

the extent permitted under AS 09.25.110 and 09.25.120.

Sec. 46.16.100. PATENTS. A person who applies for a grant under this chapter shall assign to the state the right to patent any patentable process developed as a result of a grant under this chapter. The department making the grant shall seek to patent any patentable process developed as a result of a grant under this chapter. The state shall license without cost to a person engaged in placer mining in the state the right to use in the state a patented process that was developed as a result of a grant under this chapter.

* Sec. 2. This Act takes effect July 1, 1984.



LAWS OF ALASKA

1984

Source

Chapter No.

SCS CSSH B 404 (Res)

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AN ACT

Relating to fish, game, and other animals; and providing for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

THE ACT FOLLOWS ON PAGE 1, LINE 9

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: July 2, 1984
Actual Effective Date: July 3, 1984

AN ACT

Relating to fish, game, and other animals; and providing
for an effective date.

* Section 1. AS 12.25.190(c) is amended to read:

(c) The person cited for the crime shall give a [HIS] written promise to appear in court by signing at least one copy of the written citation prepared by the peace officer and the officer shall deliver a copy of the citation to the person. The written promise requirement of this subsection does not apply to motor vehicle and traffic citations under AS 28.05.151 and fish and game citations for which a bail schedule has been established under AS 16.05.165.

* Sec. 2. AS 16.05.050 is amended to read:

Sec. 16.05.050. POWERS AND DUTIES OF COMMISSIONER. The commissioner has, but not by way of limitation, the following powers and duties:

(1) assist the United States Fish and Wildlife Service in the enforcement of federal laws and regulations pertaining to fish and game;

(2) through the appropriate state agency, acquire by gift, purchase, or lease, or other lawful means, land, buildings, water, rights-of-way, or other necessary or proper real or personal property when the acquisition is in the interest of furthering an objective or purpose of the department and the state;

(3) design and construct hatcheries, pipelines, rearing

ponds, fishways, and other projects beneficial for the fish and game resources of the state;

(4) accept money from any person under conditions requiring the use of the money for specific purposes in the furtherance of the protection, rehabilitation, propagation, preservation, or investigation of the fish and game resources of the state or in settlement of claims for damages to fish or game resources;

(5) collect, classify, and disseminate statistics, data and information that, in the commissioner's discretion, will tend to promote the purposes [OBJECTS] of AS 16 except AS 16.51 and AS 16.52 [THIS CHAPTER];

(6) capture, propagate, transport, buy, sell, or exchange fish or game or eggs for propagating, scientific or stocking purposes;

[(7) Repealed]

(7) [(8)] provide public facilities where necessary or proper to facilitate the taking of fish or game, and enter into cooperative agreements with any person to effect them;

(8) [(9)] exercise administrative, budgeting, and fiscal powers;

(9) [(10)] construct, operate, supervise, and maintain vessels used by the Department of Fish and Game;

(10) [(11)] authorize the holder of an interim-use permit under AS 16.43 to engage on an experimental basis in commercial taking of a fishery resource with vessel, gear, and techniques not presently qualifying for licensing under this chapter in conformity with standards established by the Alaska Commercial Fisheries Entry Commission; [.]

(11) [(12)] not later than January 31 of each year, provide to the commissioner of revenue the names of those fish and shellfish

species which the commissioner of fish and game designates as developing commercial fish species for that calendar year; a fish or shellfish species is a developing commercial fish species if, within a specified geographical region,

(A) the optimum yield from the harvest of the species has not been reached;

(B) a substantial portion of the allowable harvest of the species has been allocated to fishing vessels of a foreign nation; or

(C) a commercial harvest of the fish species has recently developed;

(12) initiate or conduct research necessary or advisable to carry out the purposes of AS 16 except AS 16.51 and AS 16.52;

(13) enter into cooperative agreements with agencies of the federal government, educational institutions, or other agencies or organizations, when in the public interest, to carry out the purposes of AS 16 except AS 16.51 and AS 16.52.

* Sec. 3. AS 16.05.100 is amended to read:

Sec. 16.05.100. FISH AND GAME FUND ESTABLISHED. There is created a revolving "Fish and Game Fund," which shall be used exclusively for the following: (1) to carry out the purposes and provisions of AS 16, except AS 16.51 and AS 16.52, [THIS CHAPTER] or other duties that may be delegated by the legislature to the commissioner or the department; and (2) to carry out such purposes and objectives within the scope of AS 16 except AS 16.51 and AS 16.52 [THE CHAPTER] as may be directed by the donor of any such funds.

