

Original sponsor: Rules/Governor

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE  
2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 404 (Judiciary) am  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 THIRTEENTH LEGISLATURE - SECOND SESSION  
5 A BILL  
6 For an Act entitled: "An Act relating to fish, game, and other animals;  
7 and providing for an effective date."  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
9 \* Section 1. AS 12.25.190(c) is amended to read:  
10 (c) The person cited for the crime shall give a [HIS] written  
11 promise to appear in court by signing at least one copy of the written  
12 citation prepared by the peace officer and the officer shall deliver a  
13 copy of the citation to the person. The written promise requirement  
14 of this subsection does not apply to motor vehicle and traffic cita-  
15 tions under AS 28.05.151 and fish and game citations for which a bail  
16 schedule has been established under AS 16.05.165.  
17 \* Sec. 2. AS 16.05.050 is amended to read:  
18 Sec. 16.05.050. POWERS AND DUTIES OF COMMISSIONER. The commis-  
19 sioner has, but not by way of limitation, the following powers and  
20 duties:  
21 (1) assist the United States Fish and Wildlife Service in  
22 the enforcement of federal laws and regulations pertaining to fish and  
23 game;  
24 (2) through the appropriate state agency, acquire by gift,  
25 purchase, or lease, or other lawful means, land, buildings, water,  
26 rights-of-way, or other necessary or proper real or personal property  
27 when the acquisition is in the interest of furthering an objective or  
28 purpose of the department and the state;  
29 (3) design and construct hatcheries, pipelines, rearing

1 ponds, fishways, and other projects beneficial for the fish and game  
2 resources of the state;

3 (4) accept money from any person under conditions requiring  
4 the use of the money for specific purposes in the furtherance of the  
5 protection, rehabilitation, propagation, preservation, or investiga-  
6 tion of the fish and game resources of the state or in settlement of  
7 claims for damages to fish or game resources;

8 (5) collect, classify, and disseminate statistics, data and  
9 information that, in the commissioner's discretion, will tend to  
10 promote the purposes [OBJECTS] of AS 16 except AS 16.51 and AS 16.52  
11 [THIS CHAPTER];

12 (6) capture, propagate, transport, buy, sell, or exchange  
13 fish or game or eggs for propagating, scientific or stocking purposes;

14 [(7) Repealed]

15 (7) [(8)] provide public facilities where necessary or  
16 proper to facilitate the taking of fish or game, and enter into co-  
17 operative agreements with any person to effect them;

18 (8) [(9)] exercise administrative, budgeting, and fiscal  
19 powers;

20 (9) [(10)] construct, operate, supervise, and maintain  
21 vessels used by the Department of Fish and Game;

22 (10) [(11)] authorize the holder of an interim-use permit  
23 under AS 16.43 to engage on an experimental basis in commercial taking  
24 of a fishery resource with vessel, gear, and techniques not presently  
25 qualifying for licensing under this chapter in conformity with stan-  
26 dards established by the Alaska Commercial Fisheries Entry Commission;  
27 [.]

28 (11) [(12)] not later than January 31 of each year, provide  
29 to the commissioner of revenue the names of those fish and shellfish

1 species which the commissioner of fish and game designates as develop-  
2 ing commercial fish species for that calendar year; a fish or shell-  
3 fish species is a developing commercial fish species if, within a  
4 specified geographical region,

5 (A) the optimum yield from the harvest of the species  
6 has not been reached;

7 (B) a substantial portion of the allowable harvest of  
8 the species has been allocated to fishing vessels of a foreign  
9 nation; or

10 (C) a commercial harvest of the fish species has  
11 recently developed;

12 (12) initiate or conduct research necessary or advisable to  
13 carry out the purposes of AS 16 except AS 16.51 and AS 16.52;

14 (13) enter into cooperative agreements with agencies of the  
15 federal government, educational institutions, or other agencies or or-  
16 ganizations, when in the public interest, to carry out the purposes of  
17 AS 16 except AS 16.51 and AS 16.52.

18 \* Sec. 3. AS 16.05.100 is amended to read:

19 Sec. 16.05.100. FISH AND GAME FUND ESTABLISHED. There is cre-  
20 ated a revolving "Fish and Game Fund," which shall be used exclusively  
21 for the following: (1) to carry out the purposes and provisions of  
22 AS 16, except AS 16.51 and AS 16.52, [THIS CHAPTER] or other duties  
23 that may be delegated by the legislature to the commissioner or the  
24 department; and (2) to carry out such purposes and objectives within  
25 the scope of AS 16 except AS 16.51 and AS 16.52 [THE CHAPTER] as may  
26 be directed by the donor of any such funds.

