

1 IN THE HOUSE

BY THE RULES COMMITTEE
BY REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 201

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the fish and game re-
7 sources of Alaska; providing for a Depart-
8 ment of Fish and Game and its organizational
9 structure; providing a code of laws relating
10 to fish and game; providing for licensing
11 and prescribing fees thereof; providing pen-
12 alties for violations; and repealing certain
13 laws relating to the fish and game resources
14 of the State."

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

16 Article I

17 The Department of Fish and Game

18 Section 1. Title of the Act. This Act shall be known and
19 may be cited as the "Fish and Game Code of Alaska."

20 Sec. 2. Definitions. For the purposes of this Act, the fol-
21 lowing shall be construed respectively to mean:

22 (a) "State": the State of Alaska.

23 (b) "Department": the Alaska Department of Fish and Game.

24 (c) "Board": the Alaska Board of Fish and Game.

25 (d) "Commissioner": the Commissioner of the Alaska Depart-
26 ment of Fish and Game.

27 (e) "Person": the singular or the plural, including in-
28 dividuals, associations, partnerships, or corporations unless the
29 context otherwise requires.

1 (f) "Fish": all species of marine, anadromous, and fresh-
2 water fish; amphibians, shellfish, and other invertebrates; or any
3 of the foregoing that may be found or that may be introduced in
4 the State of Alaska.

5 (g) "Game": all species of birds and mammals, including
6 feral domestic animals, found or that may be introduced in Alaska,
7 except domestic birds and mammals; provided, however, that "game"
8 as herein defined may be classified by regulation as big game,
9 small game, fur bearers or such other categories as may be deemed
10 essential for carrying out the intention and purposes of this Act.

11 (h) "Take": taking, pursuing, hunting, fishing, trapping, or
12 in any manner disturbing, capturing, or killing or attempting to
13 take, pursue, hunt, fish, trap, or in any manner capture or kill
14 fish or game.

15 (i) "Sport fishing": the taking of or attempting to take for
16 personal use, and not for sale or barter, any fresh-water, marine,
17 or anadromous fish by spear or underwater gun or by hook and line
18 held in the hand, or by hook and line with the line attached to a
19 pole or rod which is held in the hand or closely attended.

20 (j) "Resident": a person who for the immediately preceding
21 year has maintained a permanent place of abode within the State
22 and who has during at least nine months (275 days) of the said
23 year continually resided within the State; and in the case of a
24 partnership, association, joint stock company, trust, or corpora-
25 tion, "resident" shall mean one that has its main office or head-
26 quarters in the State of Alaska; provided, however, that any mem-
27 ber of the military services stationed in the State for a period
28 of twelve consecutive months shall be considered a resident for
29 the purposes of this Act, and the dependents of any such member

1 shall likewise be considered residents for the purposes of this
2 Act.

3 (k) "Nonresident": any citizen of the United States who does
4 not qualify as a resident as herein defined.

5 (l) "Alien": any person, not a citizen of the United States,
6 who does not have a petition for naturalization pending before the
7 district court.

8 (m) "Visitor": any nonresident or alien who is temporarily
9 sojourning in the State as a visitor or tourist.

10 (n) "Commercial fishing": the taking, fishing for, or pos-
11 session of fish, shellfish, or other fishery resources with the
12 intent of disposing of such fish, shellfish, or other fishery re-
13 sources or parts thereof for profit, or by sale, barter, trade, or
14 in commercial channels.

15 (o) "Commercial fisherman": an individual who fishes commer-
16 cially for, takes or attempts to take fish, shellfish, or other
17 fishery resources of Alaska by any means, and including every in-
18 dividual aboard boats operated for fishing purposes who partici-
19 pates directly or indirectly in the taking of the raw fishery
20 products above mentioned, whether such participation be on shares
21 or as employee or otherwise; provided, however, this shall not
22 apply to anyone aboard a licensed vessel merely as a visitor or
23 guest who does not directly or indirectly participate in the said
24 taking. The term "commercial fisherman" shall also include the
25 crews of tenders or other floating craft used in transporting fish.

26 (p) "Vessel": any floating craft powered, towed, rowed, or
27 otherwise propelled, which is used for delivering, landing, or taking
28 fish within the jurisdiction of the State.

29 (q) "Hunting": the taking of game pursuant to this Act and

1 the rules and regulations promulgated thereunder.

2 (r) "Trapping": the taking of mammals declared by regulation
3 to be fur bearers.

4 (s) "Guiding": accompanying, guiding, or assisting another
5 person to take or photograph game, with the intent of receiving
6 monetary or material remuneration for such services.

7 (t) "Fur dealing": engaging in the business of buying, sell-
8 ing, or trading in animal skins. The term shall not apply to a
9 hunter or trapper selling the animal skins he has legally taken,
10 or to a person, other than a fur dealer, purchasing animal skins for
11 his own use.

12 (u) "Fish, fur, or game farming": the business of propagat-
13 ing breeding, raising, or producing fish or game in captivity for
14 the purpose of marketing such fish or game or their products. The
15 word "captivity" means having the fish or game under positive con-
16 trol, as in a pen, pond, or an area of land or water which is com-
17 pletely enclosed by a generally escape-proof barrier.

18 (v) "Taxidermy": the tanning, mounting, processing, or other
19 treatment or preparation of fish or game, or any part thereof, for
20 monetary gain, including the receiving of such fish or game or
21 parts thereof for such purposes.

22 Sec. 3. Department of Fish and Game. There shall be a De-
23 partment of Fish and Game to be known as the Alaska Department of
24 Fish and Game.

25 Sec. 4. Commissioner of the Alaska Department of Fish and
26 Game. There shall be a principal executive officer of the Depart-
27 ment to be known as the Commissioner of Fish and Game. The Com-
28 missioner shall be a qualified executive with knowledge of the re-
29 quirements for the protection, management, conservation, and

1 restoration of the fish and game resources of Alaska. The Com-
2 missioner shall be appointed for a term of five years. He shall
3 have general supervision and control over the Department and may
4 appoint and employ division heads, enforcement agents, and such
5 technical, clerical, and other assistants as may be necessary for
6 the general administration of the Department. He shall be charged
7 with the duty of managing, protecting, maintaining, improving, and
8 extending the fish and game resources of Alaska in the interest of
9 the economy and general well-being of Alaska, and, except as here-
10 inafter provided, shall have all necessary power to accomplish the
11 foregoing including, but not limited to, the power to delegate
12 authority to subordinate officers and employees of the Department.

