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KRIS
APR 20 1981

April 24, 1981

Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Re: House Bill No. 420

Gentlemen:

As a local Homer Spit association, we try to promote tourism to our locale. With some 36 charter boats in our organization we are very concerned about the above referenced House Bill and would like to express our opposition as follows:

Sec. 08.63.010 REGISTRATION REQUIRED

There is absolutely no need to have an added state registration when the Coast Guard does a good job.

Sec. 08.63.020 ISSUANCE OF CERTIFICATE OF REGISTRATION

- 1) Anyone with good business sense will naturally get a business license. Anyone else will find a way to be illicit.
- 2) It would be self-destructive to not have insurance. Why be forced into it?
- 3) Boats are already licensed.
- 4) How else---
- 5) Superfluous.

Sec. 08.63.025 CERTIFICATE

- (a) 1) Why?
- 2) Why?

This should depend on how many people show up to go fishing.

(b) The fish here swim from one district to another and we try to catch them wherever they're at.

Sec. 08.63.030 CHARTER FISHING DISTRICTS

See (b) above.

Sec. 08.63.040 CHARTER LIMITED

- (a) See Sec. 08.63.025 above.
- (b) What's the matter with the Fish & Game regulations on limit per person? Should we send two 6-man boats out rather than one 12-man boat?
- (c) What if there is no fish there?

Sec. 08.63.050 VESSEL IDENTIFICATION

Why should a charter vessel be especially marked when it's fishing beside a tourist? Easily visible from a distance???

Sec. 08.63.060 DURATION & RENEWAL OF CERTIFICATE OF REGISTRATION

- (a) Who enforces this?
- (b) Registration not needed.

Sec. 08.63.070 FEES

- (a) \$75.00 is a large initial fee for a small boat that wants to take a couple people out fishing.
- (b) Where would this money go and for what?

Sec. 08.63.080 MISDEMEANOR

Is the commissioner of commerce supposed to have guards standing about?

In our opinion this bill is not specific in its wording and overall, an unnecessary piece of legislation. If Ketchikan or Juneau needs some type of rule to police their situation, let them perhaps pass a local ordinance.

Respectfully submitted,

Mima Kempf, Sec.

The Homer Spit Merchants' Association - SRA, Box 104, Homer, Alaska 99603
Representing:

Land's End Marine Charters

Seaview Charters

Alora Charters

North Country Charters

Sportsman's Charters

Lockhart Charters

Halibut King Charters

Angel Star Charters

Sea Witch Charters

Central Charter Booking Agency

To: Co-Ch: Fred F. Zharoff & Terry Gardiner, Resources Committee

Copies to: Rep. Hugh Malone, Rep. Pat O'Connell and Sen. Don Gilman

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 420 (amended fiscal note)
 Title An Act relating to charter fishing vessels and operators.
 Requested by Freeman Date 4-15-81

II. FISCAL DETAIL

Agency Affected Department of Commerce & Economic Development
 Program Category Affected Public Protection
 BRU, Program, or Subprogram(s) Affected Regulation & licensing of professions-Admin/Investigative
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		20.2	21.6	23.1	24.7	26.2
200 TRAVEL		4.0	4.5	5.0	5.6	6.3
300 CONTRACTUAL		1.0	1.0	1.0	1.0	1.0
400 COMMODITIES		0	0	0	0	0
500 EQUIPMENT		1.0	0	0	0	0
600 LAND & STRUCTURES		2.7	2.7	2.7	2.7	2.7
700 GRANTS, CLAIMS, ETC.						
TOTAL		28.9	29.8	31.8	34.0	36.2

FUNDING (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
GENERAL FUND		28.9	29.8	31.8	34.0	36.2
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
FULL TIME						
PART TIME		1	1	1	1	1
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

PERSONAL SERVICES - FY'82 salary schedule, 7% inflation factor projected.
 1 investigator, Range 18, gen.govt., seasonal/6 mos. \$ 20,174.00

TRAVEL - 12% inflation factor projected.
 Investigator, all harbors 4,000.00

CONTRACTUAL
 Duplicating, postage and renewal forms costs 1,000.00

EQUIPMENT - one time costs, FY'82 only.
 1 desk, double pedestal(60x30) 426.92
 1 chair, exec.swivel with arms 235.54
 1 file cabinet, 5 drawer, legal with lock 308.83

LAND & STRUCTURES - 1.50 x 150 sq.ft. = 2,700 2 700.00

*Registration and administrative support functions to register charter vessels would be absorbed by present support staff budgeted for in FY'82.