27 \* Sec. 4. AS 16.05.150 is amended to read:

28 Sec. 16.05.150. ENFORCEMENT AUTHORITY. The following persons  
29 are peace officers of the state and they shall enforce AS 16 except

1 AS 16.51 and AS 16.52 [THIS CHAPTER]:

2 (1) an employee of the department authorized by the commis-  
3 sioner;

4 (2) a police officer in the state;

5 (3) any other person authorized by the commissioner.

6 \* Sec. 5. AS 16.05.160 is amended to read:

7 Sec. 16.05.160. DUTY TO ARREST. Each peace officer designated  
8 in AS 16.05.150 shall arrest a person violating a provision of AS 16  
9 except AS 16.51 and AS 16.52 [THIS CHAPTER], or any regulation adopted  
10 [MADE] under AS 16 except AS 16.51 and AS 16.52 [THIS CHAPTER], in the  
11 peace officer's presence or view, and shall take the person [IMMEDI-  
12 ATELY] for examination or trial before an officer or court of compe-  
13 tent jurisdiction unless in the judgment of the peace officer it would  
14 be in the state's best interest to issue a warning or a citation under  
15 AS 16.05.165.

16 \* Sec. 6. AS 16.05 is amended by adding a new section to read:

17 Sec. 16.05.165. FORM AND ISSUANCE OF CITATION. (a) When a  
18 peace officer stops or contacts a person concerning a violation of  
19 AS 16 except AS 16.51 and AS 16.52 or of a regulation adopted under  
20 AS 16 except AS 16.51 and AS 16.52 that is a misdemeanor, the peace  
21 officer may, in the officer's discretion, issue a citation to the  
22 person as provided in AS 12.25.180.

23 (b) The supreme court shall specify by rule or order those  
24 misdemeanors that are appropriate for disposition without court ap-  
25 pearance, and shall establish a schedule of bail amounts. Before  
26 establishing or amending the schedule of bail amounts required by this  
27 subsection, the supreme court shall appoint and consult with an advi-  
28 sory committee consisting of two officers of the division of fish and  
29 wildlife protection of the Department of Public Safety, two

1 representatives of the Department of Fish and Game, two district court  
2 judges, and the chairpersons of the House and Senate Judiciary Commit-  
3 tees of the legislature. The maximum bail amount for an offense may  
4 not exceed the maximum fine specified by law for that offense. If the  
5 misdemeanor for which the citation is issued may be disposed of with-  
6 out court appearance, the issuing peace officer shall write on the  
7 citation the amount of bail applicable to the violation.

8 (c) A person cited for a misdemeanor for which a bail amount has  
9 been established under (b) of this section may, within 15 days after  
10 the date of the citation, mail or personally deliver to the clerk of  
11 the court in which the citation is filed by the peace officer

12 (1) the amount of bail indicated on the citation for that  
13 offense; and

14 (2) a copy of the citation indicating that the right to an  
15 appearance is waived, a plea of no contest is entered and the bail is  
16 forfeited.

17 (d) When bail has been forfeited under (c) of this section, a  
18 judgment of conviction shall be entered. Forfeiture of bail and all  
19 seized items is a complete satisfaction for the misdemeanor. The  
20 clerk of the court accepting the bail shall provide the offender with  
21 a receipt stating that fact.

22 (e) If the person cited fails to pay the bail amount established  
23 under (b) of this section or to appear in court as required, the cita-  
24 tion is considered a summons for a misdemeanor.

25 (f) Notwithstanding other provisions of law, if a person cited  
26 for a misdemeanor for which a bail amount has been established under  
27 (b) of this section appears in court and is found guilty, the penalty  
28 that is imposed for the offense may not exceed the bail amount for  
29 that offense established under (b) of this section.

