

Introduced: 2/18/80
Referred: Resources

1 IN THE HOUSE

BY ANDERSON

2 SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 630

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the taking and sale of fish without
7 an entry permit or interim-use permit."

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

9 * Section 1. AS 16.10 is amended by adding new sections to read:

10 Sec. 16.10.265. PURCHASE OF FISH FROM PERMIT HOLDERS. (a) A
11 licensed fish processor or primary fish buyer may purchase raw fish only
12 from a seller who holds an entry permit or an interim-use permit issued
13 or transferred to the seller in accordance with AS 16.43.

14 (b) When a fisherman sells fish to a fish processor or primary
15 fish buyer, the fisherman shall have in his possession an entry permit
16 or interim-use permit issued or transferred to him under AS 16.43 and

17 (1) a picture identification card; or

18 (2) if the entry permit or interim-use permit was transferred
19 to the fisherman under AS 16.43.180, an emergency transfer slip com-
20 pleted in accordance with AS 16.43.180 and with regulations of the
21 Alaska Commercial Fisheries Entry Commission adopted under AS 16.43.180.

22 (c) If requested by a fish processor or primary fish buyer or by a
23 peace officer, the fisherman shall present the picture identification
24 card or emergency transfer slip required to be in his possession under
25 (b) of this section for inspection.

26 (d) In (b)(1) of this section "picture identification card" means
27 an identification card issued by a local, state, or federal agency which
28 bears a photograph of the person to whom the card is issued. A "picture
29 identification card" may include, but is not limited to, a motor vehicle

1 operator's license issued under AS 28.15.080, an identification card
2 issued under AS 18.65.310, or a fishermen's identification card issued
3 under AS 16.10.267.

4 Sec. 16.10.267. FISHERMEN'S IDENTIFICATION CARDS. (a) Upon
5 payment of a \$5 fee, the Department of Public Safety shall issue a
6 fishermen's identification card to a person who requests one. The
7 fishermen's identification card shall be identical to an identification
8 card issued under AS 18.65.310 except that the fishermen's identi-
9 fication card may include the number of an entry permit possessed by the
10 person identified on the card.

11 (b) A person may obtain a fishermen's identification card by
12 applying to the Department of Public Safety on forms and in the manner
13 prescribed by the Department of Public Safety.

14 (c) A person who knowingly makes a fraudulent written statement or
15 application for a fishermen's identification card concerning age, race,
16 sex, entry permit number or other identifying characteristics, is
17 guilty of a class B misdemeanor.

18 (d) It is a class B misdemeanor for a person to possess, use,
19 produce or manufacture a fraudulent fishermen's identification card.

20 (e) It is a class B misdemeanor for a person to allow a fisher-
21 men's identification card issued to him to be used by another person.

22 * Sec. 2. AS 16.10.294(c) is amended to read:

23 (c) If a licensed fish processor or primary fish buyer fails to
24 fulfill his obligations as set out in AS 16.10.290 or purchases raw fish
25 in violation of AS 16.10.265, his license shall be suspended for a
26 period of time the commissioner determines is appropriate. After three
27 suspensions his license may be permanently revoked.

28 * Sec. 3. AS 16.10.296 is amended to read:

29 Sec. 16.10.296. DEFINITIONS. In AS 16.10.265 - 16.10.296 [AS 16.-

1 10.270 - 16.10.296], unless the context otherwise requires,

2 (1) "commissioner" means the commissioner of labor;

3 (2) "fish" means any species of aquatic fin fish, inverte-
4 brates and amphibians, shellfish, or any other raw fishery resource, in
5 any stage of its life cycle, found in or introduced into the state;

6 (3) "fish processor" means a person engaging or attempting to
7 engage in a business for which a license is required under AS 43.75.-
8 010 - 43.75.090;

9 (4) "primary fish buyer" means a person, other than a co-
10 operative corporation organized under AS 10.15, engaging or attempting
11 to engage in the business of originally purchasing or buying any raw
12 fishery resource in intrastate, interstate, or foreign commerce.

13 * Sec. 4. AS 16.43.360(a) is amended to read:

14 (a) A person who violates or assists in the violation of a provi-
15 sion of this chapter or a regulation promulgated under this chapter is,
16 upon conviction, guilty of a misdemeanor and is punishable by a fine of
17 not more than \$5,000 for a first conviction, and a fine of not more than
18 \$10,000 for a second or third conviction. Upon a third conviction, the
19 person shall forfeit all interim-use and entry permits held by him and
20 loses eligibility for future issuance or transfer of interim-use or
21 entry permits for a period of three years. Upon a first or second
22 conviction under this section, the court may in its discretion order a
23 forfeiture of interim-use or entry permits held by him as well as a loss
24 of eligibility for future issuance or transfer of interim-use or entry
25 permits or order a suspension of fishing rights under interim-use or
26 entry permits held or to be held by him for a period of not more than
27 three years. This subsection does not apply to violations of AS 16.43.
28 140(a).

29 * Sec. 5. AS 16.43.360 is amended by adding a new subsection to read:

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(f) A person who violates the provisions of AS 16.43.140(a), upon conviction, shall forfeit the value of the fish caught by the person in the course of the violation. In addition, the person is subject to the following penalties:

(1) a fine of not less than \$1,000 or more than \$5,000 upon the first conviction;

(2) a fine of not less than \$5,000 or more than \$10,000 and loss of all fishing privileges in the state, including subsistence, sport and commercial fishing privileges, for two years after the date of conviction upon the second conviction;

(3) forfeiture of the vessel and gear used in the violation and imprisonment for a period of not less than three months or more than one year upon each conviction after the second.