

S

B

5

/



UNITED FISHERMEN OF ALASKA

MAILING ADDRESS & OFFICE
197 SOUTH FRANKLIN ST
JUNEAU, ALASKA 99801
907 586-2820

Rodger Painter
Executive Director

April 10, 1981

TO: Kevin Bruce, Senate Judiciary Committee

FROM: Geron Bruce, Secretary-Treasurer, United Fishermen of Alaska

RE: Senate Bill 51, "An Act relating to penalties for commercial fishing violations".

Following up on our phone conversation of March 1981, I would hope the committee could clean up a problem that has existed in fisheries enforcement for a long time. That is, the fact that under the law (AS.16.05.710) and AS 16.05.720), a technical line violation, or jumping the starting gun of the opening, by even a minute, are both put in the same category of violation as creek robbing, "fishing in closed waters".

Senate Bill 51 intends to crack down on the habitual offenders and the fish bandits by revoking their license to fish for one year in the case of a second offense or permanently in the case of a third offense. That may be a laudable intention and the UFA supports strong measures against fish bandits, however as long as the distinction is not made between the "technical" violations that do not injure the resource and the "criminal" violations of those who sneak into areas during closed periods and take fish without consideration for the needs of the resource; there will be problems.

The highly competitive nature of present day fishing and the small and crowded areas into which the fishing effort is concentrated result in heavy effort at the edges of the area open to fishing. Particularly after the first 12 or 24 hours, the fish that have built up inside the area are mopped-up, the effort shifts to the lines to catch incoming fish. Many of these areas have strong and unpredictable tidal currents. These, plus the frequently adverse weather and fishing conditions, make line fishing among the most demanding places to fish.

What would seem appropriate would be to differentiate in severity of punishment for the different types of fishing violations. For example: someone who goes off and fishes the night before the opening should have his license revoked the first time; but the greenhorn that didn't know to watch out for the tide change at Point Arden and suddenly saw his net streaking at 5 knots across the line on the flood tide, just when the protection officer was passing, should not lose his license to fish or be fined for his entire catch on board. He should be forced to

forfeit the value of his catch in that net, plus some standard amount so there would be no possibility of an incentive to break the law.

We believe that not only would such a policy be more fair and appropriate to modern fishing conditions, but that it would also be more successfully enforced. If the punishment is not relative to the seriousness of the violation, the effectiveness of the law is lessened.

Thank you very much for your attention. If I can be of any more assistance, please feel free to call me here in Juneau at 586-3864.



UNITED FISHERMEN OF ALASKA

MAILING ADDRESS & OFFICE:
197 SOUTH FRANKLIN ST
JUNEAU, ALASKA 99801
907 586-2820

Rodger Painter
Executive Director

February 5, 1982

TO: Kevin Bruce
Senate Judiciary Committee
Re: Senate Bill 51

Here are the fishery-by-fishery comments you requested on enforcement of fisheries regulations. The purpose is to outline some of the enforcement concerns fishermen have and to point out some of the difficulties involved in adoption of the inflexible approach to sentencing proposed by the the Department of Public Safety.

Commercial fishermen strongly support the imposition of heavier penalties for serious fishing violations. Some regulations restrict fishing effort to protect the biological integrity of the fisheries resources; when these are broken the fulltime fishermen with a long-term committment to the fishery is hurt. Other regulations are designed to protect fishermen, those who follow the law are penalized when these restrictions are violated.

While we favor stronger penalties, the United Fishermen of Alaska vigorously objects to the mandatory sentencing approach suggested by the Department of Public Safety. Those fishermen who have the misfortune of committing one of the many minor offenses would be thrown in jail for three days, while those who made a big payday by cheating would not be subject to a much heavier penalty for their violation, under the Department's approach.

The violations targeted by this bill are economic crimes. The best deterrent is to hit the pocketbook of offenders, so that it no longer makes economic sense to break the law. Forcing a serious offender to sit out a fishing season might be the best deterrent possible.