13 The Commissioner shall not be a member of the Board of Fish
14 and Game, but shall be ex-officio secretary and have the right to
15 cast tie-breaking votes only.

16 Sec. 5. Compensation, Etc., of Commissioner. The Commis-
17 sioner shall receive such compensation as may be fixed by law and,
18 subject to appropriate State travel regulations, shall be reim-
19 bursed for all actual and necessary traveling and other expenses
20 incurred by him in the discharge of his official duties.

21 Sec. 6. The Board of Fish and Game: Tenure; Powers. There
22 shall be a Board of Fish and Game composed of eight members having
23 a general knowledge of the fish and game resources of the State
24 and selected without regard to political affiliation. They shall
25 be United States citizens and residents of Alaska as herein de-
26 fined. The members of the Board shall be appointed by the Gover-
27 nor, subject to confirmation by a majority of the members of the
28 Legislature in joint session.

29 Each shall serve a four-year term, provided that the first

1 members appointed hereunder shall serve as follows: two members
2 shall serve for one year, two for two years, two for three years,
3 and two for four years, respectively. Initial terms shall date
4 from the first of February immediately preceding appointment. In
5 case a vacancy shall occur on the Board, the Governor shall fill
6 the same by appointment for the unexpired term, which appointment
7 shall be submitted to the Legislature for confirmation at the next
8 regular or special session.

9 The Board of Fish and Game shall have rule-making powers, as
10 hereinafter provided, but shall not have administrative, budgeting,
11 or fiscal powers, and such administrative, budgeting and fiscal
12 powers shall reside in the Commissioner of Fish and Game. The
13 Board may meet at any time on the call of the Commissioner or at
14 the request of any two of the members.

15 The Board of Fish and Game shall have the authority to make
16 such rules and regulations as it deems advisable for (1) the set-
17 ting apart of fish and game reserve areas, refuges and sanctuaries
18 in any of the waters or on any of the lands of Alaska over which
19 it has jurisdiction; (2) establishing open and closed seasons for
20 fish and game; (3) establishing the means and methods employed in
21 the pursuit, capture, and transport of fish and game; and (4) set-
22 ting quotas and bag limits on the taking of fish and game. In the
23 event of a conflict between the Board and the Commissioner on pro-
24 posed rules and regulations, public hearings shall be held con-
25 cerning the issues in question. If, subsequent to the public
26 hearings, the Board and the Commissioner continue to disagree, the
27 issue shall be certified in writing by the Board and the Commis-
28 sioner to the Governor who shall make a decision, which decision
29 shall be final.

1 The Board shall authorize the Commissioner to promulgate,
2 during such times as the Board is not in session, such emergency rules
3 or regulations as may be necessary and within the scope of the author-
4 ity of the Board.

5 Sec. 7. Removal of Board Members. The Governor may remove
6 any Board member for inefficiency, neglect of duty, or misconduct
7 in office by delivering to him a written copy of the charges and
8 affording such member the opportunity of being heard in person or
9 through counsel at a public hearing to be held before the Governor
10 or his designee upon not less than ten days' notice by registered
11 mail. The member shall have the right to confrontation by and
12 cross-examination of all witnesses against him. Upon removal as
13 aforesaid, the Governor or his designee shall file in the proper
14 State office a complete statement of all charges made against the
15 member and the findings thereon.

16 Sec. 8. Compensation, Etc., of Board Members. Members of
17 the Board shall receive for their services compensation at per
18 diem rates, fixed by the Governor, for each day going to and from
19 and for each day in actual attendance at meetings of the Board and
20 at such other meetings or conferences as may be authorized by the
21 Board. Each member shall also be reimbursed for his expenses in
22 going to and from such meetings in accordance with State travel
23 regulations.

24 Sec. 9. Board Meetings. Members of the Board shall meet in
25 Juneau during the month of April, 1959, or as soon thereafter as
26 practical and shall organize by electing from their membership a
27 chairman and by adopting a set of bylaws to govern the conduct of
28 their business. One regular meeting shall be held annually by the
29 said Board at the capital, and one or more additional meetings at

1 such times and places within Alaska as the said Board shall select
2 for the transaction of business. The Board shall maintain its
3 office at the principal office of the Department.

4 Sec. 10. Quorum. A majority of the members of the Board
5 shall constitute a quorum for the transaction of business, for the
6 performance of any duty, and for the exercise of any power; pro-
7 vided, however, a majority of the full Board membership of eight
8 members shall be required to carry all motions, regulations and
9 resolutions.

10 Sec. 11. Powers and Duties of the Commissioner. The Commis-
11 sioner shall have, but not by way of limitation, the following
12 powers and duties:

13 (a) Engage in biological research, watershed and habitat im-
14 provement, fish and game management, protection, propagation and
15 stocking;

16 (b) Assist the U.S. Fish and Wildlife Service in the enforce-
17 ment of federal laws and regulations pertaining to fish and game;

18 (c) Through the appropriate state agency, acquire by gift,
19 purchase, or lease, and by other lawful means at his disposal,
20 lands, buildings, water, rights-of-way, or other necessary or
21 proper real or personal property where to do so would be in the
22 interest of furthering any of the objectives or purposes of the
23 Department and Alaska;

24 (d) Design and construct hatcheries, pipe lines, rearing
25 ponds, fishways, and other projects beneficial for the fish and
26 game resources of the State;

27 (e) Investigate and determine the extent and effect of preda-
28 tion and competition among fish and game in Alaska and exercise
29 such control measures as are deemed necessary to the resources of

1 the State.

