

Original sponsor: Hohman

Offered: 4/28/75
Referred: Rules

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 96 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the sale of subsistence caught
7 salmon eggs."

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

9 * Section 1. INTENT. (a) It is the intent of sec. 2 of this Act to
10 permit the sale or trade of salmon roe under strict permit and regulatory
11 provisions to assure the health of subsistence economies in areas where such
12 use will not jeopardize or interfere with the maintenance of existing salmon
13 stocks.

14 (b) It is the intent of sec. 3 of this Act to control the waste of
15 salmon resources.

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

17 Sec. 16.05.827. SALE OF SUBSISTENCE SALMON ROE. (a) Notwith-
18 standing 940(17) of this chapter, the board may adopt regulations
19 permitting the sale of subsistence salmon roe under conditions the board
20 considers advisable.

21 (b) The board may permit subsistence salmon roe sales under (a) of
22 this section if

23 (1) the accustomed contribution of salmon to particular sub-
24 sistence economies will be maintained, as modified by current needs; and

25 (2) subsistence salmon roe sales will not jeopardize or
26 interfere with the maintenance of salmon stocks on a sustained yield
27 basis.

28 (c) No person may purchase or trade for or attempt to purchase
29 or trade for subsistence salmon roe unless he possesses an annual permit

1 issued by the commissioner. The commissioner may specify terms and
2 conditions of a permit required under this section. No license, entry
3 permit or interim permit is required for the specific act of selling
4 subsistence salmon roe. No person may purchase or transport or attempt
5 to purchase or transport salmon roe which he knows or has reason to know
6 was taken in violation of this section or regulations adopted under it.

7 (d) If the commissioner finds that sale of subsistence salmon roe
8 is resulting in waste of salmon carcasses, damage to salmon stocks, or
9 circumvention of salmon management programs, he may close any or all
10 areas to subsistence salmon roe sale by emergency order. If the com-
11 missioner finds that the subsistence catch in an area exceeds or is
12 likely to exceed, by 10 per cent, the 1974 subsistence catch for that
13 area, he shall close that area to subsistence salmon roe sale by emer-
14 gency order.

15 (e) Original purchasers of subsistence salmon roe shall record
16 information required by the department on fish tickets supplied by the
17 department.

18 (f) The board may adopt regulations it considers necessary for the
19 administration of this section. The board may delegate its authority
20 under this section to the commissioner.

21 (g) A person who violates this section or a regulation adopted
22 under it is subject to a fine of not more than \$10,000, or imprisonment
23 for not more than six months, or both.

24 (h) In this section, "subsistence salmon roe" means salmon roe
25 incidentally obtained as an unavoidable by-product of lawful subsistence
26 fishing.

27 * Sec. 3. AS 16.05 is amended by adding a new section to read:

28 Sec. 16.05.831. WASTE OF SALMON. (a) It is unlawful for a person
29 to waste salmon intentionally, knowingly, or with reckless disregard for

1 the consequences. In this section, "waste" means the failure to utilize
2 the majority of the carcass, excluding viscera and sex parts, for
3 salmon which are to be

4 (1) sold to a commercial buyer or processor;

5 (2) utilized for consumption by humans or domesticated
6 animals; or

7 (3) utilized for scientific, educational, or display purposes.

8 (b) The commissioner may authorize other uses of salmon upon
9 request if he finds that to do so would be consistent with maximum and
10 wise use of the resource.

11 (c) A person who violates this section or a regulation adopted
12 under it is subject to a fine of no more than \$10,000, or imprisonment
13 for not more than six months, or both. In addition, a person who vio-
14 lates this section is subject to a civil action by the state for the
15 cost of replacing the salmon wasted.

16 * Sec. 4. Sections 1(a) and (2) of this Act expire January 1, 1977.
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