IV. DATE 4-15-81 PREPARED BY Marjorie Odland, Regulations Specialist
 AGENCY Division of Occupational Licensing
 PHONE 465-2535

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

4/23/81

DEPARTMENT OF FISH AND GAME
COMMENTS AND SUGGESTED AMENDMENTS ON HB 420
RELATING TO CHARTER VESSELS AND OPERATORS
(Freeman)

Overview -

The Department of Fish and Game feels that the charter boat activity should be regulated through the Board of Fisheries as any other fishery activity and is an industry which the Department supports.

2. No effective date is provided--this should be stated as January 1, 1982 so that implementation does not have to take place in mid-season, without appropriate operational regulations in place if any should be required.

Suggested Amendment -

Page 2, Line 2: (Sec. 08.63.020)

(3) the vessel to be used by the person to conduct charter fishing operations is licensed under AS 16.05.340 [16.05.490];

See added *Sec. 4 which provides for all licensing in the recreational fishing area to be consistently located. The added *Sec. 4 adds charter vessels to the recreational oriented activities;

Line 3:

(4) the operator [person] has been issued the license required under federal laws and regulations; and

Line 8: Sec. 08.63.025 Certificate.

(a) the certificate of registration [certificate] shall authorize the operator to conduct charter fishing operations. [and deploy either

1) not more than six fishing lines; or

2) more than six fishing lines.]

b) The certificate of registration shall indicate the charter fishing district or specified subdistrict as may be provided within which the person is registered to conduct charter fishing operations.

The suggested amendments to .025 attempt to make the wording consistent throughout the bill for the "certificate of registration." The other amendment would allow the Department of Fish and Game (Board of Fisheries) to regulate this activity as any other fishery.

The change in b) provides for the creation of subdistricts, should they become necessary. At present, some areas are heavily utilized by charter boat fisheries and it may become necessary to eventually create subdistricts.

Page 2, add to Line 20:

AS 16.10.375 and within these fishing districts he may establish charter vessel subdistricts if necessary.

Line 21-24: Sec. 08.63.040 Charters Limited (a) and (b)

Recommend deletion of (a) and (b) if considered as a Department of Fish and Game function.

Line 25-28

Recommend deletion.

Line 29 and Page 3, Line 1:

(c) A person may not conduct charter fishing operations outside the district or subdistrict for which he is registered.

Page 3, Line 2-5:

Sec. 08.63.050 VESSEL IDENTIFICATION.

Recommend deletion if considered as a Department of Fish and Game function through the Board of Fisheries.

Page 3, Line 10-11:

(b) A certificate of registration expires on December 31 [June 30] of each [the] calendar year [following the date of issuance or renewal].

The certificate of registration should not expire in mid-season but on a calendar year basis in accordance with a licensing year.

Line 12-13:

08.63.070 Fees. (a) An applicant for a certificate of registration shall pay an original registration fee of \$75.

This one time fee may pose an excessive cost, should the committee feel it appropriate to consider the fee schedule suggested in *Sec. 4 of the proposed amendments. Recommend deletion.

Line 14-15:

(b) The fee for the renewal of a certificate of registration [certificate] and vessel license for each calendar year shall be as prescribed in AS 16.02.340 [is \$20].

Line 16:

The class of misdemeanor is not specified, which establishes the limits of penalties. For example, a sport fish license violation

calls for a fine of not more than \$1,000, or by imprisonment for not more than six months, or both (AS 16.05.430).