2 (f) Enter into cooperative agreements with educational in-
3 stitutions and State, Federal, or other agencies, to promote fish
4 and game research, management, education, and information and to
5 train men for fish and game management;

6 (g) Accept money from any person under conditions requiring
7 the use of such money for specific purposes in the furtherance of
8 the protection, rehabilitation, propagation, preservation, or in-
9 vestigation of the fish and game resources of the State or in
10 settlement of any claims for damages to such fish or game re-
11 sources;

12 (h) Collect, classify, and disseminate such statistics, data
13 and information as in his discretion will tend to promote the ob-
14 jects of this Act;

15 (i) Capture, propagate, transport, buy, sell, or exchange any
16 species of fish or game or eggs needed for propagating, scientific
17 or stocking purposes;

18 (j) Prohibit the live capture, possession, transport, or re-
19 lease of native or exotic fish or game, or eggs thereof;

20 (k) Procure insurance, in addition to workmen's compensation
21 insurance, for employees within the Department of Fish and Game
22 against the injury or death occasioned by special hazards in con-
23 nection with their duties;

24 (l) Provide public facilities where necessary or proper to
25 facilitate the taking of fish or game, and enter into cooperative
26 agreements with any person to effect the foregoing.

27 Sec. 12. Emergency Openings and Closures. Nothing in this
28 Act shall limit the power of the Commissioner or his authorized
29 designee, when circumstances so require, to summarily open or close

1 seasons or areas or to change weekly closed periods on fish or
2 game by means of emergency orders which shall have the force and
3 effect of law after field announcement by the said Commissioner or
4 his authorized designee.

5 Sec. 13. Rules and Regulations as Evidence. Rules and regu-
6 lations of the Board, and of the Commissioner, including emergency
7 openings and closures as above defined, shall be admitted as evi-
8 dence in the courts of the State when accompanied by an affidavit
9 from the Commissioner, certifying that the rule or regulation has
10 been lawfully promulgated so as to have the force and effect of
11 law, and such affidavit shall be prima facie evidence of proper
12 adoption.

13 Sec. 14. Limitation of Power. Nothing in this Act shall be
14 construed to authorize the Department or the Board to change the
15 amount of fees or licenses.

16 Sec. 15. Organization of the Department. The Commissioner
17 may, with the approval of the Governor, establish a departmental
18 Division of Commercial Fisheries, a departmental Division of Sport
19 Fisheries, a departmental Division of Fur and Game, and such other
20 departmental divisions as may be necessary.

21 Sec. 16. Ineligibility for Bounties. It shall be unlawful
22 for any employee or special hunter of the Department to receive or
23 attempt to receive any bounty for the killing of any predator, or
24 to transfer the scalp or other part of any predator to another
25 person for the purpose of collecting any bounty.

26 Sec. 17. Fish and Game Fund Established. There is hereby
27 created a revolving "Fish and Game Fund," which shall be used ex-
28 clusively (1) to carry out the purposes and provisions of this Act
29 or any other duties that hereafter may be delegated by the State

1 Legislature to the Commissioner or the Department; and (2) to
2 carry out such purposes and objectives within the scope of the Act
3 as may be directed by the donor of any such funds.

4 Said fund shall be made up of the following moneys and such
5 other moneys as the Legislature may appropriate, which shall be
6 deposited and retained therein until expended as hereinafter pro-
7 vided:

8 (a) All moneys received from the sale of State sport fishing
9 and hunting licenses and special permits;

10 (b) Proceeds received from the sale of furs, skins and speci-
11 mens taken by predator hunters and other employees;

12 (c) All moneys received in settlement of any claim or losses
13 caused by damages to the fish and game resources of the State;

14 (d) All moneys received from Federal, State, or any other
15 governmental unit, or private donor for fish and game purposes;

16 (e) Interest earned upon any moneys in the fund;

17 (f) Moneys from any other sources.

18 Upon authorization of the Commissioner, disbursements from
19 the fund shall be paid by the State Treasurer on presentation of
20 vouchers signed by the Commissioner, or his authorized representa-
21 tive, and approved by the proper State officer.

22 The fund created by this section shall succeed to the moneys
23 presently in the existing fund created by Section 18, Chapter 63,
24 SLA 1957. It is the intent of this section to avoid the closing
25 out of the old fund.

26 Sec. 18. Diversion of Funds Prohibited. No funds accruing
27 to the State from sport fishing and hunting licenses or permit fees
28 shall be diverted to any other purpose than the protection, propa-
29 gation, investigation, and restoration of sport fish and game resources

1 and the expenses of administration of the sport fish and game
2 divisions of the Department.

3 Sec. 19. Transfer of Property and Funds. All appropriations,
4 property and funds under the control of the Alaska Fish and Game
5 Commission and the Alaska Department of Fish and Game shall be and
6 hereby are transferred to and placed under control of the Commis-
7 sioner and Department herein created.

8 Sec. 20. Assent to Provisions of Federal Aid Acts. The
9 State assents to the provisions of the Federal Aid to Wildlife
10 Restoration Act of September 2, 1937 (16 U.S.C.A., Sec. 669-669(j),
11 to the Federal Aid in Fish Restoration Act of August 9, 1959 (16
12 U.S.C.A., Sec. 777-777(k), to any amendments, revisions or modifi-
13 cations of either Federal Act, and to any other Federal Aid Act
14 which may hereinafter be enacted to benefit Alaska thereunder. It
15 is desired that the Department participate in any and all of the
16 Federal Aid programs on the same basis as the other states.

17 Sec. 21. Enforcement Authority. This Act shall be enforced
18 by the following persons who are hereby declared peace officers of
19 the State:

20 (a) Any employee of the Department duly authorized by the
21 Commissioner;

22 (b) Any police officer in the State;

23 (c) Any other person duly authorized by the Commissioner.

24 It shall be the duty of any of the named persons to arrest
25 any person committing a violation of this Act, or any rule or
26 regulation made under authority of this Act, in his presence or
27 view, and to take such person immediately for examination or trial
28 before an officer or court of competent jurisdiction.

29 He shall have power to execute any warrant or other process

1 issued by an officer or court of competent jurisdiction for the
2 enforcement of the provisions of this Act; and he shall have
3 authority, with a search warrant, to search any place at any time.
4 The several judges of the courts having jurisdiction may, upon
5 proper oath or affirmation showing probable cause, issue warrants
6 in all such cases.

7 **Sec. 22. Power to Search Without Warrant.** Any of the named
8 persons may search without warrant any thing or place so long as
9 the search is reasonable or is not protected from searches and
10 seizures without warrant within the meaning of Article I, Section
11 14, of the State Constitution, which specifically enumerates
12 "persons, houses and other property, papers and effects."