1 \* Sec. 7. AS 16.05.170 is amended to read:

2 Sec. 16.05.170. POWER TO EXECUTE WARRANT. Each peace officer  
3 designated in AS 16.05.150 may execute a warrant or other process  
4 issued by an officer or court of competent jurisdiction for the en-  
5 forcement of AS 16 except AS 16.51 and AS 16.52 [THIS CHAPTER], and  
6 may, with a search warrant, search any place at any time. The judge  
7 of a court having jurisdiction may, upon proper oath or affirmation  
8 showing probable cause, issue a warrant in all cases.

9 \* Sec. 8. AS 16.05.251(a) is amended to read:

10 (a) The Board of Fisheries may adopt regulations it considers  
11 advisable in accordance with the Administrative Procedure Act (AS 44.-  
12 62) for

13 (1) setting apart fish reserve areas, refuges and sanctuar-  
14 ies in the waters of the state over which it has jurisdiction, subject  
15 to the approval of the legislature;

16 (2) establishing open and closed seasons and areas for the  
17 taking of fish;

18 (3) setting quotas, [AND] bag limits, harvest levels, and  
19 sex and size limitations on the taking of fish;

20 (4) establishing the means and methods employed in the  
21 pursuit, capture and transport of fish;

22 (5) establishing marking and identification requirements  
23 for means used in pursuit, capture and transport of fish;

24 (6) classifying as commercial fish, sport fish or predators  
25 or other categories essential for regulatory purposes;

26 (7) [ENGAGING IN BIOLOGICAL RESEARCH,] watershed and habi-  
27 tat protection [IMPROVEMENT], and [FISH] management, conservation,  
28 protection, use, disposal, propagation and stocking of fish;

29 (8) investigating and determining the extent and effect of

1 disease, predation, and competition among fish in the state, exercis-  
2 ing control measures considered necessary to the resources of the  
3 state;

4 [(9) ENTERING INTO COOPERATIVE AGREEMENTS WITH EDUCATIONAL  
5 INSTITUTIONS AND STATE, FEDERAL, OR OTHER AGENCIES TO PROMOTE FISH  
6 RESEARCH, MANAGEMENT, EDUCATION AND INFORMATION AND TO TRAIN PERSONS  
7 FOR FISH MANAGEMENT;]

8 (9) [(10)] prohibiting and regulating the live capture,  
9 possession, transport, or release of native or exotic fish or their  
10 eggs;

11 (10) [(11)] establishing seasons, areas, quotas and methods  
12 of harvest for aquatic plants;

13 (11) [(12)] establishing the times and dates during which  
14 the issuance of fishing licenses, permits and registrations and the  
15 transfer of permits and registrations between registration areas is  
16 allowed; however, this paragraph does not apply to permits issued or  
17 transferred under AS 16.43.

18 \* Sec. 9. AS 16.05.251 is amended by adding a new subsection to read:

19 (c) If the Board of Fisheries denies a petition or proposal to  
20 amend, adopt, or repeal a regulation, the board, upon receiving a  
21 written request from the sponsor of the petition or proposal, shall in  
22 addition to the requirements of AS 44.62.230 provide a written expla-  
23 nation for the denial to the sponsor not later than 30 days after the  
24 board has officially met and denied the sponsor's petition or pro-  
25 posal, or 30 days after receiving the request for an explanation,  
26 whichever is later.

27 \* Sec. 10. AS 16.05.255(a) is amended to read:

28 (a) The Board of Game may adopt regulations it considers advis-  
29 able in accordance with the Administrative Procedure Act (AS 44.62)

1 for

2 (1) setting apart game reserve areas, refuges and sanctuar-  
3 ies in the water [WATERS] or on the land [LANDS] of the state over  
4 which it has jurisdiction, subject to the approval of the legislature;

5 (2) establishing open and closed seasons and areas for the  
6 taking of game;

7 (3) establishing the means and methods employed in the  
8 pursuit, capture and transport of game;

9 (4) setting quotas, [AND] bag limits, harvest levels, and  
10 sex, age, and size limitations on the taking of game;

11 (5) classifying game as game birds, song birds, big game  
12 animals, fur bearing animals, predators or other categories;

13 (6) methods, means, and harvest levels necessary to control  
14 predation and competition among game in the state [INVESTIGATING AND  
15 DETERMINING THE EXTENT AND EFFECT OF PREDATION AND COMPETITION AMONG  
16 GAME IN THE STATE, EXERCISING CONTROL MEASURES CONSIDERED NECESSARY TO  
17 THE RESOURCES OF THE STATE AND DESIGNATING GAME MANAGEMENT UNITS OR  
18 PARTS OF GAME MANAGEMENT UNITS IN WHICH BOUNTIES FOR PREDATORY ANIMALS  
19 SHALL BE PAID];

