

Original Sponsors: Senators
Peratrovich, Bradshaw and Smith

Offered: 3/8/63
Referred: Rules

1 IN THE SENATE BY RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 60

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRD LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the transferability of
7 fishing vessel and gear licenses; and pro-
8 viding for an effective date."

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

10 * Section 1. AS 16.05.490 is repealed and re-enacted to read:

11 Sec. 16.05.490. VESSEL LICENSE. (a) As a condition
12 to the delivery or landing of fish or engaging in commercial
13 fishing within the state, a license is required for a com-
14 mercial vessel, including a vessel used in charter service
15 for the recreational taking of fish and shell fish.

16 (b) A vessel license may only be transferred to another
17 person if the sickness, injury, death, unavailability, or
18 other incapacitation of the licensee prevents or may prevent
19 the vessel from being used for commercial fishing or charter
20 purposes.

21 (c) A licensee, his agent, or his legal representative
22 shall give notice of the transfer to the nearest department
23 office before the transferee starts commercial fishing opera-
24 tions with the vessel. The notice shall contain (1) the
25 number of the vessel license and the number plate number of
26 the vessel; (2) the name and address of the person to whom
27 the license is transferred and his commercial fishing license
28 number; and (3) a written statement, sworn to under penalty
29 of perjury by the licensee, his agent, or his legal

1 representative, transferring the license specifying the
2 reason for the transfer. In the event notification of the
3 license transfer is made by radio or telegraphic communica-
4 tion, the written statement of the licensee, his agent, or
5 his legal representative shall be sent to the same department
6 office as the radio or telegraphic communication within 10
7 days of the notification.

8 (d) The department shall review all transfers of vessel
9 licenses and shall refer those transfers it has reason to
10 believe are fraudulent or made in violation of this section
11 to the Department of Law for action.

12 * Sec. 2. AS 16.05.540 is amended to read:

13 Sec. 16.05.540. LIMITATION ON ISSUANCE OF FISHING GEAR
14 LICENSES. The fishing gear licenses mentioned in secs. 550 -
15 650 of this chapter shall be issued one to the applicant.
16 Each applicant shall personally operate or assist in the
17 operation of the licensed fishing gear. The license is
18 transferable as provided under sec. 670 of this chapter.

19 * Sec. 3. AS 16.05.670 is repealed and re-enacted to read:

20 Sec. 16.05.670. FISHING GEAR LICENSE IN GENERAL. (a)
21 A fishing gear license issued under secs. 550 - 650 of this
22 chapter may only be transferred if the sickness, injury,
23 death, unavailability or other incapacitation of the licensee
24 keeps or may keep a commercial fishing vessel in port because
25 of the lack of other licensed fishing gear to take its place.

26 (b) A fishing gear license may only be transferred
27 twice during the period of its issuance.

28 (c) A licensee, his agent, or his legal representative
29 shall give notice of the gear license transfer to the nearest

1 department office before the transferee starts fishing with
2 the gear. The notice shall contain (1) information on the
3 type of gear license and the number of the gear license; (2)
4 the name and commercial fishing license number of licensee;
5 (3) the name of the person to whom the license is transfer-
6 red and his commercial fishing license number; and (4) a
7 written statement sworn to under penalty of perjury by the
8 licensee, his agent, or his legal representative transferring
9 the license specifying the reason for the transfer. In the
10 event notification of the license transfer is made by radio
11 or telegraphic communication, the written statement of the
12 licensee, his agent, or his legal representative shall be
13 sent to the same department office as the radio or telegraphic
14 communication within 10 days of the notification of the trans-
15 fer.

16 (d) The department shall review all transfers of fish-
17 ing gear licenses and shall refer those transfers it has
18 reason to believe are fraudulent or made in violation of this
19 section to the Department of Law for action.

20 (e) It is unlawful for any gear which is licensed as
21 provided in this chapter to be operated or caused to be
22 operated by any person other than the licensee or the person
23 to whom the license was transferred upon notice to the
24 department.

25 (f) If the operator of the gear is a nonresident the
26 gear is required to be licensed as nonresident gear and the
27 fees provided for nonresidents shall be paid. "Operator"
28 means the individual by law made responsible for the operation
29 of the vessel.

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(g) All licenses for fishing gear shall be retained in the possession of the licensee and readily accessible for inspection at all times.

* Sec. 4. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.