After studying the problem for some time, it is apparent to the UFA that there are no easy answers. Public Safety's bill is a classic example of a simple answer to a complex problem that ends up creating more difficulties than it solves.

A better solution to the problem of creating an effective enforcement system might be the cautious development of a comprehensive approach. We think the effort now under way by the Alaska Judicial Council to develop sentencing guidelines for judges and magistrates to use in fishing and hunting cases might provide a good vehicle. We understand recommendations may be forthcoming from this group regarding fisheries violations. It would be wise to link efforts with the Council.

Salmon--Time, area and gear are all concerns in the salmon fisheries in terms of protection of the resource and equity with other users.

Time is important, since jumping the gun by even a few minutes can give a violator first crack at fish that schooled up during closed periods. This is particularly true of the seine fisheries. To trollers, however, a few minutes of extra fishing time before an opening or after a closure is relatively meaningless.

Fishing in closed waters is the most difficult of the three violations upon which judgement has to be passed. Many of the state's net fisheries take place directly on the edge of the boundaries and it is exceedingly easy to be charged with a "technical" violation of fishing in closed waters for having only a portion of your net over the line. Strong tides and sudden winds can kick a small vessel over the line.

Strong tides and sudden winds can kick a small vessel over a fishing boundary before the fisherman can react. In some cases there are boundaries established merely for the purpose of allocating fish between gear groups. In some areas, the exact location of fishing boundaries are very difficult to determine because marker buoys are pulled underwater or actually moved by strong tides, and the bays are so wide that the skipper has only one reference point to which he can align.

On the other side of the coin, fishing in closed waters can be the most serious of all fishing violations because of the depletion of critical spawning populations from "creek robbing." It also is the biggest enforcement problem.

Gear restrictions can result in the most harmless of all "technical" violations. Power trollers, for instance, are prohibited from having sport fishing poles aboard their vessels during open fishing periods. Do you really want to throw a troller in jail for three days for having a sport pole sitting in the galley?

But, fishing too many pieces of gear, using nets exceeding maximum lengths or depths, and putting power gear on hand trollers can give the violating fishermen substantial advantages over those who follow the law.

In our opinion, the mandatory three-day jail sentences and fines for first offenses requested by the Department of Public Safety would serve mainly to throw the book at minor violators rather than provide significant economic deterrents for those who deliberately break the law for financial gain. Some very honest fishermen get cited for fishing in closed waters two or three times in a season. Suspending a fishermen's limited entry permit for a couple of minor line violations can be compared to taking away someone's driving license for forgetting to turn their headlights on after dark.

The most effective deterrent for deliberate major violations in the salmon fisheries would be to suspend limited entry permits during

peak fishing periods. It's crucial that the suspension be for the entire season or be timed for the peak of the fishing seasons. Nearly all the fish are caught during two or three weeks in most salmon fisheries although it may be possible to fish over a three or four month period.

And, of course, if someone is breaking the law to fatten his wallet the most fitting punishment might be to hit him where it hurts-- the bank account. Civil lawsuits might provide a way of getting to much bigger fines than are possible under criminal act, and the burden of proof in civil suits is not as heavy.

Crab--The western Alaska crab fisheries undoubtedly provide the biggest economic incentives to break the law. This is especially true for the intense and highly competitive Bering Sea king crab fishery where fishing early can result in a vessel getting an extra trip worth tens of thousands of dollars during the month-long scramble to get a share of the quota.

Time is the only major consideration in enforcement in the Bering Sea crab fisheries, as there are no pot limits and the fishing area is immense. Illegal early fishing has been very widespread in the Bering Sea king crab fishery in recent years.

Early fishing is particularly difficult to police in the Bering Sea because of the sprawling area involved and the lack of enforcement capability in the vicinity. The problems are compounded by the fact that fishermen are allowed to store unbaited crab pots on the fishing grounds prior to the opening of the season.

