

1 IN THE HOUSE

BY REPRESENTATIVE MCNABB

2 BILL NO. 210 *By Report*

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act providing authority and a system
7 for the licensing of hunting, trapping and
8 fishing for game fish, fur dealing, fur or
9 game farming, taxidermy and guiding; and
10 for permits to control the export of game
11 from the Territory; prescribing fees, penal-
12 ties and creating a fund for the deposit of
13 receipts; repealing Chapter 93, Session
14 Laws of Alaska 1951 and setting an effective
15 date."

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

17 Section 1. Definitions. For the purpose of this Act, the
18 following terms shall have the meaning ascribed to them by these
19 definitions:

20 (a) "Territory" The Territory of Alaska.

21 (b) "Person" The plural or the singular, as the case
22 demands, including individuals, associations, partnerships, and
23 corporations, acting to forward a common purpose.

24 (c) "Big Game Animals" Deer, moose, caribou, elk,
25 mountain sheep, mountain goat, bison, muskox, walrus, polar bear,
26 and the large brown, grizzly and black bears, and such other
27 animals, including small game animals, as shall be declared by
28 existing regulatory authority to be big game animals.

29 (d) "Small Game Animals" Hare, rabbit and all game

1 birds.

2 (e) "Fur Animals" Beaver, muskrat, marmot, racoon,
3 pika, squirrel, fisher, fox, lynx, marten or sable, mink, weasel
4 or ermine, sea otter, fur seal, land otter, wolverine, coyote,
5 wolf and such other animals as shall be declared by existing
6 regulatory authority to be fur animals.

7 (f) "Game Birds" Anatidae, commonly known as water-
8 fowl, including ducks, geese, brant, and swans; Haematopodidae,
9 Charadriidae, Scolopacidae, and Phalaropodidae, commonly known
10 as shorebirds, including oyster catchers, plover, sandpipers,
11 snipe, curlew and phalaropes; Gruidae, commonly known as crane;
12 and the several species of grouse, ptarmigan and pheasants and
13 such other birds as shall be declared by existing regulatory
14 authority to be game birds.

15 (g) "Non-game Birds" All wild birds except game birds.

16 (h) "Game Fishes" Rainbow, steelhead, cutthroat,
17 eastern brook, dolly varden and mackinaw or lake trout, and
18 grayling and such other fishes as shall be declared by existing
19 regulatory authority to be game fishes.

20 (i) "Take" Taking, pursuing, hunting, capturing,
21 trapping, or killing game animals, fur animals, game or non-game
22 birds or game fishes; attempting to take, pursue, hunt, capture,
23 trap, or kill such animals, birds, or game fishes, or setting or
24 using a net, trap, or other device for taking them, or collecting
25 the nests or eggs of such birds.

26 (j) "Hunting" The taking, as herein defined, of game
27 animals, game birds, and non-game birds.

28 (k) "Trapping" The taking, as herein defined, of fur
29 animals.

1 (l) "Fishing" The taking, as herein defined, of game
2 fishes.

3 (m) "Guiding" To accompany and guide nonresident or
4 alien big game hunters.

5 (n) "Export" The shipping, transporting, carrying,
6 exporting, or receiving or delivering for shipment, transporta-
7 tion, carriage or export to a point or destination outside the
8 Territory.

9 (o) "Fur Dealing" Engaging in the business of buying,
10 selling or trading in the skins of fur bearing animals. The term
11 shall not apply to a trapper selling the skins of such animals he
12 has lawfully taken, nor to a person purchasing skins for his own
13 use.

14 (p) "Fur or Game Farming" The business of breeding,
15 raising, or producing fur animals, game animals, or birds or
16 game fishes in captivity.

17 (q) "Taxidermy" The tanning, mounting, processing, or
18 other treatment or preparation of game or fur bearing animals,
19 game birds or game fishes, or any part thereof, including the re-
20 ceiving of such animals, birds or fishes or parts for such pur-
21 poses.

22 (r) "Resident" Any citizen, or alien who has a peti-
23 tion for naturalization pending before the District Court, who
24 has resided in the Territory for a continuous period of 12 months
25 and shall have been a bona fide inhabitant of Alaska for at least
26 six months during each calendar year thereafter and who maintains
27 his residence in Alaska and who has not accepted resident privi-
28 leges or exercised a right of franchise outside of Alaska.