A commercial fisheries violation provides for a fine of not more than \$5,000, or by imprisonment for not more than one year, or by both.

See added suggestion *Sec. 4.

Line 19-21: 08.63.100

(1) "charter fishing operations" means fishing ventures for hire [profit] in saltwater, [or in freshwater] if the fishing service provided includes a boat with an operator [vessel arrived there by a saltwater route].

* Sec. 4 AS 16.05.330 LICENSE AND TAGS REQUIRED. (a) It is unlawful, except as otherwise permitted in this chapter, for a person to engage in sport fishing, including the taking of razor clams, hunting, trapping, fur dealing, fish, fur, or game farming, [or] taxidermy or charter boat operations, without the appropriate license or tag and without having them in his actual possession.

(c) A vessel or boat used in charter service for the recreational or subsistence taking of fish and shellfish shall as a condition for such operation and use in the State be issued a license as a charter vessel as provided in Sec. 16.05.530 but in accordance with

the fees provided in Section 16.05.340 which shall be deposited
in the Fish and Game Fund.

* Sec. 5 AS 16.05.340 LICENSE AND TAG FEES.

(21) Charter boat operators licensi: \$20

All personnel employed by a charter boat who handles or assists
in handling any fishing lines, netting of fish for landing or
release aboard a charter boat or vessel must have his own appro-
priate sport fishing license.

(22) Charter boat or vessel license

(a) U.S. Coast Guard registered or documented Home Port
in the State of Alaska \$100

(b) U.S. Coast Guard registered or documented Home Port
out-of-State \$500

* Sec. 6 AS 16.05.490 is amended to read:

AS 16.05.490 Vessel License. (a) As a condition to delivery
or landing of fish or engaging in commercial fishing in the
State, a license is required for a commercial vessel, excluding
[including] a vessel used in charter service for the recreational
and subsistence taking of fish and shellfish.

Commanding Officer
Marine Safety Office
612 Willoughby Ave.
Juneau, Alaska 99801
Phone: 907-586-7288

Requirements for a License to Carry Passengers
for Hire

Applicable Laws:

All United States vessels carrying passengers for hire come within the jurisdiction of the navigation laws enforced by the United States Coast Guard. The law applicable to a particular passenger carrying vessel, and the personnel in charge of its operation, depends upon whether the number of passengers for hire carried is Seven or More, or Six or Less. Small passenger carrying vessels that carry Seven or More passengers for hire are required to be periodically inspected, operated within the terms contained in a Certificate of Inspection, and be in charge of a person possessing a license as OPERATOR or OCEAN OPERATOR. Motorboats (mechanically propelled vessels under 65 feet in length) and other small motor-driven vessels under 15 gross tons, that carry Six or Less passengers for hire are not required to be inspected or certificated, but are required to have in charge a person possessing a license as MOTORBOAT OPERATOR.

General Requirements For Either Of These Licenses Are That The Applicant:

1. meet the minimum age requirement
2. be able to speak, read, and understand the English Language
3. be of good habits of life and character as to warrant the belief that he can be entrusted with the duties and responsibilities of the person-in-charge
4. submit application in writing on Form CG-866, completing all applicable blocks (on blocks not applicable, the letters "N/A" should be entered)
5. present satisfactory evidence of the required amount and type of experience - This experience must be documented by letters from employers, official documents, or by affidavits from a least two (02) people who have detailed knowledge of the applicants experience. If any portion of the required service was obtained in the deck force of vessels of the U. S. Armed Forces, it will be required to submit documentary evidence that the operation of small craft was his primary duty for the period stated. This may be attested to by Commanding Officer and/or Duty Officer.
6. satisfactorily pass a physical examination
7. satisfactorily pass the required professional examination. This examination will not be administered until after the first six requirements have been satisfactorily completed.

