

Original

9/11/51

1 IN THE HOUSE

BY MR. MACSPADDEN

2 HOUSE BILL NO. 140

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act to provide for the licensing of
7 commercial fishermen and commercial
8 fishing gear in the Territory of Alaska;
9 to require license fees; to prescribe
10 penalties; to repeal Chapter 6, Session
11 Laws of Alaska 1951, Chapter 66, Session
12 Laws of Alaska 1949, and paragraphs (i)
13 and (j) of subsection 7th of Section
14 35-1-11, Alaska Compiled Laws Annotated
15 1949; and to provide an effective date."

16 BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

17 Section 1. DEFINITIONS. For the purpose of this Act:

18 (a) "Person" shall include any individual, partnership
19 association, joint-stock company, trust, or corporation.

20 (b) "Fisherman" shall mean an individual who fishes,
21 commercially for, takes or attempts to take salmon, halibut,
22 hatter fish, crabs, clams, or other fishery resources of Alaska,
23 and shall include every individual aboard boats operated for
24 fishing purposes who participates directly or indirectly in the
25 taking of the raw fishery products above mentioned whether such
26 participation be on shares or as employee or otherwise. The
27 term "fisherman" shall also include trap watchmen or others
28 engaged in operating fish traps as well as the crews of tenders
29 or other floating equipment used in handling of fish.

1 (c) "Resident" shall mean an individual who has
2 resided in the Territory for 12 months immediately preceding
3 application for such license and after having established
4 residence, retains it by continued residence in the Territory or
5 preserves it by not establishing residence elsewhere, and in the
6 case of a partnership, association, joint-stock company, trust,
7 or corporation it shall mean one that has its main office or
8 headquarters in the Territory of Alaska.

9 (d) "Non-resident" shall mean an individual who has
10 not resided in Alaska for the 12 months immediately preceding
11 application for license or who establishes his residence outside
12 of the Territory, and in the case of a partnership, association,
13 joint-stock company, trust, or corporation it shall mean one
14 that does not have its main office or headquarters in the
15 Territory of Alaska.

16 (e) "Commercial purposes" shall mean the taking,
17 fishing for, or possession on a fishing vessel of food fish or
18 shellfish with the intent of disposing of such food fish,
19 shellfish or parts thereof for profit, or by sale, barter, trade
20 or in commercial channels.

21 (f) "Food fish" and "Shellfish" shall mean all species
22 defined as commercial fish and shellfish in the "Regulations for
23 the Protection of the Commercial Fisheries of Alaska" as
24 published annually by the Fish and Wildlife Service, United
25 States Department of the Interior, or as listed and classified
26 by the Alaska Department of Fisheries.

27 Section 2. QUALIFICATIONS FOR LICENSES. No license
28 provided for in this Act shall be issued to any individual who
29 is not a citizen of the United States, or who has not in good

1 faith declared his intention of becoming a citizen of the United
2 States; nor shall any license be issued to any partnership,
3 association, joint-stock company, trust, or corporation unless
4 it is authorized to do business in the Territory of Alaska.

5 Section 3. EXPIRATION DATE FOR LICENSES. All licenses
6 required under the provisions of this Act shall expire at the
7 close of the thirty-first day of December following their
8 issuance, and shall be renewed annually thereafter upon
9 application and payment of license fees required by this Act.

10 Section 4. ISSUANCE OF LICENSES. Licenses herein required
11 shall be issued to any qualified person by the Tax Commissioner
12 pursuant to written applications containing such information as
13 may be required by the Tax Commissioner, and such licenses may
14 also be issued by his deputies. Such applications shall be
15 simple in form and be executed by applicants or their respective
16 agents under the penalties of perjury. The Tax Commissioner's
17 regular deputies shall each be supplied with a metal badge with
18 the words "Territorial Tax Collector" engraved thereon, and which
19 badge they shall wear plainly exposed when on duty.

20 Section 5. TAX COMMISSIONER MAY APPOINT AGENTS. The Tax
21 Commissioner is hereby authorized to appoint United States
22 Commissioners, cannery or cold storage agents, fish buyers or
23 other persons as his agents to take applications, issue the
24 licenses and collect license fees hereunder, and with respect to
25 such persons not employed on salary by the Tax Department, the
26 Tax Commissioner is hereby authorized to establish reasonable
27 and uniform rates of compensation for such services on a
28 commission basis for issuance of each resident and nonresident
29 licence. The United States Commissioners and other agents shall

1 monthly transmit to the Tax Commissioner all fees collected by
2 them, less their authorized commissions, together with a full
3 account of same. The Tax Commissioner shall not be liable for
4 defalcation or failure to account for the fees so collected by
5 any such agent, but shall require a bond in such sum as he may
6 deem adequate, conditioned upon faithfully accounting for all
7 monoy collected hereunder.

