

regulation of the director issued under the authority of Sec. 9 of this Act.

c. Dispose of any rejected or condemned weight or measure in a manner contrary to law or regulation.

d. Remove from any weight or measure, contrary to law or regulation, any tag, seal, or mark placed thereon by the appropriate authority.

e. Sell, or offer or expose for sale, less than the quantity he represents of any commodity, thing, or service.

f. Take more than the quantity he represents of any commodity, thing, or service when, as buyer, he furnished the weight or measure by means of which the amount of the commodity, thing, or service is determined.

g. Keep for the purpose of sale, advertise, or offer or expose for sale, or sell any commodity, thing, or service in a condition or manner contrary to law or regulation.

h. Use in retail trade, except in the preparation of packages put up in advance of sale and of medical prescriptions, a weight or measure that is not so positioned that its indications may be accurately read and the weighing or measuring operation observed from some position which may reasonably be assumed by a customer.

i. Violate any provision of this Act or of the regulations promulgated under the provisions of this Act for which a specific penalty has not been prescribed.

Sec. 40. **Injunction.** The director is authorized to apply to any court of competent jurisdiction for, and such court upon hearing and for cause shown may grant, a temporary or permanent injunction restraining any person from violating any provision of this Act.

Sec. 41. **Presumptive Evidence.** For the purposes of this Act, proof of the existence of a weight or measure or a weighing or measuring device in or about any building, enclosure, stand or vehicle in which or from which it is shown that buying or selling is commonly carried on, shall, in the absence of conclusive evidence to the contrary, be presumptive proof of the regular use of such weight or measure or weighing or measuring device for commercial purposes and of such use by the person in charge of such building, enclosure, stand, or vehicle.

Sec. 42. **Validity of Prosecutions.** Prosecutions for violation of any provision of this Act are declared to be valid and proper notwithstanding the existence of any other valid general or specific Act of this state dealing with matters that may be the same as or similar to those covered by this Act.

Sec. 43. **Separability Provision.** If any provision of this Act is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the Act and the applicability thereof to other persons and circumstances shall not be affected thereby.

Sec. 44. **Repealer.** Sec. 35-5-1, ACLA 1949, as amended by Sec. 1, Ch. 143, SLA 1957; Sec. 35-5-2, ACLA 1949, as amended by Sec. 1, Ch. 94, SLA 1951 and Sec. 1, Ch. 84, SLA 1955; Secs. 35-5-3 through 35-5-11, ACLA 1949; and Secs. 35-5-12 through 35-5-25 as added by Ch. 143, SLA 1957 are repealed; provided however that as to offenses committed, liabilities incurred, and claims now existing, the laws that are repealed by this Act shall remain in full force and effect.

Sec. 45. **Effective Date.** This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved April 17, 1961

CHAPTER 102

AN ACT

Relating to the Fish and Game Code of Alaska; amending Subsection (j) of Sec. 2, Art. I, Ch. 94, SLA 1959 as amended by Sec. 2, Ch. 131, SLA 1960; amending Subsection (k) of Sec. 2, Art. I, Ch. 94, SLA 1959; and repealing Subsection (1) of Sec. 2, Art. I, Ch. 94, SLA 1959; and providing for an effective date.

(H.B. 240)

Be it enacted by the Legislature of the State of Alaska:

Section 1. Subsec. (j), Sec. 1, Art. I, Ch. 94, SLA 1959 as amended by Sec. 2, Ch. 131, SLA 1960 is amended to read:

(j) "Resident": a person who for twelve consecutive months has maintained a permanent place of abode within the State and who has continually maintained his voting residence in the State; and in the case of a partnership, association, joint stock company, trust, or corporation, "resident" shall mean one that has its main office or headquarters in the State; provided, however, that any member of the military services who has been stationed in the State for the immediately preceding twelve consecutive months shall be considered a resident for the purposes of this Act, and the dependent of any such

member, who has been living in the State for the immediately preceding year shall likewise be considered a resident for the purposes of this Act; provided further, that a person who is an alien but who for three years has maintained a permanent place of abode within the State, shall likewise be considered a resident for the purposes of this Act.

Sec. 2. Subsec. (k), Sec. 2, Art. I, Ch. 94, SLA 1959 is amended to read:

(k) "Non-resident": any person who does not qualify as a resident as herein defined.

Sec. 3. Subsec. 1, Sec. 2, Art. I, Ch. 94, SLA 1959 is hereby repealed.

Sec. 4. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved April 17, 1961

CHAPTER 103

AN ACT

Creating a public corporation to be known as the Alaska State Mortgage Association; empowering the Association to loan funds upon the security of insured mortgages; prescribing other powers and duties; providing for the organization membership and administration of the Association; and providing for an effective date.

(H.B. 20)

Be it enacted by the Legislature of the State of Alaska:

Section 1. **Purposes.** It is hereby determined and declared as a matter of legislative finding that

a. The lack of sufficient secondary marketing facilities for housing mortgages in Alaska is a deterrent to the entire economy of the state, and a condition which the legislature desires to remedy.

b. Inadequate funds and secondary marketing facilities for housing mortgages restrict the building of adequate housing and create conditions contrary to the public interest which threaten, or may threaten, the health, safety, welfare, comfort and security of its citizens.

c. The scarcity of available housing mortgage financing sources makes such a marketing facility both desirable and necessary and in the best interests of the public welfare.

d. There is a definite need in the state for a secondary market facility for housing mortgages.

Therefore, it is hereby declared to be the policy of the State of Alaska to promote the health, safety and welfare of its citizens by the creation of a body corporate and politic, to exist and operate for the purposes resulting from the conditions caused by the lack of a permanent secondary source of funds for housing financing, thus providing additional financing secured by insured mortgages to persons, firms or financial institutions who are unable to obtain such financing in the general market; thereby improving and stimulating the distribution of investment capital for housing. Such purposes are deemed necessary and are public purposes for which public money may be spent.

Sec. 2. **Definitions.** As used in this Act —