Another rising enforcement concern in the Bering Sea crab fishery is the increasing trend toward catcher/processing vessels. Fishermen are allowed to keep only male crab over a certain size. Many fishermen believe that the catcher/processors are keeping undersized males and female crab. These concerns appear to be supported by statistics showing that catcher/processors vessels caught a disproportionate percentage of the 1981 Bering Sea king crab quota.

The size and sex restrictions are now enforced by state officials who periodically inspect the holds of crab vessels as they unload live crab at the major ports in the Bering Sea. Once the crab are split and cooked there is no way to accurately determine size or sex of the live crab, so these crucial conservation restrictions currently are not enforced on catcher/processors.

The only feasible way of enforcing the restrictions on catcher processors is through the stationing of observers on high seas operations. Unscheduled boardings at sea offer a less dependable enforcement option.

An enforcement concern in the Kodiak crab fishery is violations of the area's pot limit. Obviously, someone breaking the per vessel pot limit would have a significant economic advantage over

fellow fishermen.

The best deterrent in the crab fisheries is to tie up the offending vessel during the crab season, as it is difficult to locate a replacement vessel to lease during the crab season. Tying up the multimillion dollar crabbers during the race to get a share of the quota would be striking at the pocketbook.

Suspension of an interim use permit for the crab fisheries would have no deterrent effect, since several crew members on most crab vessels carry interim use permits which cost a couple hundred dollars each.

Herring--The shortest fishing periods occur in the herring seine fisheries, some of which last only a couple of hours and start with a radio announcement by the Department of Fish and Game. Time is of the utmost concern in these fisheries; a few minutes jump on the openings can mean the difference of a \$100,000 set or literally nothing.

For the sac roe herring gillnet fleet, gear is the most serious enforcement problem. There is little enforcement activity in the far-flung herring fisheries of Western Alaska and fishermen say many vessels use several times the legal amount of gear. Consequently, the local fishing in open skiffs are put at a severe competitive disadvantage.

The sac roe herring fisheries as far west as Kodiak all are under limited entry, so suspension of permits during the season can be a very effective enforcement tool. Stiff economic penalties appear to be the best way to get at violators in the remaining fisheries.

Halibut--The halibut seasons have dwindled down to a few days in recent years as the fleet expanded by leaps and bounds. Time now is of the essence. When the quota is taken in a few days, the temptations to set a few skates of gear early become strong.

Since the fishery is not limited, it would be difficult to prevent violating fishermen to sit out the crucial fishing periods as punishment. Economic penalties appear to be the most effective approach.

Shrimp--The biggest enforcement concern in the shrimp fisheries appear to be fishing in closed waters, since many traditional shrimping bays have been closed for conservation purposes in recent years.

Tying up shrimp vessels during the fishing periods could have some effect as they generally are mid-sized to large vessels and it is more difficult and expensive to find replacement vessels. Like other non-limited fisheries, shrimping penalties are probably best attacked by stiff fines.

c.c. Ed Heim, Division of Legal Services
Representative Eric Sutcliffe
Representative Joe Chuckwuk
Senator Bob Mulcahy

MEMORANDUM

State of Alaska

TO: Keith Specking
Legislative Assistant
Governor's Office

DATE: January 27, 1982

FILE NO: J77-029-82

TELEPHONE NO: 465-3600

FROM: Wilson L. Condon
Attorney General

SUBJECT: Attached revised bill
on fisheries violations
(SSSB 51)

By: Arthur H. Peterson
Assistant Attorney General

Attached is a revised bill relating to penalties for fisheries violations. The original House Bill version was submitted to the governor on December 9, 1981. Rebecca Engen requested that we consolidate, as a sponsor substitute, that original bill with SB 51 which was introduced by the governor last session.

Also attached are our December 9, 1981 memo to the governor which accompanied the original version of this year's bill, and a revised draft transmittal letter to the legislature.