8 Section 6. COMMERCIAL FISHING LICENSE. A commercial
9 fishing license shall be obtained by each and every individual
10 who shall become engaged as a fisherman as above defined. The
11 fee for such license shall be Two Dollars (\$2.00).

12 Section 7. FISHING GEAR LICENSES.

13 (a) HANDLINE OR JIGGER LICENSE. A license is required
14 for handlines or jiggers used in the taking or catching of food
15 fish for commercial purposes in the waters of the Territory, for
16 which license there shall be paid a fee of Five Dollars (\$5.00)
17 per annum by residents and Twenty-five Dollars (\$25.00) per
18 annum by nonresidents. Each license shall entitle the licensee
19 to use two or less handlines or jiggers,

20 (b) TROLL LINE LICENSE. A license is required for
21 troll lines used in the taking or catching of food fish for
22 commercial purposes in the waters of the Territory, for which
23 license there shall be paid a fee of Five Dollars (\$5.00) per
24 annum by residents and Twenty-five Dollars (\$25.00) per annum
25 by nonresidents. Each license shall entitle the licensee to
26 use four or less troll lines.

27 For the purposes of this Act a line that is used with a
28 reel and reel shall be construed as a troll line when it is used
29 in the taking or catching of food fish for commercial purposes

1 in the waters of the Territory.

2 (c) SET LINE LICENSE. A license is required for each
3 set line used in the taking or catching of food fish for
4 commercial purposes in the waters of the Territory, for which
5 there shall be paid a fee of Five Dollars (\$5.00) per annum by
6 residents and Twenty-five Dollars (\$25.00) per annum by
7 nonresidents.

8 (d) DRIFT GILL NET LICENSE. A license is required for
9 each and every drift gill net used in the taking or catching of
10 food fish for commercial purposes in the waters of the Territory
11 for which license there shall be paid a fee of Five Dollars
12 (\$5.00) per annum by residents and Twenty-five Dollars (\$25.00)
13 per annum by nonresidents.

14 (e) SET OR STAKE GILL NET LICENSE. A license is
15 required for each and every set or stake gill net used in the
16 taking or catching of food fish for commercial purposes in the
17 waters of the Territory, for which license there shall be paid a
18 fee of Five Dollars (\$5.00) per annum by residents and
19 Twenty-five Dollars (\$25.00) per annum by nonresidents.

20 (f) TANGLE OR TRammel NET LICENSE. A license is
21 required for each and every tangle or trammel net used in the
22 taking or catching of food fish for commercial purposes in the
23 waters of the Territory, for which license there shall be paid a
24 fee of Five Dollars (\$5.00) per annum by residents and
25 Twenty-five Dollars (\$25.00) per annum by nonresidents.

26 (g) BEACH OR DRAG SEINE LICENSE. A license is
27 required for each and every beach seine used in the taking or
28 catching of food fish for commercial purposes in the waters of
29 the Territory, for which license there shall be paid a fee of

1 Five Dollars (\$5.00) per annum by residents and Twenty-five
2 Dollars (\$25.00) per annum by nonresidents.

3 (h) PURSE SEINE LICENSE. A license is required for
4 each and every purse seine used in the taking or catching of
5 food fish for commercial purposes in the waters of the Territory
6 for which license there shall be paid a fee of Five Dollars
7 (\$5.00) per annum by residents and Twenty-five Dollars (\$25.00)
8 per annum by nonresidents.

9 (i) BEAM TRAWL LICENSE. A license is required for
10 each and every beam trawl used in the taking or catching of
11 food fish or shellfish for commercial purposes in the waters of
12 the Territory, for which license there shall be paid a fee of
13 Twenty-five Dollars (\$25.00) per annum by residents and One
14 Hundred Twenty-five Dollars (\$125.00) per annum by nonresidents.

15 (j) OTTER TRAWL LICENSE. A license is required for
16 each and every otter trawl used in the taking or catching of
17 food fish or shellfish for commercial purposes in the waters of
18 the Territory, for which license there shall be paid a fee of
19 Twenty-five Dollars (\$25.00) per annum by residents and One
20 Hundred Twenty-five Dollars (\$125.00) per annum by nonresidents.