* Sec. 4. AS 16.05.150 is amended to read:

Sec. 16.05.150. ENFORCEMENT AUTHORITY. The following persons are peace officers of the state and they shall enforce AS 16 except

AS 16.51 and AS 16.52 [THIS CHAPTER]:

- (1) an employee of the department authorized by the commissioner;
- (2) a police officer in the state;
- (3) any other person authorized by the commissioner.

* Sec. 5. AS 16.05.160 is amended to read:

Sec. 16.05.160. DUTY TO ARREST. Each peace officer designated in AS 16.05.150 shall arrest a person violating a provision of AS 16 except AS 16.51 and AS 16.52 [THIS CHAPTER], or any regulation adopted [MADE] under AS 16 except AS 16.51 and AS 16.52 [THIS CHAPTER], in the peace officer's presence or view, and shall take the person [IMMEDIATELY] for examination or trial before an officer or court of competent jurisdiction unless in the judgment of the peace officer it would be in the state's best interest to issue a warning or a citation under AS 16.05.165.

* Sec. 6. AS 16.05 is amended by adding a new section to read:

Sec. 16.05.165. FORM AND ISSUANCE OF CITATION. (a) When a peace officer stops or contacts a person concerning a violation of AS 16 except AS 16.51 and AS 16.52 or of a regulation adopted under AS 16 except AS 16.51 and AS 16.52 that is a misdemeanor, the peace officer may, in the officer's discretion, issue a citation to the person as provided in AS 12.25.180.

(b) The supreme court shall specify by rule or order those misdemeanors that are appropriate for disposition without court appearance, and shall establish a schedule of bail amounts. Before establishing or amending the schedule of bail amounts required by this subsection, the supreme court shall appoint and consult with an advisory committee consisting of two officers of the division of fish and wildlife protection of the Department of Public Safety, two

representatives of the Department of Fish and Game, two district court judges, and the chairpersons of the House and Senate Judiciary Committees of the legislature. The maximum bail amount for an offense may not exceed the maximum fine specified by law for that offense. If the misdemeanor for which the citation is issued may be disposed of without court appearance, the issuing peace officer shall write on the citation the amount of bail applicable to the violation.

(c) A person cited for a misdemeanor for which a bail amount has been established under (b) of this section may, within 15 days after the date of the citation, mail or personally deliver to the clerk of the court in which the citation is filed by the peace officer

(1) the amount of bail indicated on the citation for that offense; and

(2) a copy of the citation indicating that the right to an appearance is waived, a plea of no contest is entered and the bail is forfeited.

(d) When bail has been forfeited under (c) of this section, a judgment of conviction shall be entered. Forfeiture of bail and all seized items is a complete satisfaction for the misdemeanor. The clerk of the court accepting the bail shall provide the offender with a receipt stating that fact.

(e) If the person cited fails to pay the bail amount established under (b) of this section or to appear in court as required, the citation is considered a summons for a misdemeanor.

(f) Notwithstanding other provisions of law, if a person cited for a misdemeanor for which a bail amount has been established under (b) of this section appears in court and is found guilty, the penalty that is imposed for the offense may not exceed the bail amount for that offense established under (b) of this section.

* Sec. 7. AS 16.05.170 is amended to read:

Sec. 16.05.170. POWER TO EXECUTE WARRANT. Each peace officer designated in AS 16.05.150 may execute a warrant or other process issued by an officer or court of competent jurisdiction for the enforcement of AS 16 except AS 16.51 and AS 16.52 [THIS CHAPTER], and may, with a search warrant, search any place at any time. The judge of a court having jurisdiction may, upon proper oath or affirmation showing probable cause, issue a warrant in all cases.