20 (7) [ENGAGING IN BIOLOGICAL RESEARCH,] watershed and habi-  
21 tat protection [IMPROVEMENT], and [GAME] management, conservation,  
22 protection, use, disposal, propagation and stocking of game;

23 [(8) ENTERING INTO COOPERATIVE AGREEMENTS WITH EDUCATIONAL  
24 INSTITUTIONS AND STATE, FEDERAL, OR OTHER AGENCIES TO PROMOTE GAME  
25 RESEARCH, MANAGEMENT, EDUCATION, AND INFORMATION AND TO TRAIN PERSONS  
26 FOR GAME MANAGEMENT;]

27 (8) [(9)] prohibiting the live capture, possession, trans-  
28 port, or release of native or exotic game or their eggs;

29 (9) [(10)] establishing the times and dates during which

1 the issuance of game licenses, permits and registrations and the  
2 transfer of permits and registrations between registration areas and  
3 game management units or subunits is allowed.

4 \* Sec. 11. AS 16.05.255 is amended by adding a new subsection to read:

5 (c) If the Board of Game denies a petition or proposal to amend,  
6 adopt, or repeal a regulation, the board, upon receiving a written  
7 request from the sponsor of the petition or proposal, shall in addi-  
8 tion to the requirements of AS 44.62.230 provide a written explanation  
9 for the denial to the sponsor not later than 30 days after the board  
10 has officially met and denied the sponsor's petition or proposal, or  
11 30 days after receiving the request for an explanation, whichever is  
12 later.

13 \* Sec. 12. AS 16.05.340(a)(7) is amended to read:

14 (7) Nonresident [VISITOR'S] special sport fishing license -  
15 valid for the period inscribed on the license

16 (A) For 14-day license.....\$20

17 (B) For three-day license..... 10

18 \* Sec. 13. AS 16.05.340(a)(10) is amended to read:

19 (10) Nonresident hunting and sport fishing license..... 96

20 A nonresident may not take a big game animal without previously pur-  
21 chasing a numbered, nontransferable, appropriate tag, issued under [TO  
22 THE NONRESIDENT AS PROVIDED IN] (15) of this subsection. The tag must  
23 [SHALL] be affixed to the animal immediately upon capture and must  
24 [SHALL] remain affixed until the animal is prepared for storage, con-  
25 sumed, or exported. A tag issued but not used for an animal may be  
26 used to satisfy the tagging requirement for an [ANY OTHER] animal of  
27 any other [THE] species [NAMED] for which the tag fee is of equal or  
28 less value.

29 \* Sec. 14. AS 16.05.350 is amended to read:

1           Sec. 16.05.350. EXPIRATION OF LICENSES AND TAGS. Licenses and  
2 tags required under AS 16.05.330 - 16.05.430, except the nonresident  
3 [VISITOR'S] special sport fishing license and the resident trapping  
4 license, expire at the close of December 31 following issuance. The  
5 resident trapping license expires at the close of September 30 of the  
6 year following the year in which the license is issued.

7 \* Sec. 15. AS 16.05.410 is amended by adding new subsections to read:

8           (f) Except as provided in (g) of this section, the provisions of  
9 (a) - (c) of this section do not apply when the offense for which the  
10 person is convicted is a misdemeanor for which a forfeitable bail  
11 amount has been set under AS 16.05.165.

12           (g) When a person has been convicted during a two year period of  
13 two or more misdemeanor offenses for which a forfeitable bail amount  
14 has been set under AS 16.05.165, a peace officer may file a civil  
15 action in the district court to revoke the person's license. Once an  
16 action has been filed, the court shall set a time and date for a  
17 hearing on the proposed license revocation, and shall send notice of  
18 the hearing to the person. The hearing shall be before the court  
19 without a jury. At the hearing the court shall hear evidence regard-  
20 ing the nature and seriousness of the offenses for which the person  
21 was convicted, the time period involved, the potential effect of the  
22 person's actions upon the preservation of the resource, and other  
23 relevant circumstances. If the court finds by a preponderance of the  
24 evidence that the person's actions demonstrate a disregard for the  
25 preservation of the state's fish or wildlife resources, the court may  
26 revoke the person's license for a period of not less than one year nor  
27 more than three years from the date of revocation.

