

Introduced: 1/11/82
Referred: Resources

1 IN THE HOUSE

BY CHUCKWEIK

2 HOUSE BILL NO. 637

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL.

6 For an Act entitled: "An Act relating to limited entry and providing penal-
7 ties for the taking and sale of fish without an entry
8 permit, interim-use permit, or emergency transfer slip,
9 and an identification card."

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

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

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

16 (b) When a fisherman sells fish to a fish processor or primary
17 fish buyer, the fisherman shall have in his possession

18 (1) an entry permit or interim-use permit issued or trans-
19 ferred to him under AS 16.43, or an emergency transfer slip completed in
20 accordance with AS 16.43.180 and regulations adopted under that section;
21 and

22 (2) an identification card issued by a local, state, or
23 federal agency that bears a photograph of the person to whom the card is
24 issued.

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

29 (d) A licensed fish processor or primary fish buyer who purchases

1 raw fish in wilful violation of this section is subject to the following
2 penalties:

3 (1) a fine of not less than \$1,000 nor more than \$5,000 upon
4 the first conviction;

5 (2) a fine of not less than \$5,000 nor more than \$10,000 upon
6 the second conviction;

7 (3) a fine of not less than \$10,000 nor more than \$25,000
8 upon the third conviction;

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

12 (e) Proceedings to suspend or revoke a license under (d)(4) of
13 this section are governed by the Administrative Procedure Act (AS 44.-
14 62).

15 (f) Examples of a suitable identification card required under
16 (b)(2) of this section are a motor vehicle operator's license issued
17 under AS 28.15.111, an identification card issued under AS 18.65.310,
18 and a fisherman's identification card issued under AS 16.10.267.

19 Sec. 16.10.267. FISHERMAN'S IDENTIFICATION CARD. (a) Upon pay-
20 ment of a \$5 fee, the Department of Public Safety shall issue a
21 fisherman's identification card identical to the identification card
22 provided for in AS 18.65.310, except that the card may include the
23 serial number of each entry permit issued or transferred under AS 16.43
24 to the person identified on the card.

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

28 (c) A person who knowingly makes a fraudulent written statement or
29 application for a fisherman's identification card concerning age, race,

1 sex, entry permit number, or other identifying characteristics, is
2 guilty of a class A misdemeanor.

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

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

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

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

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

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

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

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

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

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

1 second conviction under this section, the court may in its discretion
2 order a forfeiture of interim-use or entry permits held by a person,
3 [HIM] as well as a loss of eligibility for future issuance or transfer
4 of interim-use or entry permits, or order a suspension of fishing rights
5 under interim-use or entry permits held or to be held by the person
6 [HIM] for a period of not more than three years. This subsection does
7 not apply to violations of AS 16.43.140(a).

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

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

13 (1) a fine of not less than \$1,000 nor more than \$5,000 upon
14 the first conviction;

15 (2) a fine of not less than \$5,000 nor more than \$10,000 and
16 loss of all fishing privileges in the state, including subsistence,
17 sport and commercial fishing privileges, for two years after the date of
18 conviction upon the second conviction;

19 (3) forfeiture of the vessel and gear used in the violation
20 and imprisonment for a period of not less than three months nor more
21 than one year upon each conviction after the second.
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