

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 300

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act to manage and conserve the supply
7 of migratory fish and migratory shellfish
8 in Alaska by prohibiting persons from
9 engaging in certain activities; providing
10 penalties; and providing for an effective
11 date."

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

13 Section 1. The legislature finds and recognizes these facts:

14 (1) Migratory fish and migratory shellfish are present
15 in commercial quantities both within and without the territorial
16 waters of the state.

17 (2) Migratory fish and migratory shellfish taken within
18 the waters of Alaska are indistinguishable, in most cases, from
19 those taken from the adjacent high seas.

20 (3) Substantial quantities of migratory fish and
21 migratory shellfish move inshore and offshore intermittently and
22 at various times during any given year and in so doing often enter
23 and leave territorial waters of Alaska.

24 (4) To conserve the migratory fish and migratory shell-
25 fish found within the waters of the state it is necessary to make
26 evasion of local laws and regulations difficult.

27 (5) By making certain laws and regulations passed or
28 promulgated for the regulation of the coastal fishery applicable
29 to the adjacent high sea areas, enforcement of these laws and

1 regulations will be greatly facilitated.

2 (6) Regulation of the high sea fishing effort will
3 assist in conserving migratory fish and migratory shellfish.

4 (7) Evidence exists of serious depletion of state
5 fisheries through high sea over-fishing in certain adjacent areas.

6 Therefore, as a matter of public necessity, to relieve
7 economic distress among individual fishermen and those dependent
8 upon them for a livelihood, to conserve the supply of migratory
9 fish and migratory shellfish in Alaska, to insure fair competi-
10 tion among those engaged in commercial fishing and to insure
11 adequate enforcement of local laws this statute is passed.

12 Sec. 2. The Board of Fish and Game is authorized to promul-
13 gate rules and regulations, in order to effectuate the purposes
14 of this Act defining the adjacent high sea areas, defining
15 migratory fish and migratory shellfish and to make coastal fishery
16 rules and regulations governing the manner, means, conditions and
17 time for the taking of migratory fish and migratory shellfish
18 applicable within designated adjacent high sea areas.

19 Sec. 3. It shall be unlawful for any person taking migratory
20 fish and migratory shellfish in high sea areas designated by the
21 Commissioner of the Alaska Department of Fish and Game or in
22 violation of the rules and regulations promulgated by the Board
23 of Fish and Game governing the taking of migratory fish and
24 migratory shellfish in such designated areas, to possess, sell,
25 offer to sell, barter, offer to barter, give or transport, within
26 the state, including the waters thereof, any such migratory fish
27 or migratory shellfish.

28 Sec. 4. It shall be unlawful for any person to possess,
29 purchase, offer to purchase, sell, or offer to sell within the

1 State of Alaska, any migratory fish or migratory shellfish taken
2 on the high seas knowing said migratory fish or migratory shell-
3 fish to have been taken in violation of any rule or regulation
4 promulgated by the Commissioner of the Alaska Department of Fish
5 and Game or the Alaska Board of Fish and Game, governing the
6 taking of migratory fish or migratory shellfish in certain areas
7 designated by the Board of Fish and Game or the Commissioner.

8 Sec. 5. Any person who violates the provisions of Secs. 3
9 and 4 of this Act is guilty of a misdemeanor and upon the con-
10 viction thereof shall be subject to a fine of not exceeding
11 \$5,000.00 or imprisonment not to exceed one year, or both such
12 fine and imprisonment.

13 Sec. 6. This Act shall not apply to: (1) those species of
14 salmon in those areas within the international waters of the
15 Pacific Ocean which are regulated by the International Pacific
16 Salmon Fisheries Commission or by the United States laws or rules
17 or regulations promulgated pursuant to such laws; (2) the use of
18 nets for fishing for or taking salmon for the purposes of
19 scientific investigation authorized by the laws of this state;
20 and (3) the existing laws and regulations prohibiting the taking
21 of salmon by means of nets on the high seas.

22 Sec. 7. This Act takes effect on the day after its passage
23 and approval or on the day it becomes law without such approval.
24
25
26
27
28
29