28 \* Sec. 16. AS 16.05.495 is amended to read:

29           Sec. 16.05.495. VESSEL LICENSE EXEMPTION. A vessel used

1 exclusively for the commercial capture of salmon in commercial salmon  
2 administrative management areas that include state water between the  
3 latitude of Cape Romanzof and the latitude of Cape Newenham, and state  
4 water surrounding Nunivak Island [THE DRAINAGE SYSTEM OF THE YUKON AND  
5 KUSKOKWIM RIVERS], or at a set net site, is exempt from the licensing  
6 requirements of AS 16.05.490.

7 \* Sec. 17. AS 16.05.685(c)(2) is amended to read:

8 (2) "registration area" means a specific king crab regis-  
9 tration area as designated by regulation of the Board of Fisheries  
10 [AND INCLUDES THE BERING SEA SHELLFISH AREA AND THE WESTERN ALEUTIAN  
11 ISLANDS KING CRAB AREA].

12 \* Sec. 18. AS 16.05.831(a) is amended to read:

13 (a) A person may not waste salmon intentionally, knowingly, or  
14 with reckless disregard for the consequences. In this section,  
15 "waste" means the failure to utilize the majority of the carcass,  
16 excluding viscera and sex parts, of a salmon intended for [WHICH ARE  
17 TO BE]

18 (1) sale [SOLD] to a commercial buyer or processor;

19 (2) [UTILIZED FOR] consumption by humans or domesticated  
20 animals; or

21 (3) [UTILIZED FOR] scientific, educational, or display pur-  
22 poses.

23 \* Sec. 19. AS 16.05.900(a) is amended to read:

24 (a) A person who violates AS 16.05.870 - 16.05.895 [OR 16.05.920  
25 OR ANY REGULATION ADOPTED UNDER THIS CHAPTER] is guilty of a class A  
26 misdemeanor [AND, UPON CONVICTION, IS PUNISHABLE BY A FINE OF NOT MORE  
27 THAN \$1,000 OR BY IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR BY  
28 BOTH. A PERSON WHO VIOLATES A REGULATION ADOPTED UNDER THIS CHAPTER  
29 FOR THE REGULATION OF COMMERCIAL FISHERIES SHALL BE PUNISHED AS

1 PROVIDED IN AS 16.05.720].

2 \* Sec. 20. AS 16.05.920 is amended to read:

3 Sec. 16.05.920. CERTAIN ACTS MADE UNLAWFUL. (a) Unless permit-  
4 ted by AS 16.05 - AS 16.40 [THIS CHAPTER] or by regulation adopted  
5 under AS 16.05 - AS 16.40 [THIS CHAPTER], a person may not take,  
6 possess, transport, sell, offer to sell, purchase, or offer to pur-  
7 chase fish, game, or marine aquatic plants, or any part of fish, game  
8 or aquatic plants, or a nest or egg of fish or game.

9 (b) A person may not knowingly disturb, injure, or destroy a  
10 notice, signboard, seal, tag, aircraft, boat, vessel, automobile,  
11 paraphernalia, equipment, building or other improvement or property of  
12 the department used in the administration or enforcement of AS 16  
13 except AS 16.51 and AS 16.52 [THIS CHAPTER], or a poster or notice to  
14 the public concerning the provisions of AS 16 except AS 16.51 and  
15 AS 16.52 [THIS CHAPTER], or a regulation adopted under AS 16 except  
16 AS 16.51 and AS 16.52 [THIS CHAPTER], or a marker indicating the  
17 boundary of an area closed to hunting, trapping, fishing or other  
18 special use under AS 16 except AS 16.51 and AS 16.52 [THIS CHAPTER].  
19 A person may not knowingly destroy, remove, tamper with, or imitate a  
20 seal or tag issued or used by the department or attached under its  
21 authority to a skin, portion, or specimen of fish or game, or other  
22 article for the purpose of identification or authentication in accor-  
23 dance with AS 16 except AS 16.51 and AS 16.52 [THIS CHAPTER] or a  
24 regulation adopted under AS 16 except AS 16.51 and AS 16.52 [THIS  
25 CHAPTER].