* Sec. 8. AS 16.05.251(a) is amended to read:

(a) The Board of Fisheries may adopt regulations it considers advisable in accordance with the Administrative Procedure Act (AS 44.62) for

(1) setting apart fish reserve areas, refuges and sanctuaries in the waters of the state over which it has jurisdiction, subject to the approval of the legislature;

(2) establishing open and closed seasons and areas for the taking of fish;

(3) setting quotas, [AND] bag limits, harvest levels, and sex and size limitations on the taking of fish;

(4) establishing the means and methods employed in the pursuit, capture and transport of fish;

(5) establishing marking and identification requirements for means used in pursuit, capture and transport of fish;

(6) classifying as commercial fish, sport fish or predators or other categories essential for regulatory purposes;

(7) [ENGAGING IN BIOLOGICAL RESEARCH,] watershed and habitat improvement, and [FISH] management, conservation, protection, use, disposal, propagation and stocking of fish;

(8) investigating and determining the extent and effect of

disease, predation, and competition among fish in the state, exercising control measures considered necessary to the resources of the state;

[(9) ENTERING INTO COOPERATIVE AGREEMENTS WITH EDUCATIONAL INSTITUTIONS AND STATE, FEDERAL, OR OTHER AGENCIES TO PROMOTE FISH RESEARCH, MANAGEMENT, EDUCATION AND INFORMATION AND TO TRAIN PERSONS FOR FISH MANAGEMENT;]

(9) [(10)] prohibiting and regulating the live capture, possession, transport, or release of native or exotic fish or their eggs;

(10) [(11)] establishing seasons, areas, quotas and methods of harvest for aquatic plants;

(11) [(12)] establishing the times and dates during which the issuance of fishing licenses, permits and registrations and the transfer of permits and registrations between registration areas is allowed; however, this paragraph does not apply to permits issued or transferred under AS 16.43.

* Sec. 9. AS 16.05.251 is amended by adding a new subsection to read:

(c) If the Board of Fisheries denies a petition or proposal to amend, adopt, or repeal a regulation, the board, upon receiving a written request from the sponsor of the petition or proposal, shall in addition to the requirements of AS 44.62.230 provide a written explanation for the denial to the sponsor not later than 30 days after the board has officially met and denied the sponsor's petition or proposal, or 30 days after receiving the request for an explanation, whichever is later.

* Sec. 10. AS 16.05.255(a) is amended to read:

(a) The Board of Game may adopt regulations it considers advisable in accordance with the Administrative Procedure Act (AS 44.62)

for

(1) setting apart game reserve areas, refuges and sanctuaries in the water [WATERS] or on the land [LANDS] of the state over which it has jurisdiction, subject to the approval of the legislature;

(2) establishing open and closed seasons and areas for the taking of game;

(3) establishing the means and methods employed in the pursuit, capture and transport of game;

(4) setting quotas, [AND] bag limits, harvest levels, and sex, age, and size limitations on the taking of game;

(5) classifying game as game birds, song birds, big game animals, fur bearing animals, predators or other categories;

(6) methods, means, and harvest levels necessary to control predation and competition among game in the state [INVESTIGATING AND DETERMINING THE EXTENT AND EFFECT OF PREDATION AND COMPETITION AMONG GAME IN THE STATE, EXERCISING CONTROL MEASURES CONSIDERED NECESSARY TO THE RESOURCES OF THE STATE AND DESIGNATING GAME MANAGEMENT UNITS OR PARTS OF GAME MANAGEMENT UNITS IN WHICH BOUNTIES FOR PREDATORY ANIMALS SHALL BE PAID];

(7) [ENGAGING IN BIOLOGICAL RESEARCH,] watershed and habitat improvement, and [GAME] management, conservation, protection, use, disposal, propagation and stocking of game;

[(8) ENTERING INTO COOPERATIVE AGREEMENTS WITH EDUCATIONAL INSTITUTIONS AND STATE, FEDERAL, OR OTHER AGENCIES TO PROMOTE GAME RESEARCH, MANAGEMENT, EDUCATION, AND INFORMATION AND TO TRAIN PERSONS FOR GAME MANAGEMENT;]

(8) [(9)] prohibiting the live capture, possession, transport, or release of native or exotic game or their eggs;

(9) [(10)] establishing the times and dates during which

the issuance of game licenses, permits and registrations and the transfer of permits and registrations between registration areas and game management units or subunits is allowed.

* Sec. 11. AS 16.05.255 is amended by adding a new subsection to read:

(c) If the Board of Game denies a petition or proposal to amend, adopt, or repeal a regulation, the board, upon receiving a written request from the sponsor of the petition or proposal, shall in addition to the requirements of AS 44.62.230 provide a written explanation for the denial to the sponsor not later than 30 days after the board has officially met and denied the sponsor's petition or proposal, or 30 days after receiving the request for an explanation, whichever is later.