29 (s) "Nonresident" Any citizen of the United States

1 Who does not qualify as a resident.

2 (t) "Alien" Any person, not a citizen of the United
3 States and who does not have a petition for naturalization pend-
4 ing before the District Court.

5 (u) "Visitor" Any person not a resident of the Terri-
6 tory who is temporarily sojourning in the Territory as a visitor
7 or tourist.

8 Section 2. Licenses, Permits, Tags and Seals, etc., Re-
9 quired. It shall be unlawful, except as otherwise permitted by
10 this Act, for any person to take any of the game or fur bearing
11 animals, game birds or game fishes, the taking of which is per-
12 mitted by existing regulatory authority, or to export any game
13 animal or game bird from the Territory, or to engage in the busi-
14 ness of fur dealing, fur or game animal or fish farming, taxi-
15 dery or guiding without having first procured such license, per-
16 mit, tag or seal as may hereinafter be provided to authorize such
17 act, or authenticate or identify game taken or exported.

18 In cases where tags or seals are required, they shall be
19 carried while taking the species involved and attached immediate-
20 ly on killing the animal, to remain so attached until the carcass
21 reaches the place at which it is to be consumed. Export permits
22 shall be attached to outside of containers at point of origin and
23 remain so attached to final destination.

24 Section 3. Licenses and Fees.

- 25 (a) Resident game fishing license.....\$ 4.00
- 26 (b) Resident hunting license..... 4.00
- 27 (c) Resident game fishing and hunting license.. 7.50
- 28 (d) Resident game fishing, hunting, and trap-
29 ping license..... 10.00

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(Three years continuous residence required to be eligible for a resident game fishing, hunting and trapping license.)

- (e) Resident fur dealer license.....\$25.00
- (f) Registered guide license..... 25.00
- (g) Nonresident and Alien game fishing license..... 6.00
- (h) Nonresident and Alien game fishing and small game.....20.00
- (i) Nonresident and Alien game fishing, small game hunting and trapping license..... 25.00
- (j) Visitors game fishing license..... 3.00
(Valid only for 10 days after date of issuance.)
- (k) Nonresident and Alien Fur Dealer license...100.00
- (l) Fur or game farming, or taxidermist license..... 5.00
- (m) Export permits
 - (1) For each game bird or part thereof.... 1.00
 - (2) For each game animal, or part thereof. 5.00(Provided that if animal is to be returned to Alaska after processing, such permit shall be)..... 1.00

The big game tags or seals are required by Nonresident and Alien game fishing, small game hunting and trapping license.

Further provided no permit shall be required for a non-resident or alien to export trophies on which his seal is attached.

1 Big game tags or seals are required by nonresident
2 and aliens to take the following:-

3 Moose, caribou, sheep, polar bear, brown or grizzly
4 bear, goat, bison and elk..... \$50.00 each
5 Deer or black bear..... 25.00 each

6 Provided that the license fees for the period from the
7 effective date of this Act to March 31st next following, shall
8 be one half of the annual fees prescribed above.

9 Section 4. Expiration of Licenses. All licenses and per-
10 mits, except visitors, required under the provisions of this Act
11 shall expire at the close of the 31st day of March following
12 their issuance.

13 Section 5. Issuance of Licenses. Licenses, permits, tags
14 and seals, herein required shall be issued by an Alaska Wildlife
15 Commission, or in the event this is not practicable, by such
16 Territorial organization as the Governor of Alaska may direct,
17 who shall designate the license forms, which shall be sufficient
18 to identify and locate the applicant and establish his status as
19 to residency and citizenship. Each application shall be sub-
20 scribed and sworn to by the applicant before an officer authorized
21 to administer oaths in the Territory.

22 Persons authorized in writing to sell these licenses are
23 hereby authorized to administer oaths on applications therefore.

24 Any false statement in an application for a license or per-
25 mit as to citizenship, residence or other material fact shall
26 render null and void the license or permit issued upon it; and
27 any person who shall make any false statement in such an appli-
28 cation shall be guilty of a violation of this Act.

