.

Section 3.7. Special arrangements and rates for stevedoring will be made by contract in the case of scrap and bulk cement, and when other provisions for stevedoring, or when the vessel is owned by the United States or any of its instrumentalities.

Section 3.8. Stevedoring may be performed for his own account by the carrier or charterer, or an agent thereof, only in the following circumstances:

- (a) In the case of shipments arriving or departing irregularly;
- (b) When the Commercial Port cannot otherwise furnish stevedoring services;

provided, however, that advance approval of the Commercial Port Manager, or his authorized representative, shall be obtained in writing. A charge at the rate of forty-five cents (45¢) per revenue ton (or as-freighted revenue ton in the case of export scrap cargo) will be charged for the use of the dock.

Section 4. HANDLING CHARGES.

Section 4.1. Handling charges are computed on a revenue ton basis, except as otherwise specified herein.

Section 4.2. The handling charge, except as otherwise herein provided, is two dollars and eighty cents (\$2.80) per revenue ton, with a minimum charge of one dollar (\$1.00) per Bill of Lading.

Section 4.3. The handling charge for each unboxed vehicle, provided that such vehicle is in rolling condition, is as follows:

- (a) Passenger cars, sedans, station wagons, pick-up trucks to 3/4 ton capacity, ambulances, hearses, panel trucks to 3/4 ton capacity, twenty dollars (\$20.00);

(b) Equipment on pneumatic tires other than that specified in (a) above, shall be charged on a revenue ton basis as per Section 4.2; heavy lift surcharges will be waived; under the hook delivery will not be allowed;

(c) Equipment other than that specified in (a) and (b) above shall be charged on a revenue ton basis.

Section 4.4. The handling charge for United States mail is cost plus fifteen per cent (15%).

Section 4.5. The handling charge for household goods and personal effects in vans is seventy cents (70¢) per ton of 40 cubic feet. Charges will be computed on the basis of gross measurement of each van.

Section 4.6. The handling charge for containerized cargo, other than household goods and personal effects, is one dollar and sixty cents (\$1.60) per as-freighted revenue ton.

Section 4.7. The handling charge for empty vans is two dollars and forty cents (\$2.40) per as-freighted revenue ton, with a minimum charge of two dollars and forty cents (\$2.40) per van.

Section 4.8. The handling charge for empty metal drums not larger than 55 gallons capacity is one dollar (\$1.00) per revenue ton.

Section 4.9. The handling charge for unitized cargo is one dollar (\$1.00) per as-freighted revenue ton.

Section 4.10. The handling charge for livestock is one dollar (\$1.00) per head or per crate in the case of fowl. Subject to discretion of the Commercial Port Manager.

Section 5. TRANSSHIPMENT HANDLING CHARGES.

Section 5.1. The transshipment handling charge for all cargo, except as otherwise specified in this section, is three dollars and twenty cents (\$3.20) per revenue ton with a minimum charge of one dollar (\$1.00) per Bill of Lading.

Section 5.2. The transshipment handling charge for copra and/or trochus shell is three dollars and twenty cents (\$3.20) per long ton, such charge to include handling and thirty (30) days free storage. Special rates for these commodities may be negotiated by the Commercial Port Manager if it appears the Commercial Port or the economy of Guam may benefit thereby.

Section 5.3. The transshipment handling charge for vans and containers household goods and personal effects is ninety cents (90¢) per ton of 40 cubic feet. Charges will be computed on the basis of gross measurement of each van or container.

Section 5.4. The transshipment handling charge for containerized cargo, other than household goods and personal effects, is two dollars and forty cents (\$2.40) per as-freighted revenue ton.

Section 5.5. The transshipment handling charge for empty vans is three dollars and twenty cents (\$3.20) per as-freighted revenue ton, with a minimum charge of three dollars and twenty cents (\$3.20) per van.

Section 5.6. The transshipment handling charge for each unboxed vehicle in rolling condition is the same as the handling charge as set out in Section 4.3. herein.

Section 5.7. The transshipment handling charge for unitized cargo is one dollar and forty cents (\$1.40) per as-freighted revenue ton.

Section 6. EQUIPMENT RENTAL CHARGES.

Section 6.1. The following charges shall be made for the use of equipment in conjunction with the furnishing of special services or for other purposes:

(a) Fork Lift for
U. S. Mail

--Including maintenance and operator:
Straight time \$6.00 per hour
Overtime rate \$7.00 per hour
Minimum charge one hour.

(b) Fork Lift less than
20,000 lb. capacity

--Including maintenance and operator:
Straight time \$8.00 per hour
Overtime rate \$9.00 per hour
Minimum charge one hour.