Application Procedure:

Applicants will appear in person at this office with evidence of his/her experience duly notarized and a completed CG-866, License Application Form. Upon its approval, a CG-954, Application and Report of Physical Examination Form, will be issued authorizing the applicant to take, free of charge, the required physical examination at a U. S. Public Health Service facility. If an individual chooses to use any other reputable physician, and pays for the examination, a local physical form will be provided along with the application form. Once the applicant is certified physically competent, he may make an appointment for the professional examination.

Physical Requirements:

1. that the applicant is physically fit to perform the duties
2. that the applicant must have uncorrected vision of at least 20/100 in both eyes, correctable to at least 20/20 in one eye and 20/40 in the other
3. that the applicant's color sense is normal

Epilepsy, insanity, acute venereal disease or neurosyphilis, or badly impaired hearing, eyesight, or color blindness, or other defect which would render the applicant incompetent to perform the ordinary duties of the person in charge of a passenger carrying vessels are causes for certification as incompetent.

SPECIFIC REQUIREMENTS FOR EACH LICENSE

Note: 25% of all experience required in the operation of Motorboats, or Motor Vessels, must have been acquired in the past Three Years preceding the date of application. Seasonal and part time service shall only be credited for the actual days served.

Motorboat Operator (Six or Less Passengers):

1. The applicant must be at least 18 years of age.
2. The applicant must present evidence of at least 1 year's experience in the operation of motorboats, or other small mechanically propelled vessels. At least 3 months of this experience must have been on the waters requested, and must include a minimum of 12 round trips on the route requested.
3. Satisfactorily pass an examination on the subjects listed on the Table shown on Page No. 4 of this handout.

Operator (Inland Waters) (Seven or More Passengers):

1. The applicant must be at least 18 years of age.
2. The applicant must present evidence of at least 1 year's experience in the operation of mechanically propelled vessels. At least 3 months of this experience must have been on the waters requested and must include a minimum of 12 round trips on the route requested.
3. Satisfactorily pass an examination on the subjects listed on the Table shown on Page No. 4 of this handout.
4. Persons applying for Operator of Sailboats must submit evidence of at least 1 years experience in the operation of such vessels, and will be further examined on the operation and navigation of sailboats.
5. Applicants for Operator of Auxiliary Sailing Vessels must submit satisfactory evidence of at least 18 month's experience, 12 of which must have been in the operation of sailing vessels or auxiliary sailing vessels. The examination shall include questions concerning the operation of such vessels.

Operator (Ocean or Coastwise Waters) (Seven or More Passengers):

1. The applicant must be at least 19 years of age.
2. The applicant must present evidence that he is a citizen of the United States. (The original or a certified copy of applicant's Birth Certificate is the most acceptable evidence.)
3. The applicant must present evidence in the operation of mechanically propelled vessels engaged in ocean service, indicating the specific area of operation, the miles offshore, the name of the vessel, length, gross tonnage in which the experience was obtained. The amount of service required is:
 - a. Two (02) year's experience in the deck department of such vessels, if no other license or certificate is held; or
 - b. One (01) year's experience as a licensed Motorboat Operator, while operating on ocean or coastwise routes; or
 - c. Two (02) year's experience, one (01) year of which as Able Seaman in the deck department of ocean or coastwise steam or motor vessels, together with one (01) year's deck department service in the operation of ocean or coastwise motorboats or small motor vessels - all of which service shall have been acquired while holding a U. S. Merchant Mariner's Document, endorsed as "Able Seaman, Any Waters, Unlimited" or "Able Seaman, Any Waters, 12 Months".

Note: At least three (03) months of the above experience must have been on the waters requested and shall include a minimum of 12 round trips on the route requested.

4. Satisfactorily pass an examination on the subjects listed on Page No. 4 of this handout.

Ocean Operator Of Sail or Auxiliary Sailing Vessels:

The service requirements and examination for these licenses are more stringent than that for mechanically propelled vessels. Persons with a sincere interest should refer to 46 CFR 187.25, or contact this office for further information.