13 **Sec. 23. Seizure Without Warrant and Confiscation by Court.**
14 All guns, traps, nets, fishing tackle, boats, aircraft, automo-
15 biles or other vehicles, dogs, sleds, and other paraphernalia used
16 in or in aid of a violation of this Act, or rule or regulation of
17 the Department, may be seized, pursuant to any valid search, and
18 all fish and game, or parts thereof, or nests or eggs of birds,
19 taken, transported, or possessed contrary to the provisions of this
20 Act, or rule or regulation of the Department, shall be seized by
21 any person authorized to enforce this Act. Upon conviction of the
22 offender or upon judgment of the court having jurisdiction that
23 the same was taken, transported, or possessed in violation of this
24 Act or rule or regulation of the Department, all fish and game, or
25 parts thereof, shall be forfeited to the State and disposed of as
26 directed by such court, and if sold, the proceeds of the sale shall
27 be transmitted to the Treasurer of Alaska for deposit in the Gen-
28 eral Fund. All guns, traps, nets, fishing tackle, boats, aircraft,
29 or other vehicles, dogs, sleds, and other paraphernalia seized

1 under provisions of this Act, or rule or regulation of the Depart-
2 ment, unless forfeited by order of the court, shall be returned,
3 after completion of the case and the fines, if any, have been paid.

4 Sec. 24. Power to Administer Oaths, Etc. Persons authorized
5 to enforce this Act are hereby authorized and empowered to admin-
6 ister to or take from any person, an oath, affirmation, or affi-
7 davit when such oath, affirmation, or affidavit is for use in any
8 prosecution or proceeding under or in the enforcement of this Act.

9 Sec. 25. Public Nuisances. All nets, seines, lanterns,
10 snares, devices, contrivances, and materials while in use, had and
11 maintained, for the purpose of catching, taking, killing, attract-
12 ing, or decoying any fish or game, contrary to law or rule or reg-
13 ulation of the Department, are public nuisances and subject to
14 abatement as such.

15 Sec. 26. Burden of Proof. The possession of any fish or
16 game or parts thereof, or any nest or egg of any bird during the
17 time the taking of it is prohibited, shall, in any action, con-
18 stitute prima facie evidence that it was taken, possessed, bought,
19 sold or transported in violation of the provisions of this Act,
20 and the burden of proof shall be upon the possessor or claimant of
21 it to overcome the presumption of illegal possession and to es-
22 tablish the fact that it was obtained and is possessed lawfully;
23 provided, however, that the burden of proof and the rule of prima
24 facie evidence set forth in the first part of this section shall
25 not obtain (a) during the first full seven days after the time
26 when any taking is prohibited, or (b) if the fish or game or parts
27 thereof are found to be in a preserved condition, whether frozen,
28 smoked, canned, salted, pickled or otherwise.

29 Sec. 27. Wanton Waste. It shall be unlawful for any person

1 wantonly to waste or unnecessarily destroy any fish or game taken
2 or caught in the waters or on the land of the State of Alaska;
3 provided, however, that this shall not apply to fish or game which
4 the Department declares by regulation to be of a destructive,
5 noxious or nuisance character.

6 Sec. 23. **Certain Acts Made Unlawful.** Unless and except as
7 permitted by this Act or by regulations made pursuant to this Act,
8 it shall be unlawful for any person to take, possess, transport,
9 sell, offer to sell, purchase, or offer to purchase any fish or
10 game, or any part thereof, or any nest or egg of any fish or game;
11 and, no person shall knowingly disturb, injure, or destroy any
12 notice, signboard, seal, tag, aircraft, boat, vessel, automobile,
13 paraphernalia, equipment, building or other improvement or prop-
14 erty of the Department used in the administration or enforcement
15 of the provisions of this Act, or any poster or notice to the pub-
16 lic concerning the provisions of this Act, or any regulation
17 adopted pursuant hereto, or any marker indicating the boundary of
18 any area closed to hunting, trapping, fishing or other special use
19 under the provisions of this Act, or shall knowingly destroy, re-
20 move, tamper with, or imitate any seal or tag issued or used by
21 the Department or attached under its authority to any skin, por-
22 tion, or specimen of fish or game, or other article for purposes
23 of identification or authentication in accordance with the pro-
24 visions of this Act or any regulations adopted hereunder; provided,
25 that nothing in this Act shall be construed to prevent the collec-
26 tion or exportation of such fish and game, parts thereof or nests
27 or eggs of birds for scientific or educational purposes, or of
28 like fish and game, eggs or birds for propagation or exhibition
29 purposes under a permit which the Department is hereby authorized

1 to issue and prescribe the terms thereof.

2 Sec. 29. Research by the Federal Government. The Secretary
3 of the Interior of the United States and his duly authorized
4 agents may conduct fish cultural operations and scientific in-
5 vestigations in this State in such manner and at such times as may
6 be jointly considered necessary or proper by the Commissioner and
7 said Secretary and his duly authorized agents.

8 Sec. 30. Fishways or Hatcheries Required. Every dam or
9 other obstruction built by any person across any stream frequented
10 by salmon or other fish shall be provided by such person with a
11 durable and efficient fishway and a device for efficient passage
12 for downstream migrants if deemed necessary by the Commissioner,
13 which fishway or device or both shall be maintained in a practical
14 and effective manner in such place, form and capacity as the Com-
15 missioner may approve, for which plans and specifications shall be
16 approved by the Department upon application to it, and which shall
17 be kept open, unobstructed, and supplied with a sufficient quanti-
18 ty of water to freely admit the passage of fish through same.

19 In the event that a fishway over any dam or obstruction is
20 considered by the Commissioner to be impracticable because of
21 cost, then the owner of such dam or obstruction, in order to com-
22 pensate for the loss resulting from such dam or obstruction shall,
23 at his option: (1) pay a lump sum acceptable to the Commissioner
24 to the State Fish and Game Fund; (2) convey to the State a site of
25 a size satisfactory to the Commissioner at such place as may be
26 mutually satisfactory to both parties, and erect thereon a fish
27 hatchery, rearing ponds, necessary buildings and other facilities
28 according to plans and specifications to be furnished by the Com-
29 missioner, secured by good and sufficient bond, to furnish all

1 water and lights and necessary sums of money to operate and main-
2 tain said hatchery and rearing ponds; or (3) enter into an agree-
3 ment with the Commissioner, secured by good and sufficient bond,
4 to pay to the Alaska Fish and Game Fund such initial money and
5 make such annual payments of additional money as the Commissioner
6 may determine are necessary to expand, maintain, and operate
7 additional facilities at existing hatcheries within a reasonable
8 distance of such dam or obstruction.