* Sec. 12. AS 16.05.340(a)(7) is amended to read:

(7) Nonresident [VISITOR'S] special sport fishing license -- valid for the period inscribed on the license

(A) For 14-day license.....\$20

(B) For three-day license..... 10

* Sec. 13. AS 16.05.340(a)(10) is amended to read:

(10) Nonresident hunting and sport fishing license.... 96
A nonresident may not take a big game animal without previously purchasing a numbered, nontransferable, appropriate tag, issued under [TO THE NONRESIDENT AS PROVIDED IN] (15) of this subsection. The tag must [SHALL] be affixed to the animal immediately upon capture and must [SHALL] remain affixed until the animal is prepared for storage, consumed, or exported. A tag issued but not used for an animal may be used to satisfy the tagging requirement for an [ANY OTHER] animal of any other [THE] species [NAMED] for which the tag fee is of equal or less value.

* Sec. 14. AS 16.05.350 is amended to read:

1 Sec. 16.05.350. EXPIRATION OF LICENSES AND TAGS. Licenses and
2 tags required under AS 16.05.330 - 16.05.430, except the nonresident
3 [VISITOR'S] special sport fishing license and the resident trapping
4 license, expire at the close of December 31 following issuance. The
5 resident trapping license expires at the close of September 30 of the
6 year following the year in which the license is issued.

7 * Sec. 15. AS 16.05.410 is amended by adding new subsections to read:

8 (f) Except as provided in (g) of this section, the provisions of
9 (a) - (c) of this section do not apply when the offense for which the
10 person is convicted is a misdemeanor for which a forfeitable bail
11 amount has been set under AS 16.05.165.

12 (g) When a person has been convicted during a two year period of
13 two or more misdemeanor offenses for which a forfeitable bail amount
14 has been set under AS 16.05.165, a peace officer may file a civil
15 action in the district court to revoke the person's license. Once an
16 action has been filed, the court shall set a time and date for a
17 hearing on the proposed license revocation, and shall send notice of
18 the hearing to the person. The hearing shall be before the court
19 without a jury. At the hearing the court shall hear evidence regard-
20 ing the nature and seriousness of the offenses for which the person
21 was convicted, the time period involved, the potential effect of the
22 person's actions upon the preservation of the resource, and other
23 relevant circumstances. If the court finds by a preponderance of the
24 evidence that the person's actions demonstrate a disregard for the
25 preservation of the state's fish or wildlife resources, the court may
26 revoke the person's license for a period of not less than one year nor
27 more than three years from the date of revocation.

28 * Sec. 16. AS 16.05.495 is amended to read:

29 Sec. 16.05.495. VESSEL LICENSE EXEMPTION. A vessel used
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exclusively for the commercial capture of salmon in commercial salmon
administrative management areas that include state water between the
latitude of Point Romanof and the latitude of Cape Newenham, and state
water surrounding Nunivak Island [THE DRAINAGE SYSTEM OF THE YUKON AND
KUSKOKWIM RIVERS], or at a set net site, is exempt from the licensing
requirements of AS 16.05.490.

* Sec. 17. AS 16.05.685(c)(2) is amended to read:

(2) "registration area" means a specific king crab regis-
tration area as designated by regulation of the Board of Fisheries
[AND INCLUDES THE BERING SEA SHELLFISH AREA AND THE WESTERN ALEUTIAN
ISLANDS KING CRAB AREA].

* Sec. 18. AS 16.05.831(a) is amended to read:

(a) A person may not waste salmon intentionally, knowingly, or
with reckless disregard for the consequences. In this section,
"waste" means the failure to utilize the majority of the carcass,
excluding viscera and sex parts, of a salmon intended for [WHICH ARE
TO BE]

(1) sale [SOLD] to a commercial buyer or processor;

(2) [UTILIZED FOR] consumption by humans or domesticated
animals; or

(3) [UTILIZED FOR] scientific, educational, or display pur-
poses.