WLC:ANP:BJL:eja

cc w/enc.: Col. Robert J. Stickle
Director
Fish & Wildlife Protection
Department of Public Safety
Anchorage

Honorable Ronald O. Skoog
Commissioner
Department of Fish & Game

Milstead C. Zahn
Executive Director
Boards of Fisheries & Game
Department of Fish and Game

John Gissberg
Assistant Attorney General
Anchorage

Nancy Stern
Assistant Attorney General
Anchorage

[Faint, illegible text and a checkmark are visible at the bottom of the page.]

DRAFT

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a sponsor substitute for Senate Bill 51, introduced at my request last session.

This substitute bill would make a major change from the original bill. The substitute calls for mandatory minimum jail sentences and minimum fines for persons convicted of commercial fishing in closed waters, commercial fishing during a closed period, or fishing with illegal gear, with the minimum sentences and fines increasing for the second and third convictions. The minimum sentences and fines may not be suspended. The original bill would have amended existing law to provide for larger mandatory fines for persons convicted of commercial fishing in closed waters or during a closed period, but did not prohibit suspension of those fines. It also did not require jail sentences. The provisions of the substitute should more effectively deter violations of the commercial fishing laws.

The substitute bill also makes a number of other changes. It broadens the court's authority to order forfeiture of fishing licenses and any or all entry permits when a person is convicted of commercial fishing infractions other than those mandating forfeiture. It increases the maximum fine for violations of the commercial fishing laws from \$5,000 to \$10,000. And it

adds a provision allowing peace officers finding unmarked crab pots to destroy them on the spot, without having to seek a judicial order authorizing the destruction.

I believe that this bill is necessary for effective enforcement of commercial fishing laws, and I urge your prompt passage of it.

Sincerely,

Jay S. Hammond
Governor

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

JAY S. HAMMOND, GOVERNOR

POUGH K - STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3600

December 9, 1981

M E M O R A N D U M

To: Honorable Jay S. Hammond
Governor

From: Wilson L. Condon *WJ AKA*
Attorney General

Re: Attached bill increasing penalties for
fisheries violations.
Our file: J 77-029-82

Attached is a bill increasing the maximum penalties for violations of fisheries laws and regulations and providing mandatory minimum sentences, including jail terms, for violations involving fishing in closed waters, fishing out of season, or using illegal gear. The bill was drafted in response to your suggestion that such a bill was needed. Before drafting, we solicited suggestions from the Fish and Wildlife Protection Division, the Department of Fish and Game, the Board of Fisheries, and the Judicial Council (which has been studying sentencing of fishery law violators.) The bill attached is based largely on the suggestions of the Fish and Wildlife Protection Division.

A draft transmittal letter to the legislature is also attached.

WLC:cdd:JBG

cc w/enc.: Col. Robert J. Stickles
Director
Fish & Wildlife Protection
Department of Public Safety
Anchorage

Honorable Ronald O. Skoog
Commissioner
Department of Fish & Game

Milstead C. Zahn
Executive Director
Boards of Fisheries & Game
Department of Fish and Game



Official Business

Alaska State Legislature

Senate

601 ~~Committee on~~ Judiciary
Anchorage, Alaska 99501
274-1042

Pouch V
State Capitol
Juneau, Alaska 99811

September 22, 1981

Mr. Rodger Painter
United Fisherman of Alaska
197 South Franklin St.
Juneau, Alaska 99801

Dear Rodger:

I hope the summer finds you well and your members prosperous from the season.

Last session you and Geron Bruce asked the Judiciary Committee to postpone hearings on SB51, "An Act relating to penalties for commercial fishing violations", until the 1982 session. As I recall, your organization wanted time to develop some alternative language to the bill to insure that those convicted of "technical" violations would not be subject to the same penalties as fishermen convicted of intentional "criminal" acts.