9 The owner of any dam or obstruction who shall fail to comply
10 with the provisions of this section within a reasonable time as
11 specified by written notice from the Commissioner shall be guilty
12 of a misdemeanor, punishable by a fine not to exceed \$1,000.00,
13 and each day that the owner fails to comply shall constitute a
14 separate offense.

15 In addition to the penalty above provided, if any such person
16 be convicted of violating any of the provisions of this section,
17 the dam or other obstruction managed, controlled or owned by such
18 person is hereby declared a public nuisance and shall be subject
19 to abatement as such.

20 Sec. 31. Protection of Fish and Game. In the event that any
21 person or governmental agency desires to construct any form of
22 hydraulic project or to use any equipment that will use, divert,
23 obstruct, pollute or change the natural flow or bed of any river,
24 lake or stream or that will utilize any of the waters of the State
25 or materials from any river, lake or stream beds, such person or
26 governmental agency shall notify the Commissioner of such inten-
27 tion prior to the commencement of construction, and the Commis-
28 sioner shall acknowledge receipt of such notice by return mail.
29 If the Commissioner so determines, he shall, in said letter of

1 acknowledgment, require such person or governmental agency to sub-
2 to him full plans and specifications of the proposed construction
3 or work, complete plans and specifications for the proper protec-
4 tion of fish and game in connection therewith, and the approximate
5 date when such construction or work is to commence, and shall re-
6 quire such person or governmental agency to obtain the written
7 approval of the Commissioner as to the sufficiency of such plans
8 or specifications before construction is commenced. If any
9 person or governmental agency commences construction on any such
10 works or projects without first providing plans and specifications
11 subject to the approval of the Commissioner for the proper pro-
12 tection of fish and game in connection therewith and without first
13 having obtained written approval of the Commissioner as to the a
14 adequacy of such plans and specifications submitted for the pro-
15 tection of fish and game, he is guilty of a misdemeanor. If
16 any such person or government agency be convicted of violating
17 any of the provisions of this section and continues construction
18 on any such work or projects without fully complying with the
19 provisions hereof, such works or projects are hereby declared
20 a public nuisance and shall be subject to abatement as such.
21 The cost of restoring any river, lake or stream to its original
22 condition shall be borne by the violator and shall be in addition
23 to any penalty imposed by the court.

24 Provided, that in case of an emergency arising from weather
25 or stream flow conditions, the Department, through its authorized
26 representatives, shall issue oral permits to a riparian owner
27 for removing any obstructions or for repairing existing struc-
28 tures without the necessity of submitting prepared plans and
29 specifications.

1 Sec. 32. Assumption of Administration and Management by
2 **Alaska.** Upon relinquishment of administration and management
3 of the fish and game resources of Alaska by the Federal Govern-
4 ment to the State, the Commissioner shall assume such control
5 on behalf of the State of Alaska.

6 Sec. 33. **Violations: Misdemeanor: Penalty.** Any person
7 violating any of the provisions of this Act or any rule or regu-
8 lation promulgated thereunder shall be deemed guilty of a mis-
9 demeanor and, upon conviction thereof, shall be punished by
10 imprisonment not to exceed one year and a fine of not exceeding
11 Five Thousand Dollars (\$5,000.00) or both such fine and imprison-
12 ment.

13 Sec. 34. **Continuation of Regulations, Agreements, Em-**
14 **ployees, Etc.** All rules, regulations, procedures, policies;
15 funds, contracts, agreements; employees' positions, accounts,
16 assets, liabilities, and benefit conditions and amounts,
17 whether vested or contingent, established in any manner under
18 any act repealed by the provisions of this Act are hereby con-
19 tinued except where inconsistent with the provisions of this
20 Act. Department and division heads, together with all employees
21 shall continue in their respective positions at the pleasure
22 of and until removed by the Commissioner created herein, or his
23 designee.

24 Sec. 35. **Effective Date.** This Article shall be effect-
25 ive from and after April 1, 1959, provided, however,
26 that any part or parts thereof which conflict with
27 Federal control shall take effect upon cessation
28 of said Federal control.

1 Article II

2 Licensing of Sport Fishing, Hunting, Etc.

3 Section 1. Licenses and Tags Required. It shall be unlaw-
4 ful, except as otherwise permitted in this Act, for any person to
5 engage in sport fishing, hunting, trapping, guiding, fur dealing,
6 fish, fur, or game farming, or taxidermy, without having first
7 procured the appropriate licenses or tags as hereinafter provided,
8 and without having such licenses or tags in his actual possession.

9 Sec. 2. License and Tag Fees.

- 10 (1) Resident sport fishing license . . . \$ 5.00
11 (2) Resident hunting license 7.00
12 (3) Resident hunting and trapping license . . . 8.00
13 (4) Resident hunting & sport fishing license. . . 12.00
14 (5) Resident hunting, trapping & sport fishing
15 license 13.00
16 (6) Visitor's special sport fishing license--
17 valid only for ten (10) days after date of
18 issuance 4.00
19 (7) Nonresident and alien sport fishing license 10.00
20 (8) Nonresident and alien hunting license. . . 10.00
21 (9) Nonresident and alien hunting and sport
22 fishing license 20.00

23 Providing that nonresidents or aliens may
24 not take big game animals without previously
25 purchasing appropriate tags as provided for
26 hereinafter, and which must be affixed to
27 the animal immediately upon taking and
28 remain affixed until the animal is prepared
29 for storage, consumed or exported.

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- (10) Nonresident and alien hunting and trapping \$ 20.00
- (11) Registered guide license 100.00
- (12) Assistant guide license 25.00

Provided that no guide or assistant guide licenses may be issued by the Commissioner until rules and regulations governing guide qualifications and examinations, and the general conduct of guiding activities in the State are formulated.