26 \* Sec. 21. AS 16.05.920 is amended by adding new subsections to read:

27 (c) A person may not import, possess, transport or release in  
28 the state live venomous reptiles, live venomous reptile eggs, live  
29 venomous insects, or live venomous insect eggs, except in accordance

1 with the terms of a permit issued under (d) of this section. This  
2 prohibition does not apply to bees as defined in AS 03.47.040. A  
3 person who violates this subsection is guilty of a misdemeanor and may  
4 be cited as set out in AS 16.05.165.

5 (d) A permit required under (c) of this section may be granted  
6 only if, in the determination of the commissioner, the applicant  
7 demonstrates a valid educational purpose for seeking the permit. A  
8 valid educational purpose includes display in educational institutions  
9 and in zoos.

10 \* Sec. 22. AS 16.05 is amended by adding a new section to read:

11 Sec. 16.05.925. PENALTY FOR VIOLATIONS. A person who violates  
12 AS 16.05.920, or a regulation adopted under this chapter or AS 16.20,  
13 is guilty of a class A misdemeanor. However, a person who violates a  
14 regulation adopted under this chapter for the regulation of commercial  
15 fisheries is subject to the penalties set out in AS 16.05.720.

16 \* Sec. 23. AS 16.05.930(c) is amended to read:

17 (c) AS 16.05.920 does not prohibit rearing and sale of fish from  
18 private ponds, the raising of wild animals in captivity for food or  
19 the raising of game birds for the purpose of recreational hunting on  
20 [OR] game hunting preserves, under regulations adopted by the appro-  
21 priate board. In this subsection, "animals" includes all animal life,  
22 including insects and bugs.

23 \* Sec. 24. AS 16.05.940 is amended to read:

24 Sec. 16.05.940. DEFINITIONS. In AS 16.05 - AS 16.40 [THIS  
25 CHAPTER]

26 (1) "aquatic plant" means any species of plant, excluding  
27 the rushes, sedges and true grasses, growing in a marine aquatic or  
28 intertidal habitat;

29 (2) "barter" means the exchange or trade of fish or game,

1 or their parts, taken for subsistence uses

2 (A) for other fish or game or their parts; or

3 (B) for other food or for nonedible items other than  
4 money if the exchange is of a limited and noncommercial nature;

5 (3) "a board" means either the Board of Fisheries or the  
6 Board of Game;

7 (4) "commercial fisherman" means an individual who fishes  
8 commercially for, takes, or attempts to take fish, shellfish, or other  
9 fishery resources of the state by any means, and includes every indi-  
10 vidual aboard a boat operated for fishing purposes who participates  
11 directly or indirectly in the taking of these raw fishery products,  
12 whether participation is on shares or as an employee or otherwise;  
13 however, this definition does not apply to anyone aboard a licensed  
14 vessel as a visitor or guest who does not directly or indirectly par-  
15 ticipate in the taking; and the term "commercial fisherman" includes  
16 the crews of tenders or other floating craft used in transporting  
17 fish;

18 (5) "commercial fishing" means the taking, fishing for, or  
19 possession of fish, shellfish, or other fishery resources with the in-  
20 tent of disposing of them for profit, or by sale, barter, trade, or in  
21 commercial channels; the failure to have a valid subsistence permit in  
22 possession, if required by statute or regulation, is considered prima  
23 facie evidence of commercial fishing if commercial fishing gear as  
24 specified by regulation is involved in the taking, fishing for, or  
25 possession of fish, shellfish, or other fish resources;

26 (6) "commissioner" means the commissioner of fish and game  
27 unless specifically provided otherwise;

28 (7) "department" means the Department of Fish and Game un-  
29 less specifically provided otherwise;

1           (8) "domestic mammals" include musk oxen, bison, and rein-  
2 deer, if they are lawfully owned;

3           (9) "fish" means any species of aquatic finfish, inverte-  
4 brate, or amphibian [INVERTEBRATES AND AMPHIBIANS], in any stage of  
5 its [THEIR] life cycle, found in or introduced into the state, and in-  
6 cludes any part of such aquatic finfish, invertebrate, or amphibian;

7           (10) "fish derby" means a contest in which prizes are award-  
8 ed for catching fish;

9           (11) "fishing derby association" means a civic, service, or  
10 charitable organization in the state, not for pecuniary profit, whose  
11 primary purpose is to promote interest in fishing for recreational  
12 purposes and which has been in existence for five years before apply-  
13 ing for a permit under this chapter, but does not include an organiza-  
14 tion formed or operated for gaming or gambling purposes;