Suggest Sources of Study Materials:

CG-174 A MANUAL FOR THE SAFE HANDLING OF INFLAMMABLE AND COMBUSTIBLE LIQUIDS
CG-169 RULES OF THE ROAD
CG-323 RULES AND REGULATIONS OF SMALL PASSENGER VESSELS (UNDER 100 GROSS TONS)
CG-340 RECREATION BOAT GUIDE

Piloting, Seamanship, and Small Boat Handling by: CHARLES F. CHAPMAN
Knight's Modern Seamanship by: AUSTIN M. KNIGHT
Basic Boating: Piloting and Seamanship by: HOWARD L. ANDREWS/ALEXANDER L. RUSSELL

Table - Subjects

	Motorboat Operator		Operator	
	Inland Waters	Limited Ocean or Coastwise	Inland Waters	Limited Ocean or Coastwise
I <u>RULES OF THE ROAD</u>				
	Int'l	Inland & Int'l	Int'l	Inland & Int'l
Inland waters of S.E. Alaska are under Int'l Rules of the Road				
II <u>NAVIGATION GENERAL</u>				
Aids to Navigation	X	X	X	X
Chart Navigation	X	X	X	X
Variation & Deviation of the magnetic compass	X	X	X	X
III <u>GENERAL</u>				
Seamanship including handling vessel in heavy weather, anchoring and man overboard, use of sea anchor	X	X	X	X
Use & Reading of aneroid barometer	X	X	X	X
Use & Reading of weather bulletins	X	X	X	X
IV <u>SAFETY</u>				
Lifesaving & Firefighting equipment, incl. precautions to prevent fire, use of fire extinguishers	X	X	X	X
The operation of propelling machinery - safe & proper handling of fuel used.	X	X	X	X
First Aid	X	X	X	X
Rules and regulations applicable to all uninspected vessels operating on the Navigable Waters of the United States	X	X	X	X
V Rules and Regulations applicable to vessels carrying 7 or more passengers	N/A	N/A	X	X
VI Chart Plotting Problem	N/A	X	N/A	X
VII Sail Addendum*(the setting and taking in of a fore and aft sail and others relating to the handling of sails and sailing vessels)	N/A	N/A	X	X
*Administered in addition to applicants for a license as Operator of Sail or Auxiliary Sailing Vessels.				
VIII Local winds, weather, currents, navigational features and conditions (questions from the U.S. Coast Pilot, Light Lists, and Tide & Current Tables applicable to the requested area)	X	X	X	X

PHYSICAL EXAMINATION REPORT FOR OCEAN OPERATOR/
OPERATOR/MOTORBOAT OPERATOR
(Reference 46 CFR 187.10-15 or 46 CFR 10.20-7(a) (1))

UNITED STATES COAST GUARD REGULATION REQUIREMENTS:

For an original license as operator the applicant must have uncorrected vision of at least 20/100 in both eyes correctable to at least 20/20 in one eye and 20/40 in the other. Epilepsy, insanity, senility, acute venereal disease, or neurosyphilis, badly impaired hearing, or other defects that would render the applicant incompetent to perform the ordinary duties of a licensed operator are cause for rejection. A definite entry is required concerning color vision, vision without glasses (also with glasses if person wears them), ordinary and loud conversation in feet. A check mark may be used for other entries if conditions are normal. With respect to the color vision test, either (is) or (is not) must be lined out and type of test must be indicated. At the bottom of the form either (competent) or (incompetent) must be lined out. The form must be signed by the examining doctor. His name and address should be printed at the bottom of the form and date examination was completed.

NOTICE: Any changes made hereon nullify this report, unless accompanied by a letter from the examining physician explaining in full the reasons therefor.

Physical examination reports which are incomplete cannot be accepted.