* Sec. 19. AS 16.05.900(a) is amended to read:

(a) A person who violates AS 16.05.870 - 16.05.895 [OR 16.05.920
OR ANY REGULATION ADOPTED UNDER THIS CHAPTER] is guilty of a class A
misdemeanor [AND, UPON CONVICTION, IS PUNISHABLE BY A FINE OF NOT MORE
THAN \$1,000 OR BY IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR BY
BOTH. A PERSON WHO VIOLATES A REGULATION ADOPTED UNDER THIS CHAPTER
FOR THE REGULATION OF COMMERCIAL FISHERIES SHALL BE PUNISHED AS

PROVIDED IN AS 16.05.720].

* Sec. 20. AS 16.05.920 is amended to read:

Sec. 16.05.920. CERTAIN ACTS MADE UNLAWFUL. (a) Unless permitted by AS 16.05 - AS 16.40 [THIS CHAPTER] or by regulation adopted under AS 16.05 - AS 16.40 [THIS CHAPTER], a person may not take, possess, transport, sell, offer to sell, purchase, or offer to purchase fish, game, or marine aquatic plants, or any part of fish, game or aquatic plants, or a nest or egg of fish or game.

(b) A person may not knowingly disturb, injure, or destroy a notice, signboard, seal, tag, aircraft, boat, vessel, automobile, paraphernalia, equipment, building or other improvement or property of the department used in the administration or enforcement of AS 16 except AS 16.51 and AS 16.52 [THIS CHAPTER], or a poster or notice to the public concerning the provisions of AS 16 except AS 16.51 and AS 16.52 [THIS CHAPTER], or a regulation adopted under AS 16 except AS 16.51 and AS 16.52 [THIS CHAPTER], or a marker indicating the boundary of an area closed to hunting, trapping, fishing or other special use under AS 16 except AS 16.51 and AS 16.52 [THIS CHAPTER]. A person may not knowingly destroy, remove, tamper with, or imitate a seal or tag issued or used by the department or attached under its authority to a skin, portion, or specimen of fish or game, or other article for the purpose of identification or authentication in accordance with AS 16 except AS 16.51 and AS 16.52 [THIS CHAPTER] or a regulation adopted under AS 16 except AS 16.51 and AS 16.52 [THIS CHAPTER].

* Sec. 21. AS 16.05.920 is amended by adding new subsections to read:

(c) A person may not import, possess, transport or release in the state live venomous reptiles, live venomous reptile eggs, live venomous insects, or live venomous insect eggs, except in accordance

with the terms of a permit issued under (d) of this section. This prohibition does not apply to bees as defined in AS 03.47.040. A person who violates this subsection is guilty of a misdemeanor and may be cited as set out in AS 16.05.165.

(d) A permit required under (c) of this section may be granted only if, in the determination of the commissioner, the applicant demonstrates a valid educational purpose for seeking the permit. A valid educational purpose includes display in educational institutions and in zoos.

* Sec. 22. AS 16.05 is amended by adding a new section to read:

Sec. 16.05.925. PENALTY FOR VIOLATIONS. A person who violates AS 16.05.920, or a regulation adopted under this chapter or AS 16.20, is guilty of a class A misdemeanor. However, a person who violates a regulation adopted under this chapter for the regulation of commercial fisheries is subject to the penalties set out in AS 16.05.720.

* Sec. 23. AS 16.05.930(c) is amended to read:

(c) AS 16.05.920 does not prohibit rearing and sale of fish from private ponds, the raising of wild animals in captivity for food or the raising of game birds for the purpose of recreational hunting on [OR] game hunting preserves, under regulations adopted by the appropriate board. In this subsection, "animals" includes all animal life, including insects and bugs.

* Sec. 24. AS 16.05.940 is amended to read:

Sec. 16.05.940. DEFINITIONS. In AS 16.05 - AS 16.40 [THIS CHAPTER]

(1) "aquatic plant" means any species of plant, excluding the rushes, sedges and true grasses, growing in a marine aquatic or intertidal habitat;

(2) "barter" means the exchange or trade of fish or game,

1 or their parts, taken for subsistence uses

2 (A) for other fish or game or their parts; or

3 (B) for other food or for nonedible items other than
4 money if the exchange is of a limited and noncommercial nature;

5 (3) "a board" means either the Board of Fisheries or the
6 Board of Game;