- (c) Fork Lift, 20,000 lb. capacity
 --Including maintenance and operator:
 Straight time \$13.00 per hour
 Overtime rate \$14.00 per hour
 Minimum charge one hour.
- (d) Fork Lift, 40,000 lb. capacity
 --Including maintenance and operator:
 Straight time \$15.00 per hour
 Overtime rate \$16.00 per hour
 Minimum charge one hour.
- (e) Trackson Crane (Cherry Picker)
 --Including maintenance and operator:
 Straight time \$10.00 per hour
 Overtime rate \$11.00 per hour
 Minimum charge one hour.
- (f) Dock Mule
 --Including maintenance and operator:
 Straight time \$5.00 per hour
 Overtime rate \$6.00 per hour
 Minimum charge one hour.
- (g) Link Belt Crane
 --Including maintenance and operator:
 Straight time \$20.00 per hour
 Overtime rate \$21.00 per hour
 Minimum charge one hour.
- (h) Manitowoc Crane Northwest 80D
 --Including maintenance and operator:
 Straight time \$25.00 per hour
 Overtime rate \$26.00 per hour
 Minimum charge two hours.
- (i) Lima Crane
 --Including maintenance and operator:
 Straight time \$35.00 per hour
 Overtime rate \$36.00 per hour
 Minimum charge two hours.
- (j) Pick-Up Truck to 3/4 ton
 --Including maintenance and operator:
 Straight time \$5.00 per hour
 Overtime rate \$6.00 per hour
 Minimum charge one hour.
- (k) Truck over 3/4 ton
 --Including maintenance and operator:
 Straight time \$7.00 per hour
 Overtime rate \$8.00 per hour
 Minimum charge one hour.
- (l) Welding Machine
 --Including maintenance and operator:
 Straight time \$15.00 per hour
 Overtime rate \$16.00 per hour
 Minimum charge one hour.

- (aa) 5 Gal. paint pot with 50' hose (paint), 100' hose (air), and one spray gun (must be returned in clean condition or cleaning time will be added) --\$5.00 per hour
Minimum charge one hour.
- (bb) Dock Dolly One-Ton capacity --\$1.00 per hour
Minimum charge one hour.
- (cc) "T" Bottom Ten-Ton capacity --\$2.00 per hour
Minimum charge one hour.
- (dd) Dolly Trailer 20-ton capacity --\$4.00 per hour
Minimum charge one hour.
- (ee) TD-9 Tractor --Including maintenance and operator:
Straight time \$12.00 per hour
Overtime rate \$13.00 per hour
Minimum charge one hour.
- (ff) Cletrac Tractor --Including maintenance and operator:
Straight time \$15.00 per hour
Overtime rate \$16.00 per hour
Minimum charge one hour.

Section 6.2. When equipment in use by the Commercial Port is diverted to other uses for short periods at intervals throughout the working of a vessel, the user shall be charged on the basis of the accumulated time the equipment is used, per vessel operation, but not less than the minimum charges specified in Section 6.1.

Section 7. STORAGE CHARGES.

Section 7.1. Import cargo will be given free storage for a period of five (5) days after landing, exclusive of Saturdays, Sundays, holidays, and non-working weather days, commencing on the day following the completion of discharge of the vessel. Export cargo shall be given free storage for a period of seven (7) days after notice of firm booking and delivery, exclusive of Saturdays, Sundays, holidays, and non-working weather days, storage charges shall accrue after this free period. Transshipment cargo shall be loaded on the first available vessel making earliest arrival destination, otherwise storage charges shall accrue as of the date of departure of such vessel and shall continue to accrue until loaded aboard a subsequent vessel or removed from the Commercial Port.

Section 7.2. Warehouse storage charges are fifty cents (50¢) per day per revenue ton for the first fifteen (15) days after the free period and one dollar (\$1.00) per day per revenue ton for each day thereafter, except Saturdays, Sundays, Holidays or non-working weather days.

Section 7.3. Outside storage rates for paved area are twenty-five cents (25¢) per day per revenue ton for each day after the free period, except Saturdays, Sundays, holidays, or non-working weather days.

Section 7.4. Outside storage rates for unpaved area or outside fenced area are one cent (1¢) per square foot per month.

Section 7.5. Frozen and chill cargo will not be accepted for storage. All such cargo will be issued in accordance with written instructions from the carrier which shall be furnished the Commercial Port Manager or his representative prior to discharge of such cargo from the vessel.

Section 7.6. The Commercial Port Manager may refuse to accept cargo for storage, for which, in his opinion, the facilities of the Commercial Port are inadequate for proper storage.

