

Original sponsor: Anderson

Offered: 4/30/80
Referred: Rules

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

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CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 630

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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ELEVENTH LEGISLATURE - SECOND SESSION

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A BILL

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For an Act entitled: "An Act relating to limited entry and providing penalties for the taking and sale of fish without an entry permit or interim-use permit."

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

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

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Sec. 16.10.265. PURCHASE OF FISH FROM PERMIT HOLDERS. (a) A

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licensed fish processor or primary fish buyer may purchase raw fish only from a seller who holds an entry permit or an interim-use permit issued or transferred to the seller in accordance with AS 16.43.

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

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(1) a picture identification card; or

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

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

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(d) A licensed fish processor or primary fish buyer who, in wilful violation of this section, purchases raw fish is subject to the following penalties:

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

3 (2) a fine of not less than \$5,000 or more than \$10,000 upon
4 the second conviction;

5 (3) a fine of not less than \$10,000 or more than \$25,000 upon
6 the third conviction;

7 (4) upon the fourth or subsequent violation, the commissioner
8 of revenue may suspend or permanently revoke the person's license to
9 engage in the business of fish processing or primary fish buying.

10 (e) Proceedings to suspend or revoke a license under (d)(4) of
11 this section are governed by the Administrative Procedure Act (AS 44.62).

12 (f) In (b)(1) of this section "picture identification card" means
13 an identification card issued by a local, state, or federal agency which
14 bears a photograph of the person to whom the card is issued. A "picture
15 identification card" may include, but is not limited to, a motor vehicle
16 operator's license issued under AS 28.15.111, an identification card
17 issued under AS 18.65.310, or a fishermen's identification card issued
18 under AS 16.10.267.

19 Sec. 16.10.267. FISHERMEN'S IDENTIFICATION CARDS. (a) Upon
20 payment of a \$5 fee, the Department of Public Safety shall issue a
21 fishermen's identification card to a person who requests one. The
22 fishermen's identification card shall be identical to an identification
23 card issued under AS 18.65.310 except that the fishermen's identifica-
24 tion card may include the number of an entry permit possessed by the
25 person identified on the card.

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

29 (c) A person who knowingly makes a fraudulent written statement or

1 application for a fishermen's identification card concerning age, race,
2 sex, entry permit number or other identifying characteristics, is guilty
3 of a class A misdemeanor.

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

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

8 * Sec. 2. AS 16.10.296 is amended to read:

9 Sec. 16.10.296. DEFINITIONS. In AS 16.10.265 - 16.10.296 [AS 16.-
10 10.270 - 16.10.296], unless the context otherwise requires,

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

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

15 (3) "fish processor" means a person engaging or attempting to
16 engage in a business for which a license is required under AS 43.75.-
17 010 - 43.75.090;

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

22 * Sec. 3. AS 16.43.360(a) is amended to read:

23 (a) A person who violates or assists in the violation of a provi-
24 sion of this chapter or a regulation promulgated under this chapter is,
25 upon conviction, guilty of a misdemeanor and is punishable by a fine of
26 not more than \$5,000 for a first conviction, and a fine of not more than
27 \$10,000 for a second or third conviction. Upon a third conviction, the
28 person shall forfeit all interim-use and entry permits held by him and
29 loses eligibility for future issuance or transfer of interim-use or

1 entry permits for a period of three years. Upon a first or second
2 conviction under this section, the court may in its discretion order a
3 forfeiture of interim-use or entry permits held by him as well as a loss
4 of eligibility for future issuance or transfer of interim-use or entry
5 permits or order a suspension of fishing rights under interim-use or
6 entry permits held or to be held by him for a period of not more than
7 three years. This subsection does not apply to violations of AS 16.43.-
8 140(a).

9 * Sec. 4. AS 16.43.360 is amended by adding a new subsection to read:

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

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

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

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