

Introduced: 1/17/77  
Referred: Resources

1 IN THE SENATE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2 CS SENATE BILL NO. 49  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the full utilization of herring."

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

8 \* Section 1. AS 16.10 is amended by adding new sections in Article 3 to  
9 read:

10 Sec. 16.10.172. LEGISLATIVE POLICY ON UTILIZATION OF HERRING.

11 The legislature finds the following: (1) extensive and valuable  
12 herring populations are available for harvest in waters subject to the  
13 jurisdiction of the state; (2) commercial markets are available for  
14 herring processed in several forms; (3) one processing technique  
15 presently employed involves deliberately permitting decomposition of  
16 the herring carcass to allow for removal and subsequent sale of the  
17 roe product, with the consequence that the flesh is unusable and  
18 discarded. The legislature declares that the process referred to in  
19 (3) is wasteful and does not constitute utilization of this resource  
20 for the maximum benefit of the people. Therefore, it is the policy of  
21 the legislature that this process should be eliminated to the fullest  
22 extent possible.

23 Sec. 16.10.173. UTILIZATION OF COMMERCIALY TAKEN HERRING. (a)

24 It is unlawful for any person, as defined in AS 01.10.060 and including  
25 a joint venture, to waste or to cause to be wasted any commercially  
26 taken herring.

27 (b) As used in this section, "waste" means the failure to use  
28 the flesh of commercially taken herring for reduction to meal, pro-  
29 duction of fish food, human consumption, food for domestic animals,

1 scientific or educational purposes, or round herring bait. Normal,  
2 inadvertent loss of flesh associated with the uses described in this  
3 subsection which cannot be prevented by practical means does not  
4 constitute waste. The commissioner may authorize other uses of commer-  
5 cially taken herring not inconsistent with the intent of this section  
6 and sec. 172 of this chapter at his discretion upon receipt of a  
7 request accompanied by a detailed justification.

8 (c) For purposes of this section, "flesh" means all muscular  
9 body tissue surrounding the bony skeleton of the herring.

10 (d) The Board of Fisheries may adopt regulations under the  
11 Administrative Procedure Act (AS 44.62) it considers necessary for  
12 implementation of this section. The board may delegate its authority  
13 under this section to the commissioner.

14 (e) The provisions of this section do not apply to herring taken  
15 commercially in the Bering Sea (including appurtenant bays, sounds,  
16 estuaries, and water of the state) north of 56° North Latitude until  
17 the commissioner finds that sufficient processing capability exists to  
18 allow the application of this section in all or part of that area  
19 without undue hardship.  
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