Section 7.7. The Commercial Port Manager, or his duly authorized representative, may extend the free storage period in cases when the storage has been accrued through no fault of the consignee, due to non-arrival of proper documentation with which to affect release, or shipper whose cargo is shut out by the Carrier. In the latter case, the storage will be for the account of the Carrier.

Section 7.8. Cargo or cargoes remaining on wharf or wharf premises after expiration of free storage period may be removed to public or private warehouses after due notification with all expense and risk of the consignee for account of the cargo.

Section 7.9. RIGHT TO WITHHOLD DELIVERY OF FREIGHT. Right is reserved by the Commercial Port to withhold delivery of freight until all accrued terminal charges and/or advances against said freight have been paid in full.

Section 8. SURCHARGES.

Section 8.1. Surcharges on Heavy Lifts. Any single unit of cargo weighing 6,000 pounds or over shall, in addition to the rates

provided in Section 3, Section 4 and Section 5, be assessed a surcharge at the rates listed below:

<u>Weight</u>	<u>Rate of Charges</u>
6,000 lbs. to 8,000 lbs.	\$ 2.00
8,001 lbs. to 10,000 lbs.	3.00
10,001 lbs. to 12,000 lbs.	4.00
12,001 lbs. to 14,000 lbs.	5.00
14,001 lbs. to 16,000 lbs.	6.00
16,001 lbs. to 18,000 lbs.	7.00
18,001 lbs. to 20,000 lbs.	8.00
20,001 lbs. to 22,000 lbs.	9.00
22,001 lbs. to 24,000 lbs.	10.00
24,001 lbs. to 26,000 lbs.	11.00
26,001 lbs. to 28,000 lbs.	12.00
28,001 lbs. to 30,000 lbs.	13.00
Each additional 2,000 lbs. or fraction thereof, in excess of 30,000 lbs.	1.00

Section 8.2. Surcharges on Long Lengths. Any single unit of cargo over 40 feet in length shall, in addition to the rates provided in Section 3, Section 4 and Section 5, be assessed a surcharge at the rates listed below:

<u>Length</u>	<u>Rates of Charges</u>
Over 40 ft. and not over 50 ft.	\$ 1.00
" 50 ft. and not over 60 ft.	2.00
" 60 ft. and not over 70 ft.	3.00
" 70 ft. and not over 80 ft.	4.00
" 80 ft. and not over 90 ft.	5.00
" 90 ft. and not over 100 ft.	6.00
Each additional 10 feet, or fraction thereof, in excess of 100 ft.	1.00

Section 9. UNDER THE HOOK.

Section 9.1. Under the hook delivery or receipt of cargo will be permitted only with prior written permission of the Commercial Port Manager and the carrier, and provided that the Commercial Port is relieved of any and all liability to property or equipment of the shipper, or consignee, or their agents, whichever the case may be, and the employees of such shipper, consignee, or their agents, which may arise out of any accident resulting from such under the hook delivery or receipt.

Section 9.2. When under the hook delivery or receipt of cargo is permitted there shall be a charge of forty-five cents (45¢) per revenue ton (or per as-freighted revenue ton in the case of export scrap cargo) for the use of the dock.

Section 10. OTHER CHARGES FOR PERSONNEL.

Section 10.1. For all overtime work, and work performed on Saturdays, Sundays, and holidays, there shall be an overtime differential charge in connection with any service, except where otherwise specifically provided herein, on the basis of the additional cost to the Commercial Port for personnel involved plus an additional amount of 10% of such cost.

Section 10.2. Delays and detention time of stevedores and related personnel due to vessel power failure, vessel gear failure, rain or for other reasons beyond the control of the Commercial Port shall be charged against the Carrier on the basis of the cost to the Commercial Port for personnel involved.

Section 10.3. Where the services of personnel are cancelled, except upon six hours' notice, whether the cancellation is before or after the reporting time, there will be a minimum charge of two hours' wages for all personnel, and, where the cancellation is after the meal period has begun, an extra minimum charge of one hour's wage.

Section 10.4. Current Commercial Port wage scales will be furnished upon request.

Section 11. CHARGE FOR SPECIAL SERVICE. Charges for special services performed for and at the request of the carrier or other persons will be at cost for personnel plus fifteen per cent (15%), and cost of materials.

Section 12. DOCKAGE CHARGES.

Section 12.1. Berths for vessels utilizing the facilities of the Commercial Port will be assigned by the Commercial Port Manager or his duly authorized representative.

