

Introduced: 2/16/68
Referred: Resources and
Judiciary

1 IN THE SENATE

BY HAMMOND, PALMER AND POLAND

2 SENATE BILL NO. 327

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to persons eligible to obtain gear
7 licenses; and providing for an effective date."

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

9 * Section 1. LEGISLATIVE FINDINGS. (a) The legislature finds that
10 excessive entry into Alaska fishing areas has resulted in massive accumula-
11 tions of salmon fishing gear with attendant ever-increasing difficulty in
12 providing for sound conservation and management of the resource.

13 (b) The legislature further finds that the uninhibited issuance
14 of gear licenses to anyone despite total lack of experience in the particu-
15 lar area has not only been the prime factor tending toward accumulation of
16 excessive gear but also has posed additional management, enforcement, and
17 public safety problems through the lack of familiarity with regulations,
18 waters, and procedures peculiar to the individual area.

19 (c) In view of the findings in (a) and (b) of this section, it
20 is considered necessary by the legislature to impose experience requirements
21 prior to issuance of salmon gear licenses to any applicants.

22 * Sec. 2. AS 16.05 is amended by adding a new section to read:

23 Sec. 16.05.536. PERSONS ELIGIBLE FOR GEAR LICENSES. (a) Except
24 in cases of extreme hardship as determined by the Commissioner of Fish
25 and Game, a salmon gear license for a specific salmon registration
26 area may be issued only to a person who

27 (1) has previously held a gear license for that specific
28 salmon registration area; or

29 (2) has, for any three years, consecutively held a commercial

1 fishing license and actively engaged in commercial fishing in that
2 specific area.

3 (b) An applicant who claims that he is qualified for a gear
4 license under (a) (2) of this section shall submit to the Department
5 of Revenue

6 (1) an affidavit by the applicant stating that he has com-
7 mercially fished in the specific salmon registration area for the
8 required time;

9 (2) substantiation from state records evidencing that he
10 did purchase an Alaska commercial fishing license for the required
11 three years; and

12 (3) either affidavits from two persons holding currently
13 valid gear licenses in the area where the applicant desires to fish
14 stating that the applicant has fished the required time in that area,
15 or a statement signed by an employee of the Department of Fish and
16 Game evidencing that the applicant did report in at a department of
17 fish and game office within the required area during the required
18 three years.

19 * Sec. 3. AS 16.07.40 is amended to read:

20 Sec. 16.07.40. LIMITATION ON ISSUANCE OF FISHING GEAR LICENSES.
21 The fishing gear licenses mentioned in secs. 530 - 650 of this chapter
22 shall be issued one to the applicant and only for the area in which
23 the applicant qualifies under sec. 536 of this chapter. Each applicant
24 shall personally operate or assist in the operation of the licensed
25 fishing gear. Each applicant for the fishing gear licenses mentioned
26 in secs. 570 and 580 of this chapter shall also personally own or lease
27 the licensed fishing gear. The license is transferable as provided
28 under sec. 670 of this chapter.

29 • Sec. 4. AS 16.05.250 is amended by adding a new subsection to read:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

(12) Establish additional qualifications relating to the eligibility requirements for gear licenses.

* Sec. 5. This Act becomes effective on January 1, 1969, unless all or any part of the 1968 Alaska Commercial Fishing Regulations are struck down by the courts, at which time this Act will become effective immediately.