29 No person shall alter, change, loan or transfer to another

1 person any license, permit, seal or tag issued to him in pursu-
2 ance of this Act, nor shall any person other than the one to
3 whom it is issued use such license, permit, seal or tag.

4 Section 6. Fee for Issuance of Licenses. Any person, ex-
5 cept salaried employees of the Territory, appointed and author-
6 ized to sell licenses, permits or seals, as prescribed by this
7 Act, shall retain the sum of 25¢ from the fee for issuance of
8 each license, permit or seal, for his services.

9 Subject to withholding of any compensation so authorized,
10 each officer or person selling licenses, permits or seals, shall,
11 as soon as practicable after the last day of each calendar month,
12 transmit the proceeds from such sales, together with a report
13 thereof, to the Territorial Treasurer for deposit in the "Wildlife
14 Fund."

15 Section 7. Wildlife Fund Established. There is hereby
16 created a special "Wildlife Fund" in the Territorial Treasury
17 wherein receipts from the sale of licenses, permits, tags and
18 seals prescribed by this Act, shall be deposited and shall accrue
19 for future use in managing Alaska's wildlife, including game
20 fish, provided that the necessary administrative and organiza-
21 tional expenses, to conduct such business as may be required by
22 this Act, and for matching Federal Aid funds may be paid from
23 this Fund.

24 Section 8. Enforcement: Inspection and Penalties. Each
25 person to whom a license is issued shall have his license on his
26 person when taking game animals, fur animals, game birds, or game
27 fish; and shall display his license when conducting other activi-
28 ties as the particular license authorizes, and shall produce it
29 for inspection by any officer or other authorized person when
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1 requested to do so.

2 Any authorized employee of the Territory and any Territorial
3 Police Officer, shall have authority and power to enforce this
4 Act and make arrests for any violation of the provisions herein.

5 Agents of the United States Fish and Wildlife Service and
6 United States Forest Service are hereby fully authorized and em-
7 powered to enforce this Act.

8 Section 9. Violations a Misdemeanor: Forfeitures. Any
9 person who violates any provision of this Act, is guilty of a
10 misdemeanor and upon conviction thereof shall be fined not less
11 than \$25.00 nor more than \$1000.00 or be imprisoned not more
12 than six months or both; and, in addition thereto, shall forfeit
13 the related form of license held under this Act and shall sur-
14 render it upon demand to any person authorized to receive it and
15 he shall not be entitled to, or be granted, a license conveying
16 the same privilege during the same license year, and upon a
17 second conviction he shall not be entitled to, nor shall he be
18 granted, a license of such form for a period of one year from
19 date of forfeiture and upon a third or successive conviction, for
20 a period of five years from date of such forfeiture. All monies
21 from fines shall be transmitted by the Clerk of the Court to the
22 Treasurer of Alaska for deposit in the general fund of the Terri-
23 tory.

24 Section 10. Duties of Licensed Guides. Any licensed guide
25 who shall refuse to report promptly to the existing regulatory
26 authorities any violation of the wildlife laws and regulations
27 of which he may have knowledge, shall have his license revoked
28 and shall not be eligible for a Registered Guide license for a
29 period of five years from the time of establishment of proof of

1 such failure.

2 Section 11. Exception. No license shall be required of
3 any resident or nonresident person under the age of sixteen for
4 the purpose of fishing; nor shall a license be required of any
5 resident under the age of sixteen for hunting.

6 Section 12. Repeal of Conflicting Laws. All acts or parts
7 of acts in conflict with the provisions of this Act are hereby
8 repealed.

9 Section 13. Saving Clause. That if any clause, sentence,
10 paragraph or part of this Act shall for any reason be adjudged
11 by any court of competent jurisdiction to be invalid, such judg-
12 ment shall not affect, impair, or invalidate the remainder there-
13 of, but shall be confined in its operation to the clause, sen-
14 tence, paragraph, or parts thereof directly involved in the
15 controversy in which judgment shall have been rendered.

16 Section 14. Effective Date. This Act shall become effec-
17 tive on the July 1 next following the date of determination of
18 authority by the Territory to license hunting, fishing, trapping
19 and related utilization of Alaska's wildlife and game fish re-
20 sources.
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