I am interested in the progress of the amendments you are developing. Senator Rodey has expressed an interest in moving the bill from committee during the initial weeks of the Legislature and I would like to be ready with any necessary changes.

I will be in Juneau on business during the middle of October and would like to get together with you and Geron on this at that time. Let me know what your schedule is like.

Sincerely,

Kevin K. Bruce



The Fishermen's News

C-3 Building, Room 110 • Fishermen's Terminal • Seattle, WA 98119 • (206) 282-7545

February 19, 1981

State of Alaska
Senate Judiciary Committee
Pouch V
Juneau, Alaska 99811

RECEIVED
FEB 23 1981

Dear Sirs,

I am writing to request notification of any hearings concerning the State of Alaska Commercial Fisheries Entry Commission.

Specific issues include Senate bills 49 and 51, relating to entry permit renewals and revokation action. The Commission's investigation into false residency claims on permit applications is another specific issue.

If possible, I would like the minutes of any public hearings, and would, if necessary, pay reproduction costs.

Thank you,



Andrew Mangan

SENATE JUDICIARY COMMITTEE

Bill Number SB 51 Original Sponser(s) GOVERNOR

Title _____

Originally Recieved From KERITULA

Contact _____ Date _____

Committee Recommendation (MAJORITY) _____

Report Attached yes no) Supporters _____

MINORITY _____

Report Attached yes no) Supporters _____

Object of Bill _____

Committee Amendments _____

Fiscal Impact

LAA Legal/Research Contact

Research/Information

Concerned Parties:

Supporting

Opposing

FISCAL NOTE

I. REQUEST
 Bill Resolution No. SB 5 /
 Title "Act relating to penalties for commercial fishing violations"
 Requested by Governor Date _____

II. FISCAL DETAIL
 Agency Affected Department of Public Safety
 Program Category Affected NRWEL
 BRU Program, or Subprogram(s) Affected Fish and Wildlife Protection
 (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						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART TIME						
TEMPORARY						

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

The proposed legislation will have no fiscal impact, upon the Division of Fish and Wildlife Protection as it deals with persons already found to be in violation of State laws and regulations rather than the detection and apprehension thereof.

Lynn Bruce

Keith Specking, Special Assistant
Office of the Governor

December 30, 1980

Ronald O. Skoog

Ronald O. Skoog
Commissioner
Department of Fish and Game

Penalties for commercial
fishing violations

The Department of Fish and Game wholeheartedly supports the proposed legislation entitled "An Act relating to penalties for commercial fishing violations" requested by the Department of Public Safety. It has been our observation that present penalties for commercial fishing violations handed down by some of the courts have been excessively low. This, at times, makes it profitable for a person to violate commercial fishing regulations and places the State's fisheries resources in jeopardy of over harvest. Obviously this is not in the best interest of the State.

cc: Steve Pennoyer
William Nix
Robert Stickle

January 12, 1981

President of the Senate
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Mr. President:

Under the authority of art. III, sec. 13, of the Alaska Constitution, I am transmitting a bill pertaining to the penalties for commercial fishing violations. The bill makes two important amendments to the existing penalty scheme applicable to AS 16.05.440 -- 16.05.720 and the regulations adopted under those sections. The first requires a court to order the forfeiture of the commercial fishing license of the habitual offender convicted of a serious commercial fishing violation. The second increases the minimum fine that must be imposed upon conviction of specified offenses. Both provisions are necessary to provide an appropriate level of deterrence considering the substantial profits that can be made by the person who disregards state law for the protection of our fisheries.

The bill expands the existing section providing for discretionary license forfeitures by requiring a one year forfeiture of a commercial fishing license when a person is convicted of commercial fishing in closed waters or commercial fishing during a closed period or sea on and has previously been convicted of either offense. The bill provides that convictions may not be considered to increase the punishment of the defendant if three or more years have passed since the defendant completed all of the requirements of his prior sentence. If the defendant has two prior convictions, the court must permanently forfeit his commercial fishing license and must order that he is permanently ineligible for any future issuances or transfers.