- (13) Resident fur dealer & taxidermy license. . 10.00
- (14) Nonresident and alien fur dealer license 100.00
- (15) Fish, fur or game farming license . . . 5.00
- (16) Nonresident and alien big game tags:
 - Brown or grizzly bear 75.00
 - Polar bear 100.00
 - Black bear 25.00
 - Walrus 100.00
 - Sheep, moose, elk, bison Each 50.00
 - Goats, caribou Each 25.00
 - Deer 15.00

Provided that the Commissioner may issue to any person without cost permits to collect fish and game, subject to such limitations and provisions as he deems appropriate, for scientific or educational purposes.

Sec. 3. Expiration of Licenses and Tags. All licenses and tags required under this Article, except the visitor's special

1 sport fishing license, shall expire at the close of the 31st day
2 of December following issuance.

3 Sec. 4. Commissioner Charged with License Issuance.

4 Licenses and tags herein required shall be issued to any qualified
5 person by the Commissioner or his duly authorized deputies pur-
6 suant to written applications containing such reasonable informa-
7 tion as the Commissioner may require. The Commissioner shall
8 designate the license and tag forms or types which shall be
9 sufficient to identify and locate the applicant and establish his
10 status as to residency and citizenship. Each application shall
11 be subscribed and sworn to by the applicant before an officer
12 authorized to administer oaths of the State.

13 The Commissioner may require reports to be made by licensees,
14 concerning the time, manner, and place of taking fish and game,
15 the kinds and quantity taken, and such other information as may
16 be helpful in administering the fish and game resources of the
17 State.

18 Sec. 5. Commissioner May Appoint Agents. The Commissioner
19 is hereby authorized to appoint State employees, or other persons
20 to take applications, issue licenses and tags, and collect fees;
21 provided, however, that the Commissioner shall not be liable for
22 defalcation or failure to account for the fees so collected by
23 any such agent, but shall require a bond in such sum as he may
24 deem adequate, conditioned upon faithfully accounting for all
25 monies collected. All persons, upon appointment by the Commis-
26 sioner, as authorized in this section, shall have the authority
27 to administer oaths on applications for licenses and tags.

28 Sec. 6. Fee for Issuance of Licenses and Tags. Any
29 person, except salaried employees of the State, appointed and

1 authorized by the Commissioner to sell licenses and tags, shall
2 retain the sum of twenty-five cents (25¢) from the fee for the
3 issuance of each license or tag.

4 Subject to withholding of any compensation herein authorized,
5 each person selling licenses or tags shall, as soon as practicable
6 after the last day of each calendar month, transmit the proceeds
7 from such sales, together with a report thereof, to the Commis-
8 sioner for deposit into the Fish and Game Fund or the General
9 Fund, as the case may be.

10 Sec. 7. Violations. Any false statement as to any material
11 fact in an application for a license shall render null and void
12 the license issued upon it; and any person who shall make any
13 false statement in such an application shall be guilty of a
14 violation of this Act.

15 Any person who shall alter, change, loan or transfer to
16 another person any license or tag issued to him pursuant to this
17 Act, or any person who shall use any license or tag other than the
18 one issued to him, shall be guilty of a violation of this Act.

19 Failure to report promptly to regulatory authorities any
20 violations of this Act within his knowledge or of any fish or game
21 laws or regulations of the department, shall make any licensed
22 guide or assistant guide guilty of a violation of this Act. Pro-
23 vided further, that any licensed guide or assistant guide who
24 aids or abets the commission of any violation of this Act or the
25 rules and regulations promulgated thereunder or who suffers or
26 permits the commission of any such violations in his presence or
27 view, shall be guilty of a violation of this Act.

28 Sec. 8. License Forfeiture. Upon conviction of a person
29 of a first violation of any provision of this Act or of any

1 Federal or State law or regulation for the protection of the fish
2 and game of Alaska, the Court may, in addition to the penalty
3 imposed by law, forfeit the license of such person. Upon sub-
4 sequent conviction of any such person of any violation of any
5 provisions of this Act or of any Federal or State law or regula-
6 tion for the protection of the fish and game of Alaska, the for-
7 feiture of such license for a period of not less than two or
8 more than three years shall be mandatory; provided further that
9 any licensed guide or assistant guide upon conviction of any
10 provision of any Federal or State law or regulation for the
11 protection of the fish or game of Alaska shall have his license
12 revoked and shall not be eligible for a guide or assistant guide
13 license for a period of five years from the date of revocation.

14 Sec. 9. Exemptions. No license shall be required of any
15 resident or nonresident person under the age of sixteen for the
16 purpose of sport fishing, nor shall a license be required of any
17 resident under the age of sixteen for hunting or trapping.

18 Sec. 10. Penalties. Any person who violates any provision
19 of this Article is guilty of a misdemeanor and upon conviction
20 thereof shall be fined not less than \$25.00 nor more than
21 \$1,000.00 or be imprisoned not more than six months, or both.

22 All monies from fines shall be transmitted by the court to
23 the proper State officer for deposit in the General Fund of the
24 State.

25 Sec. 11. Effective Date. This Article shall be effective
26 from and after July 1, 1959; provided, however, that any part or
27 parts thereof, which conflict with federal control, shall take
28 effect upon cessation of such federal control.

1 Article III

2 Licensing of Commercial Fishermen, Vessels & Gear

3 Section 1. Qualifications for Licenses. No license provided
4 for in this Article shall be issued to any individual unless he
5 is a citizen of the United States, or unless he has a petition
6 for citizenship pending before a U. S. District Court.

7 Sec. 2. Expiration Date for Licenses. All licenses required
8 under the provisions of this Article shall expire at the close of
9 the thirty-first day of December following their issuance, and
10 shall be renewed annually thereafter upon application and payment
11 of license fees required by this Article.

12 Sec. 3. Issuance of Licenses. Licenses herein required shall
13 be issued to any qualified person by the Commissioner or his duly
14 authorized deputies, pursuant to written application accompanied
15 by the required fee and containing such reasonable information as
16 may be required by the Commissioner. Such applications shall be
17 simple in form and be executed by applicants or their respective
18 agents under the penalties of perjury.

19 Sec. 4. Commissioner May Appoint Deputies. The Commissioner
20 is hereby authorized to appoint qualified persons as his deputies
21 to take applications, issue the licenses and collect license fees
22 under this Article.