I HEREBY CERTIFY THAT I HAVE THIS DATE EXAMINED: _____
(please print name)

EYES:
COLOR SENSE IS () IS NOT () NORMAL BY THE: _____
(indicate type used)
Vision, WITHOUT glasses: Right: _____ Left: _____
Vision, WITH glasses: Right: _____ Left: _____

EARS:
AUDITORY CANALS: Normal: _____ Discharge: _____
ORDINARY CONVERSATION: Right: _____ Feet: Left: _____ Feet
LOUD CONVERSATION: Right: _____ Feet: Left: _____ Feet

HEART:

LUNGS:
RIGHT: _____ REMARKS:
LEFT: _____

Stiff joint, old fractures, deformities, or other major defects:

HEIGHT: _____ WEIGHT: _____ COLOR OF HAIR: _____
COLOR OF EYES: _____ DATE OF BIRTH: _____ PLACE OF BIRTH: _____

SIGNATURE OF APPLICANT
IN PRESENCE OF EXAMINING
PHYSICIAN: _____
(signature of applicant)

Considering the finding in this examination and the duties of the position, I consider the applicant COMPETENT () INCOMPETENT () to perform the required duties.

(date) (signature of examining physician)

NAME, ADDRESS, AND TELEPHONE NUMBER OF ATTENDING PHYSICIAN (please print):

I WAS GRADUATED FROM _____ MEDICAL COLLEGE IN THE YEAR _____
STATE LICENSED IN _____ LICENSE NUMBER _____

MEMORANDUM

DATE: March 29, 1981

TO: Rep. Oral Freeman

FROM: David Sears, A.A.

RE: Licensing Charter Fishing Operations (HB 420)

It is not the intention of this bill to add government influence and regulation to the charter fishing industry; rather, the various federal and state regulations set forth in the bill already exist, but for any number of reasons many operations fail to meet them. This shortcoming very definitely results in not only poor operating practices and unlicensed "bootlegging" within the industry, but operators who lack the Coast Guard's mandatory vessel operators license present a serious safety problem when navigating in Alaska's dangerous waters.

The object of the bill is to see that existing industry standards are adhered to by all operators, and the consumer is protected from unsafe or ethically dubious--even fraudulent--business practices.

*Section 1 simply requires charter fishing operations to register with the State.

*Section 2 specifies registration under the Department of Commerce and Economic Development, and does not create a charter fishing board. All language on line 16, beginning with "A partnership or joint venture...", through line 19 is superfluous and will be eliminated.

Aside from part (2), requiring charter fishing operations to have liability insurance, all points listed under "Sec. 08.63.020. ISSUANCE OF CERTIFICATE OF REGISTRATION", beginning on line 20, are already required by State or Federal law: Part 1, a business license from the Department of Revenue; part 3, vessel registration for commercial fishing; part 4 says the operator of a vessel that at no time will carry more than six passengers will possess a motorboat operators license, as required by 46 CFR 25, and the operator carrying more than six passengers will have small passenger vessel license (known as a 100-ton license), both issued and enforced by the Coast Guard; part five says that vessel standards along the same lines--six-and-less and over-six--must be met. Currently, the Coast Guard is trying to enforce the federal regulations, but they feel a lackadaisical attitude towards regulations is rampant in the industry, and many unlicensed operators are carrying charters. They claim this is a hazardous condition (the Juneau Marine Safety Office commander has favorably responded to this bill).

"Sec. 08.63.025. CERTIFICATE" (page 2, line 8) and "Sec. 08.63.040. CHARTERS LIMITED" (page 2, line 21) are directly related. But first: "Sec. 08.63.030. CHARTER FISHING DISTRICTS" establishes such districts along the

existing regional aquaculture association lines. This is intended to allay potential "turf wars" that may flare up when fishing slackens in one area, leading to a large, temporary influx of operations into another. However, an operator may register to fish in any number of areas.

Under CERTIFICATE (page 2, line 8), operations are limited to six lines, maximum. The decision to create a six-line limit is double-edged: First, it is an effective way of protecting the resource--specifically, salmon--and, second, it will tend to curb deceptive business practices and stimulate competition.