To remove any ambiguity regarding the meaning of the term "commercial fishing license", the term is defined to include all interim-use and entry permits held by the defendant. Further, sec. 16.05.740 would prohibit the transfer of a permit while the criminal proceeding is pending.

In addition to strengthening the forfeiture provisions, the bill increases the minimum fine that can be imposed for a first or second conviction if the offense is commercial fishing in closed waters, commercial fishing during a closed period or season, or commercial fishing with unlawful gear. The minimum fine under existing law of not less than the gross value of the fish is increased to not less than twice the gross value. In determining which fish can be considered in arriving at the gross value, the bill includes fish "otherwise in the possession of the fisherman" at the time of the violation as well as the existing authorization for fish found on the vessel or at the fishing site. Consequently, a fisherman who commits an offense, sells his fish to a processor, and is then cited, will have the value of the fish sold to the processor included to determine gross value of the fish illegally taken.

Sincerely,

S/SEN
Jay S. Hammond
Governor

Commercial
Fishing
Violations

SENATE BILL NO. 51, by the Rules Committee by request of the Governor. Makes amendments to statutes regarding penalties for commercial fishing violations. Section 1 amends AS 16.05.710 (License Forfeiture) by adding: "(b) Upon a second conviction of commercial fishing in closed waters or commercial fishing during a closed period or season under AS 16.05.720(c), the court shall, in addition to other punishment imposed by law, forfeit the commercial fishing license held by the defendant for one year. Upon a third or subsequent conviction, the court shall, in addition to other punishment imposed by law, forfeit the commercial fishing license held by the defendant and shall order that the defendant is not eligible for the issuance or transfer of a commercial fishing license." Also adds definitions of "second conviction" and "third conviction" to section.

Sections 2-3 amend AS 16.05.720 (Penalties). Makes violation of AS 16.05.480-690 or violation of Fish & Game regulations pertaining to commercial fisheries a Class A misdemeanor rather than punishable by a fine of not more than \$5,000, imprisonment, or both. Increases fine to "twice the gross value to the fisherman of the fish found on the vessel, [OR] at the fishing site, or otherwise in the possession of the fisherman at the time of the violation."

page 26

Section 4 adds new sections to AS 16.05 relating to prior convictions and to license transfers. States that: ". . . a prior conviction may not be considered if a period of three or more years has elapsed between the date of the defendant's unconditional discharge on the immediately preceding offense and commission of the present offense." Regarding license transfers: "If a person is charged with a violation of AS 16.05.440 - 16.05.720 or state law or regulation pertaining to commercial fisheries, he may not under AS 16.43.170 transfer any interim-use or entry permit he holds until after the final adjudication or dismissal of the charge." Sec. 4 also adds a definition of "commercial fishing license" to specifically include "all interim-use and entry permits held by the defendant." Does not provide for effective date.



LAWS OF ALASKA

1980

Source

Chapter No.

HCS CSSB 346 am H

66

AN ACT

Relating to reports and records of fishermen, fish buyers and fish processors, requiring the Department of Revenue to compute and report average wholesale prices for Alaska salmon, establishing procedures to secure information on the wholesale prices of Alaska salmon, and providing a penalty for failure to provide information on wholesale prices.

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

THE ACT FOLLOWS ON PAGE 1, LINE 14

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor. June 12, 1980
Actual Effective Date September 10, 1980

AN ACT

Relating to reports and records of fishermen, fish buyers and fish processors, requiring the Department of Revenue to compute and report average wholesale prices for Alaska salmon, establishing procedures to secure information on the wholesale prices of Alaska salmon, and providing a penalty for failure to provide information on wholesale prices.

Section 1. AS 16.05.815 is amended to read:

Sec. 16.05.815. CONFIDENTIAL NATURE OF CERTAIN REPORTS AND RECORDS.