23 Sec. 5. Fee for Issuance of Licenses. Any person, except
24 salaried employees of the State, appointed and authorized by the
25 Commissioner to sell licenses under this Article shall retain the
26 sum of 5 per cent of the fee for the issuance of each license.
27 These deputies shall monthly transmit to the Commissioner all fees
28 collected by them, less their authorized commissions, together
29 with a full account of same. The Commissioner shall make monthly

1 remittances of the fees collected to the proper state official.
2 The Commissioner shall not be liable for defalcation or failure
3 to account for the fees so collected by any such deputy, but
4 shall require a bond in such sum as he may deem adequate, con-
5 ditioned upon faithfully accounting for all moneys collected
6 hereunder.

7 Sec. 6. Commercial Fishing License. A commercial fishing
8 license shall be obtained by each and every individual before he
9 shall become engaged as a fisherman as above defined. The fee for
10 such license shall be for residents, and for
11 nonresidents.

12 Sec. 7. Vessel License. A license is required for each
13 and every commercial vessel which delivers or lands fish or
14 engages in commercial fishing within the State, and shall include
15 each and every vessel used in charter service for the recreation-
16 al taking of fish and shellfish. The vessel license shall in-
17 clude a permanent number plate. The number plate shall be
18 accompanied by a tab affixed to it designating the year to be
19 fished.

20 Number plates are not transferable, and shall be considered
21 a permanent fixture upon the vessel upon which they are original-
22 ly placed. They shall be securely fastened well forward on the
23 port side in plain sight. On vessels with a superstructure the
24 plates shall be fastened on the port side of the superstructure.

25 Upon an annual payment of a license fee of for
26 residents and for nonresidents, and filing of the name
27 and address of the owner and operator of the vessel, the name and
28 number of the vessel, a description of the vessel and fishing gear,
29 vessel registration license number, if any, areas to be fished,

1 and such other reasonable information as may be required by the
2 Department, a number plate and a vessel license shall be issued
3 by the Department; provided, however, that if the vessel already
4 possesses said number plate, a vessel license and tab designating
5 year shall be issued. The tab shall be placed in the space pro-
6 vided on the permanent number plate.

7 Number plates shall remain the property of the State. If
8 such permanent number plate is accidentally defaced, mutilated,
9 destroyed, or lost, the person owning or operating the vessel
10 shall immediately make application for and may obtain a duplicate,
11 upon furnishing the Department with the pertinent facts and a
12 payment of one dollar (\$1.00).

13 If a vessel carrying number plates is lost, destroyed
14 or sold, the owner shall immediately report the loss, destruction
15 or sale to the Department.

16 Sec. 8. Fishing Gear Licenses.

17 (a) Troll Line License. A license is required for
18 troll lines used in the taking or catching of fish for commercial
19 purposes in the waters of the State, for which license there shall
20 be paid a fee of _____ per annum by residents and
21 per annum by nonresidents.

22 For the purposes of this Act, a hand line, jigger line, or
23 a line that is used with a rod and reel shall also be construed
24 as a troll line when it is used in the taking or catching of
25 fish for commercial purposes in the waters of the State.

26 (b) Set or Long Line License. A license is required
27 for set or long lines used in the taking or catching of fish for
28 commercial purposes in the waters of the State. For each five
29 skates, or less, there shall be paid a fee of _____ per annum

1 by residents and per annum by nonresidents, and for
2 each additional five skates, or less, there shall be paid a fee
3 of per annum by residents and per annum by non-
4 residents.

5 (c) Drift Gill Net License. A license is required
6 for each and every drift gill net used in the taking or catching
7 of fish for commercial purposes in the waters of the State, for
8 which such license there shall be paid a fee of for the
9 first 100 fathoms and for each additional 50 fathoms or
10 fraction thereof per annum by residents and for the first
11 100 fathoms and for each additional 50 fathoms or frac-
12 tion thereof per annum by nonresidents, provided only the maximum
13 amount of gear fished at one time is licensed, and that the gear
14 for each vessel must be separately licensed.

15 (d) Set or Stake Gill Net License. A license is
16 required for each and every set or stake gill net used in the
17 taking or catching of fish for commercial purposes in the waters
18 of the State, for which such license there shall be paid a fee of
19 for the first 100 fathoms and for each addi-
20 tional 50 fathoms or fraction thereof per annum by residents and
21 for the first 100 fathoms and for each additional 50
22 fathoms or fraction thereof per annum by nonresidents, provided
23 only the maximum amount of gear fished at one time is licensed.

24 (e) Beach or Drag Seine License. A license is
25 required for each and every beach or drag seine used in the taking
26 or catching of fish for commercial purposes in the waters of the
27 State, for which license there shall be paid a fee of
28 for the first 100 fathoms and for each additional 50
29 fathoms or fraction thereof per annum by residents and

1 for the first 100 fathoms and for each additional 50
2 fathoms or fraction thereof per annum by nonresidents.

3 (f) Purse Seine License. A license is required for
4 each and every purse seine used in the taking or catching of
5 fish for commercial purposes in the waters of the State, for
6 which license there shall be paid a fee of for the first
7 100 fathoms and for each additional 50 fathoms or frac-
8 tion thereof per annum by residents and for the first
9 100 fathoms and for each additional 50 fathoms or frac-
10 tion thereof per annum by nonresidents.

11 (g) Beam Trawl License. A license is required for
12 each and every beam trawl used in the taking or catching of
13 fish or shellfish for commercial purposes in the waters of the
14 State, for which license there shall be paid a fee of
15 per annum by residents and per annum by nonresidents.

16 (h) Otter Trawl License. A license is required for
17 each and every otter trawl used in the taking or catching of
18 fish or shellfish for commercial purposes in the waters of the
19 State, for which license there shall be paid a fee of
20 per annum by residents and per annum by nonresidents.

21 (i) Shellfish Pot License. A license shall be
22 required for shellfish pots used in the taking or catching of
23 shellfish for commercial purposes in the waters of the State.
24 For each 100 pots or less there shall be paid a fee of
25 per annum by residents and per annum by nonresidents
26 and for each additional 100 pots or less there shall be paid a
27 fee of per annum by residents and per annum by
28 nonresidents.

29 Sec. 10. License Possession Requirements. The commercial

1 fishing license shall be carried on the individual whenever such
2 individual is engaged as a fisherman as above defined.