15           (12) "fish or game farming" means the business of propagat-  
16 ing, breeding, raising, or producing fish or game in captivity for the  
17 purpose of marketing the fish or game or their products, and "captiv-  
18 ity" means having the fish or game under positive control, as in a  
19 pen, pond, or an area of land or water which is completely enclosed by  
20 a generally escape-proof barrier;

21           (13) "fur dealing" means engaging in the business of buying,  
22 selling, or trading in animal skins, but [; THE TERM] does not include  
23 [APPLY TO A HUNTER OR TRAPPER SELLING] the sale of animal skins by a  
24 [THE] trapper or hunter who [HE] has legally taken the animal, or the  
25 purchase of [TO A PERSON, OTHER THAN A FUR DEALER, PURCHASING] animal  
26 skins by a person, other than a fur dealer, for the person's own use;

27           (14) "game" means any species of bird, reptile, and mammal,  
28 including a feral domestic animal, found or introduced in the state,  
29 except domestic birds and mammals; and game may be classified by

1 regulation as big game, small game, fur bearers or other categories  
2 considered essential for carrying out the intention and purposes of  
3 AS 16.05 - AS 16.40 [THIS CHAPTER];

4 (15) "hunting" means the taking of game under AS 16.05 -  
5 AS 16.40 [THIS CHAPTER] and the regulations adopted under those chap-  
6 ters [IT];

7 (16) "nonresident" means a person who is not a resident of  
8 the state;

9 (17) "nonresident alien" means a person who is not a citizen  
10 of the United States and whose permanent place of abode is not in the  
11 United States;

12 (18) "operator" means the individual by law made responsible  
13 for the operation of the vessel;

14 (19) "resident" means a person who for 12 consecutive months  
15 has maintained a permanent place of abode in the state and who has  
16 continually maintained a voting residence in the state; and in the  
17 case of a partnership, association, joint stock company, trust, or  
18 corporation, "resident" means one that has its main office or head-  
19 quarters in the state; however, a member of the military service who  
20 has been stationed in the state for the preceding 12 consecutive  
21 months is a resident for the purposes of this paragraph [CHAPTER], and  
22 the dependent of a resident member of the military service, who has  
23 been living in the state for the preceding year is a resident for the  
24 purposes of this paragraph [CHAPTER], and a person who is an alien but  
25 who for one year has maintained a permanent place of abode in the  
26 state is a resident for the purposes of this paragraph [CHAPTER];

27 (20) "seizure" means the actual or constructive taking or  
28 possession of real or personal property subject to seizure under  
29 AS 16.05 - AS 16.40 [THIS CHAPTER] by an enforcement or investigative

1 officer charged with enforcement of the fish and game laws of the  
2 state;

3 (21) "sport fishing" means the taking of or attempting to  
4 take for personal use, and not for sale or barter, any fresh water,  
5 marine, or anadromous fish by hook and line held in the hand, or by  
6 hook and line with the line attached to a pole or rod which is held in  
7 the hand or closely attended, or by other means defined by the Board  
8 of Fisheries;

9 (22) "subsistence fishing" means the taking of, fishing for,  
10 or possession of fish, shellfish, or other fisheries resources for  
11 subsistence uses with gill net, seine, fish wheel, long line, or other  
12 means defined by the Board of Fisheries;

13 (23) "subsistence uses" means the customary and traditional  
14 uses in Alaska of wild, renewable resources for direct personal or  
15 family consumption as food, shelter, fuel, clothing, tools, or trans-  
16 portation, for the making and selling of handicraft articles out of  
17 nonedible by-products of fish and wildlife resources taken for per-  
18 sonal or family consumption, and for the customary trade, barter, or  
19 sharing for personal or family consumption; for the purposes of this  
20 paragraph, "family" means all persons related by blood, marriage, or  
21 adoption, and any person living within the household on a permanent  
22 basis;

23 (24) "take" means taking, pursuing, hunting, fishing, trap-  
24 ping, or in any manner disturbing, capturing, or killing or attempting  
25 to take, pursue, hunt, fish, trap, or in any manner capture or kill  
26 fish or game;