(a) Except as provided in (b) of this section, records (REPORTS) required by regulations of the department concerning the landings of fish, shellfish or fishery products, and annual statistical reports of buyers and processors required by regulation of the department are confidential and may (SHALL) not be released (IN THE FORM OF INDIVIDUAL RECORDS) by the department except that the department may release

(1) any of its records and reports to the National Marine Fisheries Service as required for preparation and implementation of the fishery management plans of the North Pacific Fishery Management Council within the fishery conservation zone; however, information released to the National Marine Fisheries Service under this paragraph may not disclose the identity of individual fishermen or their vessels;

(2) any of its records and reports to the Department of Revenue and to the Commercial Fisheries Entry Commission to assist

Chapter 66

them in carrying out their statutory responsibilities; [, OR]

(3) records or reports of the total value purchased by each buyer to a municipality which levies and collects a tax on fish, shellfish, or fishery products if the municipality

(A) requires records of the landings of fish, shellfish, or fishery products to be submitted to it for purposes of verification of taxes payable; and

(B) maintains the confidentiality of reports and records which it receives under this paragraph;

(4) such records and reports as necessary to be in conformity with a court order; or

(5) on request, the report of a person to the person whose fishing activity is the subject of the report.

(b) Records or reports received by the department which do not identify individual fishermen, buyers, or processors or the specific locations where fish have been taken are public information.

* Sec. 2. AS 43.80 is amended by adding a new section to read:

Sec. 43.80.035. REPORTING OF SALMON PRICES. (a) Except when the requirement is suspended under (d) of this section, the commissioner shall compute and report to the legislature not later than the 60th day of each regular session the average wholesale prices obtained for canned salmon by Alaska salmon canneries during the months of August, September, October, November, and December for the previous five years. In computing and reporting prices, the commissioner may require canneries to provide information on wholesale price by species of salmon.

(b) The commissioner may

(1) issue subpoenas under AS 43.05.040 to compel the testimony of witnesses and the production of records and documents necessary to obtain and audit reports and information on wholesale prices of

salmon when required under (a) of this section;

(2) levy and collect a civil penalty for failure to report information on wholesale prices of salmon under (a) of this section.

(c) A person who fails to file a report containing information on the wholesale prices of salmon required by the commissioner under this section is liable for a civil penalty of \$5,000. The penalty shall be assessed and collected in the same manner as taxes are assessed and collected under this title.

(d) Computation and reporting of the average wholesale price of a species of salmon by the commissioner under (a) of this section is not required during a calendar year in which the commissioner does not receive at least one request jointly presented by a fish processor doing business in Alaska and an organization representing fishermen that they desire the report for a species of salmon under (a) of this section for purposes of price negotiation. If a joint request is not presented to the commissioner for a salmon species for a calendar year, information about the average wholesale price of that salmon species may not be collected by the commissioner for that calendar year, and the last report submitted by the commissioner under (a) of this section for that species is the final report of prices for that species required under this section.

(e) In this section,

(1) "commissioner" means the commissioner of revenue;

(2) "wholesale price" includes all receipts, whether in the form of money, credits or other consideration, received from the sale of the finished product without deduction for the cost of property sold, the cost of the material used, insurance costs, labor or service costs, label and labeling costs, transportation and storage cost, interest paid, taxes, losses, or any other expense except

Chapter 66

1 (A) cash discounts allowed on sales not to exceed one
2 and one-half percent;

3 (B) commissions actually paid to independent brokers not
4 to exceed five percent; and

5 (C) swell allowance not to exceed one-tenth of one
6 percent.

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

JAN 20

SB 51

- MARY JABLONSKI (FISH + GAME) #4100

CONVERSATION WITH ^{DOT} RON MILLER OF
COMMERCIAL FISHERIES ENTRY COMMISSION #4081

SESSION LAWS 1980 CHAP. 66

✓ ALLOWS INDIVIDUAL FISHERMAN TO RECEIVE
INFORMATION ON OWN CATCH.