7 (4) "commercial fisherman" means an individual who fishes
8 commercially for, takes, or attempts to take fish, shellfish, or other
9 fishery resources of the state by any means, and includes every indi-
10 vidual aboard a boat operated for fishing purposes who participates
11 directly or indirectly in the taking of these raw fishery products,
12 whether participation is on shares or as an employee or otherwise;
13 however, this definition does not apply to anyone aboard a licensed
14 vessel as a visitor or guest who does not directly or indirectly par-
15 ticipate in the taking; and the term "commercial fisherman" includes
16 the crews of tenders or other floating craft used in transporting
17 fish;

18 (5) "commercial fishing" means the taking, fishing for, or
19 possession of fish, shellfish, or other fishery resources with the in-
20 tent of disposing of them for profit, or by sale, barter, trade, or in
21 commercial channels; the failure to have a valid subsistence permit in
22 possession, if required by statute or regulation, is considered prima
23 facie evidence of commercial fishing if commercial fishing gear as
24 specified by regulation is involved in the taking, fishing for, or
25 possession of fish, shellfish, or other fish resources;

26 (6) "commissioner" means the commissioner of fish and game
27 unless specifically provided otherwise;

28 (7) "department" means the Department of Fish and Game un-
29 less specifically provided otherwise;

(8) "domestic mammals" include musk oxen, bison, and rein-
deer, if they are lawfully owned;

(9) "fish" means any species of aquatic finfish, inverte-
brate, or amphibian [INVERTEBRATES AND AMPHIBIANS], in any stage of
its [THEIR] life cycle, found in or introduced into the state, and in-
cludes any part of such aquatic finfish, invertebrate, or amphibian;

(10) "fish derby" means a contest in which prizes are award-
ed for catching fish;

(11) "fishing derby association" means a civic, service, or
charitable organization in the state, not for pecuniary profit, whose
primary purpose is to promote interest in fishing for recreational
purposes and which has been in existence for five years before apply-
ing for a permit under this chapter, but does not include an organiza-
tion formed or operated for gaming or gambling purposes;

(12) "fish or game farming" means the business of propagat-
ing, breeding, raising, or producing fish or game in captivity for the
purpose of marketing the fish or game or their products, and "captiv-
ity" means having the fish or game under positive control, as in a
pen, pond, or an area of land or water which is completely enclosed by
a generally escape-proof barrier;

(13) "fur dealing" means engaging in the business of buying,
selling, or trading in animal skins, but [; THE TERM] does not include
[APPLY TO A HUNTER OR TRAPPER SELLING] the sale of animal skins by a
[THE] trapper or hunter who [HE] has legally taken the animal, or the
purchase of [TO A PERSON, OTHER THAN A FUR DEALER, PURCHASING] animal
skins by a person, other than a fur dealer, for the person's own use;

(14) "game" means any species of bird, reptile, and mammal,
including a feral domestic animal, found or introduced in the state,
except domestic birds and mammals; and game may be classified by

1 regulation as big game, small game, fur bearers or other categories
2 considered essential for carrying out the intention and purposes of
3 AS 16.05 - AS 16.40 [THIS CHAPTER];

4 (15) "hunting" means the taking of game under AS 16.05 -
5 AS 16.40 [THIS CHAPTER] and the regulations adopted under those chap-
6 ters [IT];

7 (16) "nonresident" means a person who is not a resident of
8 the state;

9 (17) "nonresident alien" means a person who is not a citizen
10 of the United States and whose permanent place of abode is not in the
11 United States;

12 (18) "operator" means the individual by law made responsible
13 for the operation of the vessel;

14 (19) "resident" means a person who for 12 consecutive months
15 has maintained a permanent place of abode in the state and who has
16 continually maintained a voting residence in the state; and in the
17 case of a partnership, association, joint stock company, trust, or
18 corporation, "resident" means one that has its main office or head-
19 quarters in the state; however, a member of the military service who
20 has been stationed in the state for the preceding 12 consecutive
21 months is a resident for the purposes of this paragraph [CHAPTER], and
22 the dependent of a resident member of the military service, who has
23 been living in the state for the preceding year is a resident for the
24 purposes of this paragraph [CHAPTER], and a person who is an alien but
25 who for one year has maintained a permanent place of abode in the
26 state is a resident for the purposes of this paragraph [CHAPTER];