(Six lines, incidentally, was arrived at because of the federal categories that segregate at the six-passenger limit, and because it follows a commonly recognized fact concerning saltwater fishing, that in trolling for salmon--salmon being the most sought-for species of game fish, and trolling the most popular and effective way to catch salmon--any more than six lines deployed at one time is ineffective; the greater the number of lines in the water, the proportionally greater chance of gear fouling and tangling (especially amongst inexperienced fishermen), and that is no way to catch salmon--or favorably promote an industry.)

It is my conclusion--which weighs heavily in this bill--that two charter fishing industries exist: One is small boat-oriented, and services the specific needs of serious fishermen-passengers; the excursions usually last in excess of three days, involve a dedicated pursuit of trophy-salmon, and is dependant to a great degree on return business (operators and passengers always know one another on a personal basis, sooner or later). Not by coincidence, this style of operation falls neatly into the less-stringent of the federal categories.

The "other industry" thrives on very short-term (day and half-day) charters, dependant to a great degree on being chartered by passengers from the large tourist ships. These vessels often carry more than thirty passengers (they require extensive Coast Guard inspection and certification, from laying of the keel to delivery), and the cost-per-passenger is far less than the charge to passengers of the small boats--they do get what they pay for. Given these circumstances, combined with the crucial element of the salmon's migratory habits, no basis exists to presume the larger vessels are serious salmon fishing operations.

But fishing per se is indeed a major part of both charter fishing phases; the larger vessels usually drift with many lines hung over the sides. Undoubtedly, this is fishing, but not effective salmon fishing. Therefore, the CHARTERS LIMITED section (page 2, line 21) allows more than six lines to be used for fishing off the bottom. But no more than six lines may be used for catching salmon, and an operator may not advertise as a salmon charter if he intends at any time to use more than six lines. The exact number of lines will be determined by the Department for each District.

* "Sec. 08.63.050. VESSEL IDENTIFICATION" (page 3, line 2) is self-explanatory.

"Sec. 08.63.060. DURATION AND RENEWAL..." (page 3, line 6) is self-explanatory, but the expiration date will be changed to avoid conflicting with the short charter fishing season (possibly to "January 1").

"Sec. 08.63.070. FEES" is an additional burden to the operator, on top of what is paid for a business license, commercial fishing vessel registration, et al.

"Sec. 08.63.080. MISDEMEANOR" and "Sec. 08.63.100. DEFINITIONS" are self-explanatory.

*Section 3 gives enforcement authority to the Department of Commerce and Economic Development, and emphasizes that this act is not cause for the creation of a Board of Charter Fishing Operators. (actual enforcement of the regulations created here will be by the Division of Occupational Licensing).

The Department of Commerce and Economic Development was chosen to administer this Act because of their regulatory expertise; all boards and related entities will be found under AS 08.01.010. The Department of Fish and Game was not chosen because of a general feeling that the agency is primarily concerned with biological and statistical determinations, not enforcement of regulations.

#

FISCAL NOTE

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Bill/Resolution No. HB 420 (amended fiscal note)

Title An Act relating to charter fishing vessels and operators.

Requested by Freeman

Date 4-15-81

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Program Category Affected Public Protection

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(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

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III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

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1 investigator, Range 18, gen.govt., seasonal/6 mos. \$ 20,174.00

TRAVEL - 12% inflation factor projected.

Investigaton, all harbors 4,000.00

CONTRACTUAL

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EQUIPMENT - one time costs, FY'82 only.

1 desk, double pedestal(60x30) 426.92

1 chair, exec.swivel with arms 235.54

1 file cabinet, 5 drawer, legal with lock 308.83

LAND & STRUCTURES - 1.50 x 150 sq.ft. = 2,700 2,700.00

*Registration and administrative support functions to register charter vessels would be absorbed by present support staff budgeted for in FY'82.

IV. DATE 4-15-81

PREPARED BY Mariorie Odland, Regulations Specialist

AGENCY Division of Occupational Licensing

Original: Legislative Finance

PHONE 465-2535

cc: Budget and Management

Prime Sponsor (First Legislator Named)