OTHERS WITH INFO ACCESS:

DEPT. OF REVENUE
COMM. FISH. ENTRY COMMISSION

LIMITED INFO: NATIONAL MARINE FISHERY SURVEY
(NOT IDENTITY OF INDIVIDUALS OR VESSEL)

TAXING MUNICIPALITIES
(TOTAL POUNDS OF BUYER ONLY)

PUBLIC INFO:

THAT WHICH DOES NOT
IDENTIFY INDIVIDUAL BUYERS, FISHERMEN,
PROCESSORS OR SPECIFIC FISHING
LOCATIONS

SEE SB 47 ATTACHED

MILLER FAMILY REQUEST?

FISHERMEN, FISH + GAME WOULD FIGHT
PUBLIC ACCESS TO INFO.

JUDICIAL COUNCIL

GERSON BRUCE
586-3864 OR
586 2820

COORDINATION OF OFFENSES

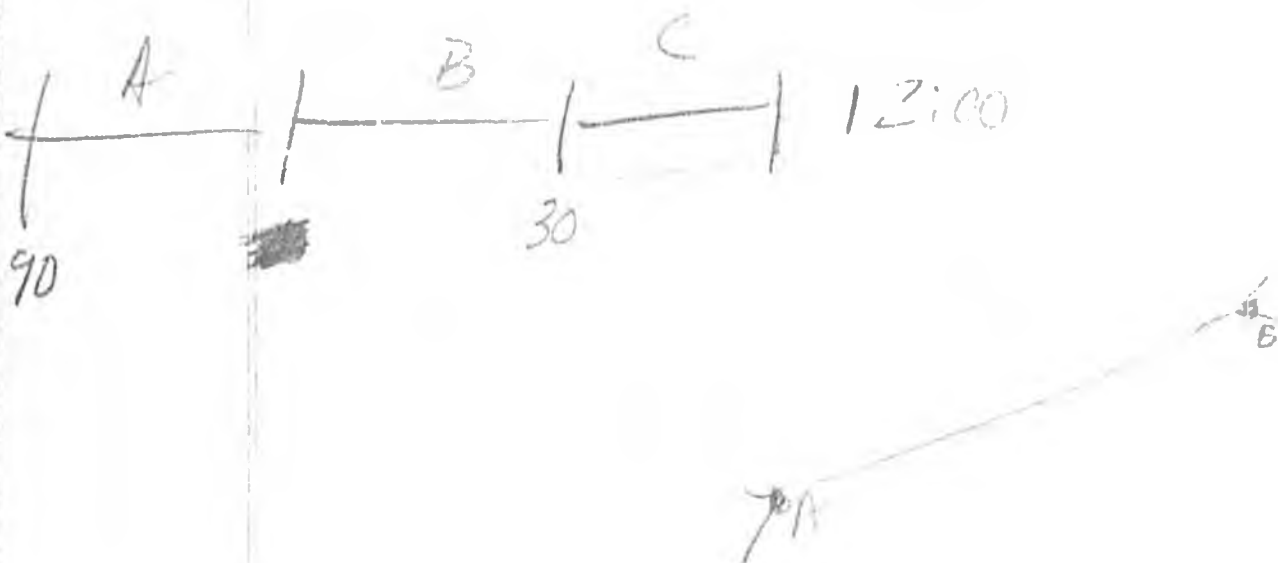
DISTANCE = DENSITY - ON LINE VIOLATIONS

1. BARE LINES
2. ALLOCATION PROBLEMS

CLASS OF VIOLATIONS

1. TECHNICAL (1/2 mile max/170 fishing)
- 2.

A. B. C. Time before or after = penalty.



DISTANCE FROM LINE IN CLOSED WATER

20-30 Day

LINE BOUNDARIES

TIME BOUNDARY LIMITS

GEAR - LENGTH OF NET - NUMBER OF TOTS