

1 IN THE SENATE

BY SENATORS NOLAN, BULLOCK
AND ENGSTROM BY REQUEST

2

SENATE BILL NO. 35

3

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4

TWENTY-THIRD SESSION

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A BILL

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For an Act entitled: "An Act providing authority and a system for the licensing of hunting, trapping and fishing for game fish, fur dealing, fur or game farming, taxidermy and guiding; and for permits to control the export of game from the Territory; prescribing fees, penalties and creating a fund for the deposit of receipts; repealing Chapter 93, Session Laws of Alaska 1951."

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

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

(a) "Territory" The Territory of Alaska.

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

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

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

1 birds.

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

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

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

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

20 (i) "Take" Taking, pursuing, hunting, capturing,
21 trapping, or killing game animals, fur animals, game or non-
22 game birds or game fishes; attempting to take, pursue, hunt,
23 capture, trap, or kill such animals, birds, or game fishes,
24 or setting or using a net, trap, or other device for taking
25 them, or collecting 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, trans-
7 portation, carriage or export to a point or destination out-
8 side the Territory.

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

14 (p) "Fur or Game Farming" The business of breeding,
15 raising, or producing fur animals, game animals, or birds
16 or 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
20 the receiving of such animals, birds or fishes or parts for
21 such purposes.

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

1 within the boundaries of Alaska for a continuous period of
2 twelve consecutive months shall be considered a resident for
3 the purpose of this act.

4 (c) "Nonresident" Any citizen of the United States who
5 does not qualify as a resident.

6 (t) "Alien" Any person, not a citizen of the United
7 States and who does not have a petition for naturalization
8 pending before the District Court

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

12 Sec. 2. LICENSES, PERMITS, TAGS AND SEALS, ETC., REQUIRED.

13 It shall be unlawful, except as otherwise permitted by this Act,
14 for any person to take any of the game or fur bearing animals,
15 game birds or game fishes, the taking of which is permitted by
16 existing regulatory authority, or to export any game animal or
17 game bird from the Territory, or to engage in the business of fur
18 dealing, fur or game animal or fish farming, taxidermy or guiding
19 without having first procured such license, permit, tag or seal
20 as may hereinafter be provided to authorize such act, or authenti-
21 cate or identify game taken or exported.

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

28 Sec. 3. LICENSES AND FEES.

29 (a) Resident game fishing license.....\$ 4.00

1	(b)	Resident Hunting license.....	\$ 4.00
2	(c)	Resident game fishing and hunting license...	7.50
3	(d)	Resident game fishing, hunting, and	
4		trapping licenses.....	10.00
5		(Three years continuous residence required	
6		to be eligible for a resident game fishing,	
7		hunting and trapping license.)	
8	(e)	Resident fur dealer license.....	25.00
9	(f)	Registered guide license.....	25.00
10	(g)	Nonresident and Alien game fishing license..	6.00
11	(h)	Nonresident and Alien game fishing and small	
12		game.....	20.00
13	(i)	Nonresident and Alien game fishing, small	
14		game hunting and trapping license.....	25.00
15	(j)	Visitors game fishing license.....	3.00
16	(k)	Nonresident and Alien Fur Dealer license...	100.00
17	(l)	Fur or game farming, or taxidermist	
18		license.....	5.00
19	(m)	Export permits	
20	(1)	For each game bird or part thereof.....	1.00
21	(2)	For each game animal, or part thereof,	5.00
22		(Provided that if animal is to be	
23		returned to Alaska after processing,	
24		such permit shall be).....	1.00

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

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

29 Big game tags or seals are required by nonresident and aliens

1 to take the following:

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

5 Provided that the license fees for the period from the ef-
6 fective date of this Act to March 31st next following, shall be
7 one half of the annual fees perscribed above.

8 Sec. 4. EXPIRATION OF LICENSES. All licenses permits, except
9 visitors, required under the provisions of this Act, shall expire
10 at the close of the 31st day of March following their issuance.