27 (20) "seizure" means the actual or constructive taking or
28 possession of real or personal property subject to seizure under
29 AS 16.05 - AS 16.40 [THIS CHAPTER] by an enforcement or investigative

officer charged with enforcement of the fish and game laws of the
state;

(21) "sport fishing" means the taking of or attempting to
take for personal use, and not for sale or barter, any fresh water,
marine, or anadromous fish by hook and line held in the hand, or by
hook and line with the line attached to a pole or rod which is held in
the hand or closely attended, or by other means defined by the Board
of Fisheries;

(22) "subsistence fishing" means the taking of, fishing for,
or possession of fish, shellfish, or other fisheries resources for
subsistence uses with gill net, seine, fish wheel, long line, or other
means defined by the Board of Fisheries;

(23) "subsistence uses" means the customary and traditional
uses in Alaska of wild, renewable resources for direct personal or
family consumption as food, shelter, fuel, clothing, tools, or trans-
portation, for the making and selling of handicraft articles out of
nonedible by-products of fish and wildlife resources taken for per-
sonal or family consumption, and for the customary trade, barter, or
sharing for personal or family consumption; for the purposes of this
paragraph, "family" means all persons related by blood, marriage, or
adoption, and any person living within the household on a permanent
basis;

(24) "take" means taking, pursuing, hunting, fishing, trap-
ping, or in any manner disturbing, capturing, or killing or attempting
to take, pursue, hunt, fish, trap, or in any manner capture or kill
fish or game;

(25) "taxidermy" means tanning, mounting, processing, or
other treatment or preparation of fish or game, or any part of fish or
game, as a trophy, for monetary gain, including the receiving of the

fish or game or parts of fish or game for such purposes;

(26) "trapping" means the taking of mammals declared by regulation to be fur bearers;

(27) "vessel" means a floating craft powered, towed, rowed, or otherwise propelled, which is used for delivering, landing, or taking fish within the jurisdiction of the state, but [FOR THE PURPOSES OF THIS CHAPTER] does not include aircraft[;

(28) "VISITOR" MEANS A NONRESIDENT OR ALIEN TEMPORARILY SOJOURNING IN THE STATE AS A VISITOR OR TOURIST].

* Sec. 25. AS 16.10.173(b) is amended to read:

(b) As used in this section, "waste" means the failure to use the flesh of commercially taken herring for reduction to meal, production of fish food, human consumption, food for domestic animals, scientific or educational purposes, or round herring bait. Normal, inadvertent loss of flesh associated with the uses described in this subsection which cannot be prevented by practical means does not constitute waste. The commissioner of fish and game may authorize other uses of commercially taken herring consistent with the intent of this section and AS 16.10.172 upon receipt of a request accompanied by a detailed justification.

* Sec. 26. AS 16.10.173 is amended by adding a new subsection to read:

(f) A person who violates this section is guilty of a class A misdemeanor.

* Sec. 27. AS 16.10.280 is amended to read:

Sec. 16.10.280. PRICE DISPUTES BETWEEN FISHERMEN AND FISH PROCESSORS. In an area where a price dispute exists between at least one-third of the registered commercial fishermen for that area, as ~~es-~~ timated [CERTIFIED] by the Department of Fish and Game on the basis of information available to the department, and fish processors on the

price to be paid for salmon, and no agreement has been reached up to 120 days before the opening of the salmon fishing season in that area, a representative from the Department of Labor shall intervene as mediator of the dispute upon request of either party.

* Sec. 28. AS 16.20.036(a)(8) is amended to read:

(8) Township 14 North, Range 4 West, Seward Meridian
Sections: Lots 1 - 6, SE 1/4 NW 1/4, W 1/2 NE 1/4 NW 1/4, SE 1/4 NE 1/4 NW 1/4, NE 1/4 SW 1/4, NW 1/4 SE 1/4, SE 1/4 SE 1/4, W 1/2 SW 1/4 NE 1/4, SE 1/4 SW 1/4 NE 1/4, S 1/2 NE 1/4 SW 1/4 NE 1/4 of Section 31 [6]

* Sec. 29. AS 16.05.903; AS 16.10.230(1); AS 16.15; and AS 16.35.010 - 16.35.180 are repealed.

* Sec. 30. This Act takes effect immediately in accordance with AS 01.- 10.070(c).