27 (25) "taxidermy" means tanning, mounting, processing, or  
28 other treatment or preparation of fish or game, or any part of fish or  
29 game, as a trophy, for monetary gain, including the receiving of the

1 fish or game or parts of fish or game for such purposes;

2 (26) "trapping" means the taking of mammals declared by  
3 regulation to be fur bearers;

4 (27) "vessel" means a floating craft powered, towed, rowed,  
5 or otherwise propelled, which is used for delivering, landing, or tak-  
6 ing fish within the jurisdiction of the state, but [FOR THE PURPOSES  
7 OF THIS CHAPTER] does not include aircraft[;

8 (28) "VISITOR" MEANS A NONRESIDENT OR ALIEN TEMPORARILY  
9 SOJOURNING IN THE STATE AS A VISITOR OR TOURIST].

10 \* Sec. 25. AS 16.10.173(b) is amended to read:

11 (b) As used in this section, "waste" means the failure to use  
12 the flesh of commercially taken herring for reduction to meal, produc-  
13 tion of fish food, human consumption, food for domestic animals,  
14 scientific or educational purposes, or round herring bait. Normal,  
15 inadvertent loss of flesh associated with the uses described in this  
16 subsection which cannot be prevented by practical means does not  
17 constitute waste. The commissioner of fish and game may authorize  
18 other uses of commercially taken herring consistent with the intent of  
19 this section and AS 16.10.172 upon receipt of a request accompanied by  
20 a detailed justification.

21 \* Sec. 26. AS 16.10.173 is amended by adding a new subsection to read:

22 (f) A person who violates this section is guilty of a class A  
23 misdemeanor.

24 \* Sec. 27. AS 16.10.280 is amended to read:

25 Sec. 16.10.280. PRICE DISPUTES BETWEEN FISHERMEN AND FISH PRO-  
26 CESSORS. In an area where a price dispute exists between at least  
27 one-third of the registered commercial fishermen for that area, as es-  
28 timated [CERTIFIED] by the Department of Fish and Game on the basis of  
29 information available to the department, and fish processors on the

1 price to be paid for salmon, and no agreement has been reached up to  
2 120 days before the opening of the salmon fishing season in that area,  
3 a representative from the Department of Labor shall intervene as medi-  
4 ator of the dispute upon request of either party.

5 \* Sec. 28. AS 16.20.036(a)(8) is amended to read:

6 (8) Township 14 North, Range 4 West, Seward Meridian  
7 Sections: Lots 1 - 6, SE 1/4 NW 1/4, W 1/2 NE 1/4 NW 1/4,  
8 SE 1/4 NE 1/4 NW 1/4, NE 1/4 SW 1/4, NW 1/4 SE 1/4, SE 1/4 SE 1/4, W  
9 1/2 SW 1/4 NE 1/4, SE 1/4 SW 1/4 NE 1/4, S 1/2 NE 1/4 SW 1/4 NE 1/4 of  
10 Section 31 [6]

11 \* Sec. 29. Section 1(a), ch.14, SLA 1983 is amended to read:

12 (a) Notwithstanding AS 16.10.173 and until July 1, 1984, the  
13 stripping of commercially taken herring for the purpose of removing  
14 and selling the roe product is authorized if the herring is taken from  
15 and the carcass disposal process occurs in the Bering Sea or elsewhere  
16 as provided by the commissioner of fish and game.

17 \* Sec. 30. Section 1(b), ch.14, SLA 1983 is repealed and reenacted to  
18 read:

19 (b) In statistical areas, N,T,W and Q, and other places des-  
20 ignated by the commissioner of fish and game, and unless specified  
21 otherwise by a permit issued by the Department of Environmental  
22 Conservation, herring carcasses may be disposed of only as follows:

23 (1) a vessel with less than five metric tons of herring on  
24 board may dump herring carcasses only in waters more than five fathoms  
25 in depth;

26 (2) a vessel with five metric tons or more of herring on  
27 board may dump herring carcasses only in waters more than three miles  
28 from the mainland.

29 \* Sec. 31. AS 16.05.903; AS 16.10.230(1); AS 16.15; and AS 16.35.010 -

1 16.35.180 are repealed.

2 \* Sec. 32. 5 AAC 46.060(a) and 5 AAC 49.060(a) are annulled.

3 \* Sec. 33. Sections 29, 30 and 32 of this Act take effect immediately

4 in accordance with AS 01.10.070(c).