11 Sec. 5. ISSUANCE OF LICENSES. Licenses, permits, tags and
12 seals, herein required shall be issued by an Alaska wildlife Com-
13 mission, or in the event this is not practicable, by such Terri-
14 torial organization as the Governor of Alaska may direct, who shall
15 designate the license forms, which shall be sufficient to identify
16 and locate the applicant and establish his status as to residency
17 and citizenship. Each application shall be subscribed and sworn
18 to by the applicant before an officer authorized to administer
19 oaths in the Territory.

20 Persons authorized in writing to sell these licenses are here-
21 by authorized to administer oaths on applications therfore.

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

27 No person shall alter, change, loan or transfer to another
28 person any license, permit, seal or tag issued to him in pursuance
29 of this Act, nor shall any person other than the one of whom it is

1 issued use such license, permit, seal or tag.

2 Sec. 6. FEE FOR ISSUANCE OF LICENSES. Any person, except
3 salaried employees of the Territory, appointed and authorized to
4 sell licenses, permits or seals, as prescribed by this Act, shall
5 retain the sum of 25¢ from the fee for issuance of each license,
6 permit or seal, for his services.

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

13 Sec. 7. WILDLIFE FUND ESTABLISHED. There is hereby created
14 a special "wildlife fund" in the Territorial Treasury wherein
15 receipts from the sale of licenses, permits, tags, and seals pre-
16 scribed by this Act, shall be deposited and shall accrue for
17 future use in managing Alaska's wildlife, including game fish,
18 provided that the necessary administrative and organizational
19 expenses, to conduct such business as may be required by this Act,
20 and for matching Federal Aid funds may be paid from this Fund.

21 Sec. 8. ENFORCEMENT: INSPECTION AND PENALTIES. Each person
22 to whom a license is issued shall have his license on his person
23 when taking game animals, fur animals, game birds, or game fish;
24 and shall display his license when conducting other activities as
25 the particular license authorizes, and shall produce it for in-
26 spection by any officer or other authorized person when requested
27 to do so.

28 Any authorized employee of the Territory and any Territorial
29 Police Officer, shall have authority and power to enforce this

1 Act and make arrests for any violation of provisions herein.

2 Agents of the United States Fish and Wildlife Service and
3 United States Forest Service are hereby fully authorized and em-
4 powered to enforce this Act.

5 Sec. 9. VIOLATIONS & MISDEMEANOR: FORFEITURES. Any person
6 who violates any provision of this Act, is guilty of a misdemeanor
7 and upon conviction thereof shall be fined not less than \$25.00
8 nor more than \$1,000 or be imprisoned not more than six months
9 or both; and in addition thereto, shall forfeit the related form
10 of license held under this Act and shall surrender it upon demand
11 to any person authorized to receive it and he shall not be intitl-
12 ed to, or be granted, a license conveying the same privilege during
12 the same license year, and upon a second conviction he shall not
14 be entitled to, nor shall he be granted, a license of such form
15 for a period of one year from date of forfeiture and upon a third
16 or successive conviction, for a period of five years from date of
17 such forfeiture. All monies from fines shall be transmitted by
18 the Clerk of the Court to the Treasurer of Alaska for deposit in
19 the general fund of the Territory.

20 Sec. 10. DUTIES OF LICENSED GUIDES. Any licensed guide who
21 shall refuse to report promptly to the existing regulatory authori-
22 ties any violation of the wildlife laws and regulations of which he
23 may have knowledge, shall have his license revoked and shall not be
24 eligible for a Registered Guide license for a period of five years
25 from the time of establishment of proof of such failure.

26 Sec. 11. EXCEPTION. No license shall be required of any
27 resident or nonresident person under the age of sixteen for the
28 purpose of fishing; nor shall a license be required of any resi-
29 dent under the age of sixteen for hunting.

1 . Sec. 12. REPEAL OF CONFLICTING LAWS, All acts or parts of
2 acts in conflict with the provisions of this Act are hereby
3 repealed.

4 Sec. 13. SAVING CLAUSE. That if any clause, sentence,
5 paragraph or part of this Act shall for any reason be adjudged
6 by any court of competent jurisdiction to be invalid, such judg-
7 ment shall not affect, impair, or invalidate the remainder there-
8 of, but shall be confined in its operation to the clause,
9 sentence, paragraph, or parts thereof directly involved in the
10 controversy in which judgment shall have been rendered.

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