

1 IN THE SENATE

BY THE FREE CONFERENCE COMMITTEE

2 FREE CONFERENCE CS FOR HOUSE CS FOR CS FOR SENATE BILL NO. 196

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 regulation of shellfish pots
7 and buoys used in the taking of king crab; and providing
8 for an effective date."

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

10 * Section 1. INTENT. It is the intent of this Act to require positive
11 identification of shellfish pots or buoys, or both, used in the taking of
12 king crab within areas in which the Board of Fisheries has regulations
13 limiting the total amount of gear allowed per vessel in order to
14 (1) more adequately enforce shellfish pot limits for king crab;
15 (2) assist in preventing the theft of gear;
16 (3) prevent the transfer of gear to prohibited areas; and
17 (4) better manage the fishery by providing a visible means of
18 determining how much gear is actually being fished.

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

20 Sec. 16.05.632. IDENTIFICATION OF SHELLFISH POTS OR BUOYS, OR
21 BOTH, USED IN THE TAKING OF KING CRAB AND REQUIREMENTS FOR BUOYS. (a)
22 Registration tags for the identification of shellfish pots or buoys, or
23 both, used in the taking of king crab are required in areas in which the
24 board has regulations limiting the total amount of shellfish pots allowed
25 per vessel. Registration tags shall

26 (1) be issued by the Department of Fish and Game under regu-
27 lations promulgated by the board;

28 (2) be nontransferable, unless the shellfish pot license
29 issued under sec. 630 of this chapter is transferred in accordance with

1 sec. 670 of this chapter, in which case the registration tags shall be
2 transferred with the license;

3 (3) be individually numbered, designating the year of issu-
4 ance;

5 (4) be permanently affixed to each shellfish pot or buoy,
6 or both, used in the taking of king crab, whichever in the determination
7 of the board is appropriate for identification, and in a manner determined
8 to be appropriate by the board;

9 (5) conform to other requirements determined to be appropri-
10 ate by the board; and

11 (6) be issued and renewed for a fee equal to the cost of
12 obtaining the registration tags plus reasonable administrative costs,
13 under procedures determined to be appropriate by the Department of Fish
14 and Game.

15 (b) The unauthorized production, reproduction, sale, exchange,
16 distribution, or use of registration tags required in (a) of this sec-
17 tion is prohibited.

18 (c) In addition to meeting other requirements imposed by law, each
19 shellfish pot used in the taking of king crab shall be connected to one
20 durable "sea lion" buoy of an appropriate type and diameter as specified
21 by the board. The buoy shall conform to other specifications determined
22 to be appropriate by the board.

23 (d) For the purposes of this section

24 (1) "registration tags" means any tag, tape, or other identi-
25 fication device or method determined to be appropriate by the board; and

26 (2) "board" means the Board of Fisheries.

27 (e) Upon conviction of a person of a violation of (a) or (b) of
28 this section or a regulation adopted under (a) or (b) of this section,
29 the court shall, in addition to any other penalty imposed by law, revoke

1 the violator's shellfish pot license for a period of not less than
2 12 consecutive months nor more than five years and, in addition, re-
3 strict the boat used in a violation of (a) of this section from being
4 used in the taking of king crab for the same period as the shellfish pot
5 license is revoked. After the restriction is imposed, if the boat is
6 used in the taking of king crab within the period of restriction, it
7 shall be seized and forfeited to the state as provided in sec. 195 of
8 this chapter.

9 * Sec. 3. AS 16.10 is amended by adding a new section to read:

10 Sec. 16.10.125. USE OF TERMINATION DEVICE ON SHELLFISH AND BOTTOM
11 FISH POT REQUIRED. The Board of Fisheries shall, by regulation, pre-
12 scribe a termination device or devices for all shellfish and bottom fish
13 pots. In this section "termination device" means a biodegradable seam
14 or panel or other device which renders the pot incapable of holding
15 shellfish or bottom fish for more than six months when it is continu-
16 ously immersed in sea water.

17 * Sec. 4. AS 16.10.130 is amended to read:

18 Sec. 16.10.130. PENALTIES FOR VIOLATION OF SECS. 120 125 [SEC.
19 120] OF THIS CHAPTER. A person who violates secs. 120 - 125 [SEC. 120]
20 of this chapter is guilty of a misdemeanor, and upon conviction is
21 punishable by imprisonment for not more than six months, or by a fine of
22 not more than \$1,000 or by both.

23 * Sec. 5. Sections 3 and 4 of this Act take effect August 1, 1978.
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