Section 12.2. Fee for dockage shall be one and five-tenths cents ($1\frac{1}{2}\text{¢}$) per net registered ton of the vessel per day or fraction of a day, for the first ten (10) days, and one cent (1¢) per net registered ton of the vessel for each day, or fraction of a day thereafter. No dockage shall be charged against vessels berthed outboard of other vessels at the dock when this situation arises from a shortage of dock space, or for the convenience of the Commercial Port. The Commercial Port is not required to provide berths for vessels in an idle status.

Section 13. LINE HANDLING CHARGES. The charge for line handling is one dollar and twenty-five cents (\$1.25) per man hour or fraction of an hour. The number of men required shall be at the option of the vessel's agent.

Section 14. WATER CHARGE. The charge for water is twenty-five cents (25¢) per metered ton or fraction of a ton. The fee for each meter connection and removal is five dollars (\$5.00).

Section 15. NOTICE FOR REQUESTED SERVICES. The Commercial Port Manager, or his authorized representative, will be given notice of requested stevedoring services at least 12 hours in advance of reporting time, either orally, including by telephone, or in writing. As to other services the Commercial Port Manager may require such advance notice as he deems necessary under the circumstances.

Section 16. BRERTON SCALE. The Brerton Scale shall be used in the measurement of poles and logs for the purpose of computing Revenue Ton in accordance with Section 2.7 (a).

Section 17. RESPONSIBILITY FOR LOSS OR DAMAGE. The Commercial Port will not be responsible for loss or damage caused by fire, heating, leakage, evaporating, natural shrinkage, wastage or decay, animals, rodents, moths, weevils, or other insects, leakage or discharge from fire protection system, breakdown of plant, machinery or equipment; floats, logs or piling required for breasting vessels away from wharves or piers; dampness; or strikes of any persons in its employ or in the employ of others, or from any consequence arising therefrom; insurrection, war, or shortage of labor; insufficient notification; the elements of any causes unavoidable or beyond its control; concealed damage; spoilage of refrigerated cargo; and in particular (but without limitations) the Commercial Port will not be responsible for damage, by the elements, to goods or property which are stored in open or uncovered area.

Section 18. CARGO PALLETS AND TARPAULINS.

Section 18.1. Commercial Port pallets and tarpaulins are not to leave the port area, at any time, without permission of the Commercial Port Manager.

Section 18.2. Fifty (50) tons and over of one type of cargo for one consignee contained in one bill of lading may be palletized in the vessel on other than Commercial Port pallets, provided, stowage permits and suitable pallets are furnished the Port prior to arrival of the vessel. In no event will the Commercial Port be responsible for failure to utilize such pallets or for their custody.

Section 19. CARGO ENTRY.

Section 19.1. Such documents as are necessary to obtain a clearance from the Cargo Entry Section of the Commercial Port shall be filed prior to the receipt or issuance of cargo.

Section 19.2. Partial clearance of bills of lading will not be allowed.

Section 19.3. No cargo will be received or issued until it is prechecked and properly accounted for in accordance with the procedures of accountability of the Commercial Port.

Section 20. RECEIPT OF CARGO FOR EXPORT.

Section 20.1. Cargo will not be received by the Commercial Port for export unless received twenty-four (24) hours in advance of the scheduled departure of the vessel. Carrier owned or controlled equipment may be received upon prior approval of the Commercial Port Manager.

Section 20.2. Cargo will not be received at the Commercial Port unless firmly booked with carrier or agent for export, properly marked as to weight and cube, properly addressed and only after an agreement has been made with the Commercial Port Manager, or his authorized representative, as to receipt, dates, and conditions.

Section 21. LIABILITY FOR CHARGES; SALE.

Section 21.1. All charges for import cargo, except stevedoring as set out hereinbefore, are declared to be a charge against the cargo handled and/or stored by the Commercial Port.

Section 21.2. Cargo held in storage for sixty (60) days or longer, the charges on which are not paid to the Commercial Port on demand, may be sold at public auction upon not less than five days notice

published once in a newspaper of general circulation in Guam. Provided, however, that perishable or offensive cargo upon which there are accrued unpaid Port charges may be sold at public or private sale at any time without advertisement. Proceeds of any sale hereunder shall apply on accrued charges and costs of sale.

Section 22. PAYMENT.

Section 22.1. There shall be a charge of six per cent (6%) interest, from the date of the receipt of the bill of the Commercial Port, on all accounts that remain unpaid more than thirty (30) days after the date of the receipt of such bill.

Section 22.2. The Commercial Port Manager may demand cash in advance for all services to be rendered from any person whose record of payment has not, in the past, been one of prompt payment.

Section 22.3. The Commercial Port Manager shall demand cash-in-advance payment from any person who has an account outstanding with the Commercial Port of Guam which has not been paid within ninety (90) days from the date of billing.