21 (k) RING NET LICENSE. A license shall be required for
22 ring nets used in the taking or catching of food fish or
23 shellfish for commercial purposes in the waters of the Territory.
24 For a license for twenty-five (25) ring nets or less there shall
25 be paid a fee of Five Dollars (\$5.00) per annum by residents and
26 Twenty-five Dollars (\$25.00) per annum by nonresidents.

27 (l) SHELLFISH POT LICENSE. A license shall be
28 required for shellfish pots used in the taking or catching of
29 food fish or shellfish for commercial purposes in the waters of

1 the Territory. For a license for one hundred (100) shellfish
2 pots or less there shall be paid a fee of Five Dollars (\$5.00)
3 per annum by residents and Twenty-five Dollars (\$25.00) per
4 annum by nonresidents.

5 Section 8. LICENSE POSSESSION REQUIREMENTS.

6 The commercial fishing license shall be carried on the
7 individual whenever such individual is engaged as a fisherman as
8 above defined.

9 All fishing gear licenses issued under the provisions
10 of this Act shall be non-transferable, and it shall be unlawful
11 for any gear which is licensed as herein specified to be operated
12 or caused to be operated by any person other than the licensee
13 or an agent or employee of the licensee. In the event the gear
14 is operated by a nonresident, the gear shall be required to be
15 licensed as nonresident gear and the fees provided for nonresidents
16 shall be paid for such license. All licenses for fishing gear
17 issued under the provisions of this Act shall be carried in the
18 possession of the licensee or authorized representative of the
19 licensee who shall be in charge of the operation of such gear.

20 Section 9. UNLAWFUL PURCHASES: RECORDS REQUIRED. - It shall
21 be unlawful for any person, or for the agent or representative
22 of any person, to have in his employ any fisherman who is not
23 duly licensed under this Act or to purchase fish from any
24 fisherman who is not so licensed. Each buyer of the fish shall
25 keep a record of each purchase showing name of boat from which
26 the catch involved is taken, amount purchased, and the names of
27 all fishermen attached to the boat who participated in the trip
28 on which the fish or shellfish were taken. Such records may be
29 kept on forms provided by the Tax Commissioner, but must be kept

1 in any event, and each person charged with keeping such records
2 must report same to the Tax Commissioner in accordance with
3 rules and regulations promulgated by him. Anyone violating any
4 of the provisions of this section shall be guilty of a
5 misdemeanor, and upon conviction, punishable under the penalty
6 clause of this Act.

7 Section 10. ENFORCEMENT AND PENALTY.

8 (a) For the purpose of enforcing this Act, the Tax
9 Commissioner's deputies and inspectors of the Alaska Department
10 of Fisheries are hereby made peace officers with authority to
11 make arrests (with or without warrants) for a violation of any
12 provisions of this Act. Likewise, the agents of the Fish and
13 Wildlife Service, Department of the Interior, are hereby fully
14 authorized to enforce this Act.

15 (b) Licenses shall be subject to inspection, and shall,
16 upon request by any officer authorized to enforce this Act, be
17 exhibited to him. Failure to procure or exhibit such license
18 as indicated above or otherwise comply with this Act shall be a
19 misdemeanor, and upon conviction thereof the offender shall be
20 subject to a fine not exceeding \$500.00 or imprisonment not to
21 exceed six months, or both such fine and imprisonment.

22 Section 11. EXEMPTION. This Act shall not apply to fishing
23 for personal consumption but shall apply only to fishing for
24 commercial purposes; Provided, however, that with respect to
25 rivers of Alaska wherein commercial fishing is prohibited,
26 fishing by Indians, Eskimos or Aleuts for the purpose of drying
27 fish for sale as dog food, shall not be considered commercial
28 fishing.

29 Section 12. REPEAL OF CONFLICTING LAWS. Chapter 6, Session

1 Laws of Alaska, 1951; Chapter 66, Session Laws of Alaska, 1949;
2 and paragraphs (i) and (j) of subsection 7th of Section 35-1-11
3 ACLA 1949, are hereby repealed.

4 Section 13. SAVING CLAUSE. If any provisions of this Act,
5 or the application thereof to any person or circumstance is held
6 invalid, the remainder of the Act and such application to other
7 persons or circumstances shall not be affected thereby.

8 Section 14. EFFECTIVE DATE. This Act shall take effect
9 January 1, 1954.

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29