3 All fishing gear licenses issued under the provisions of
4 this Article shall be non-transferable, and it shall be unlawful
5 for any gear which is licensed as herein specified to be operated
6 or caused to be operated by any person other than the licensee
7 or agent or employee of the licensee. In the event the operator
8 of the gear is a nonresident, the gear shall be required to be
9 licensed as nonresident gear and the fees provided for nonresi-
10 dents shall be paid for such license, provided that, for the
11 purposes of this Act, the "operator" shall mean the individual
12 by law made responsible for the operation of the vessel. All
13 licenses for fishing gear issued under the provisions of this
14 Act shall be carried in the possession of the licensee or author-
15 ized representative of the licensee who shall be in charge of the
16 operation of such gear.

17 Sec. 11. Unlawful Purchases: Records Required. It shall
18 be unlawful for any person, or for the agent or representative of
19 any person, to have in his employ any fisherman who is not duly
20 licensed under Section 6 of this Article or to purchase fish from
21 any fisherman who is not so licensed. Each buyer of the fish
22 shall keep a record of each purchase showing name or number of
23 vessel from which the catch involved is taken, date of landing,
24 vessel license number, pounds purchased of each species, number
25 of each species, where possible, statistical area in which the
26 fish were taken, and such other information as the Department
27 may require. Such records may be kept on forms provided by the
28 Department, but must be kept in any event, and each person charged
29 with keeping such records must report same to the Department in

1 accordance with rules and regulations promulgated by it. Anyone
2 violating any of the provisions of this section shall be guilty
3 of a misdemeanor, and upon conviction, punishable under the
4 penalty clause of this Act.

5 Sec. 12. License Forfeiture. Upon both first and second
6 convictions of a person for a violation of any provision of
7 this Article or of any Federal or State law or regulation for
8 the protection of the commercial fish of Alaska, the Court may,
9 in addition to the penalty imposed by law, forfeit the commercial
10 fishing license of such person for a period of one year. Upon
11 a third conviction of any such person of any such violation, the
12 forfeiture of such license for a period of not more than three
13 years shall be mandatory.

14 Sec. 13. Penalties. Any person who violates any provision
15 of this Article or the rules and regulations pertaining to com-
16 mercial fisheries, is guilty of a misdemeanor and upon conviction
17 thereof shall be subject to a fine of not exceeding \$3,000.00 or
18 imprisonment not to exceed one year or both such fine and im-
19 prisonment.

20 All monies from fines shall be transmitted by the Court to
21 the proper state officer for deposit in the General Fund of the
22 State.

23 Sec. 14. Effective Date. This Article shall be effective
24 from and after January 1, 1960; provided, however, that any part
25 or parts thereof, which conflict with federal control, shall take
26 effect upon cessation of such federal control.

27 Article IV

28 Repeal Schedule and Effective Date

29 Section 1. Repeal Schedule. Chapter 63, SLA 1957;

1 Chapter 122, SLA 1957; Chapter 98, SLA 1955; Chapter 67, SLA
2 1953; Chapter 6, SLA 1951; Chapter 66, SLA 1949; Section 35-1-11,
3 Subsection 7(1),(j), ACLA 1949; those portions of Sections 191
4 through 250p, 48 U.S.C.A. which constitute "Territorial laws"
5 under Section 8(d) of Public Law 85-508, 72 Stat. 345, and all
6 acts or parts of acts in conflict with the provisions of this
7 Act, are hereby repealed, provided, however, that this repeal
8 shall not be so construed as to prevent the adoption by regulation
9 of any section or sections, part or parts, of the acts herein
10 repealed so long as such regulations are consistent with existing
11 law and with the State Constitution.

12 Sec. 2. Effective Date. This Act shall be effective from
13 and after April 1, 1959, provided, however, that Article II
14 shall be effective from and after July 1, 1959; Article III
15 shall be effective from and after January 1, 1960; provided,
16 however, that any part or parts of this Act which conflict
17 with Federal control shall take effect upon cessation of such
18 federal control.

1. These gear licenses computed on length of net, as explained in license bill and memo.
2. Included with drift gill nets.
3. $\frac{\text{Top figure}}{\text{Bottom Figure}} = \frac{\text{Number of Boats}}{\text{Fathoms of Nets}}$
4. \$10.00 for first 100 fathoms and \$5.00 for each additional 50 fathoms. Non-Resident double.
5. \$40.00 for first 100 fathoms and \$20.00 for each additional 50 fathoms. Non-Resident double.

TABLE 1. GEAR, LICENSE FEES, AND COLLECTIONS.

<u>LICENSES</u>	<u>NUMBER</u>			<u>LICENSE FEES</u>		<u>TOTAL</u>		
	<u>Res.</u>	<u>Non-Res.</u>	<u>Total</u>	<u>Res.</u>	<u>Non-Res.</u>	<u>Res.</u>	<u>Non-Res.</u>	<u>Total</u>
1. Personal Commercial Fishing	7,900	5,400	13,300	\$10.00	\$20.00	\$79,000	\$108,000	\$187,000
2. Boat Registration	3,480	2,520	6,000	10.00	20.00	34,800	50,400	85,200
3. Troll Line	1,670	280	1,950	15.00	30.00	25,050	8,400	33,450
4. Set or Long Line	50	200	250	15.00	30.00	750	6,000	6,750
5. Drift Gill Net ¹	3,500 ³	2,500	6,000	\$10 & \$5 ⁴	\$20 & \$10	48,860	70,800	119,660
	<u>488,600</u>	<u>354,000</u>	<u>842,600</u>					
6. Set or Stake Net ¹	(2)			\$10 & \$5 ⁴	\$20 & \$10			
7. Beach or Drag Seine ¹	130 ³	90	220	\$10 & \$5 ⁴	\$20 & \$10	1,570	2,280	3,850
	<u>15,700</u>	<u>11,400</u>	<u>27,100</u>					
8. Purse Seine ¹	700 ³	500	1,200	\$40 & \$20 ⁵	\$80 & \$40	55,760	66,240	122,000
	<u>114,400</u>	<u>82,800</u>	<u>197,200</u>					
9. Beam Trawl	12	8	20	\$37.50	\$75.00	450	600	1,050
10. Otter Trawl	9	6	15	\$50.00	\$100.00	450	600	1,050
11. Shellfish Pot	95	70	165	\$15.00	\$ 30.00	<u>1,425</u>	<u>2,100</u>	<u>3,525</u>
						\$248,115	\$315,420	\$563,535

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