

FISH + GAME

BAIL

FORFEITURE

SCHEDULE

ADV. COMM.



Alaska Court System
State of Alaska

OFFICE OF ADMINISTRATIVE DIRECTOR

KARLA L. FORSYTHE
General Counsel

303 K Street
Anchorage, AK 99501

February 5, 1985

Senator Pat Rodey
Chair, Senate Judiciary Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Senator Rodey:

I have attached a copy of a supreme court order appointing you to the fish and game bail forfeiture schedule advisory committee. Formation of the committee is required by AS 16.05.165(b). A copy of this statutory provision is attached.

I will be serving as the court system's liaison with the committee, and can be reached at 264-0634 if you have any preliminary questions.

The division of fish and wildlife has compiled a proposed schedule which I have circulated to judges, magistrates and court clerks, with a response deadline of February 4, 1985. After the division has an opportunity to review comments from court system personnel, the division will forward to me a final draft of the proposed schedule, accompanied by commentary explaining why the division has recommended that each listed offense be included on the schedule.

I will forward the proposed schedule and commentary to you, and will set a response deadline for your written comments. Your comments will then be forwarded to the supreme court for its consideration in adopting the schedule.

I anticipate that the advisory process can be conducted in writing, and that it will not be necessary to convene the committee for a meeting.

Again, if you have any questions about the process, please let me know.

Sincerely,

Karla L. Forsythe
General Counsel

IN THE SUPREME COURT FOR THE STATE OF ALASKA

ORDER NO. 615

Relating to the appointment of the fish and game bail forfeiture schedule advisory committee

IT IS ORDERED:

In accordance with AS 16.05.165(b), the following persons are appointed to serve on the fish and game bail forfeiture schedule advisory committee:

Captain Wayne Fleek, Division of Fish and Wildlife Protection, Department of Public Safety [P. O. Box 6188 Annex, Anchorage, Alaska 99502];

Captain Jack Jordan, Division of Fish and Wildlife Protection, Department of Public Safety [453 South Valley Way, Palmer, Alaska 99645];

Deputy Commissioner Dennis D. Kelso, Department of Fish and Game [P. O. Box 3-2000, Juneau, Alaska 99802];

Deputy Commissioner Steven Pennoyer, Department of Fish and Game [P. O. Box 3-2000, Juneau, Alaska 99802];

Judge H. E. Crutchfield, District Court Judge [604 Barnette Street, Room 313, Fairbanks, Alaska 99701];

Judge George Gucker, District Court Judge [415 Main Street, Ketchikan, Alaska 99901];

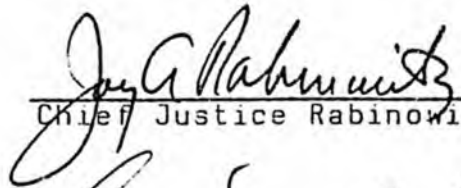
Senator Pat Rodey, Chair, Senate Judiciary Committee [Pouch V, Juneau, Alaska 99811]; and

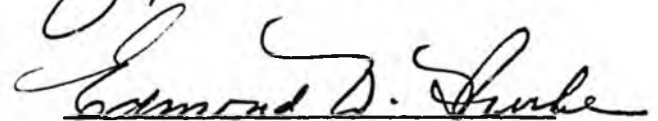
Representative Mike Miller, Chair, House Judiciary Committee [Pouch V, Juneau, Alaska 99811].

These appointments are effective through December 31, 1986, unless otherwise ordered by the court.

DATED: January 31, 1985

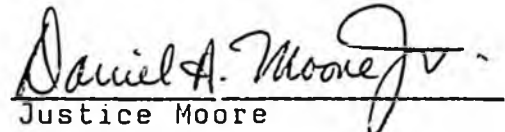
EFFECTIVE DATE: January 31, 1985


Chief Justice Rabinowitz


Justice Burke


Justice Matthews

Justice Compton


Justice Moore

Sec. 16.05.160. Duty to arrest. Each peace officer designated in AS 16.05.150 shall arrest a person violating a provision of this title except AS 16.51 and AS 16.52, or any regulation adopted under this title except AS 16.51 and AS 16.52, in the peace officer's presence or view, and shall take the person for examination or trial before an officer or court of competent jurisdiction unless in the judgment of the peace officer it would be in the state's best interest to issue a warning or a citation under AS 16.05.165. (§ 21 art I ch 94 SLA 1959; am § 5 ch 132 SLA 1984)

Effect of amendments. — The 1984 amendment, effective July 3, 1984, substituted "a provision of this title except AS 16.51 and AS 16.52, or any regulation adopted under this title except AS 16.51 and AS 16.52" for "this chapter, or any

regulation made under this chapter," deleted "immediately" preceding "for examination or trial," and added the language beginning "unless in the judgment of the peace officer" at the end of the section.

Sec. 16.05.165. Form and issuance of citation. (a) When a peace officer stops or contacts a person concerning a violation of this title except AS 16.51 and AS 16.52 or of a regulation adopted under this title except AS 16.51 and AS 16.52 that is a misdemeanor, the peace officer may, in the officer's discretion, issue a citation to the person as provided in AS 12.25.180.

(b) The supreme court shall specify by rule or order those misdemeanors that are appropriate for disposition without court appearance, and shall establish a schedule of bail amounts. Before establishing or amending the schedule of bail amounts required by this subsection, the supreme court shall appoint and consult with an advisory committee consisting of two officers of the division of fish and wildlife protection of the Department of Public Safety, two representatives of the Department of Fish and Game, two district court judges, and the chairpersons of the House and Senate Judiciary Committees of the legislature. The maximum bail amount for an offense may not exceed the maximum fine specified by law for that offense. If the misdemeanor for which the citation is issued may be disposed of without court appearance, the issuing peace officer shall write on the citation the amount of bail applicable to the violation.

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

(1) the amount of bail indicated on the citation for that offense; and
(2) a copy of the citation indicating that the right to an appearance is waived, a plea of no contest is entered and the bail is forfeited.

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



Alaska Court System
State of Alaska

OFFICE OF ADMINISTRATIVE DIRECTOR

KARLA L. FORSYTHE
General Counsel

303 K Street
Anchorage, AK 99501

February 28, 1985

Senator Pat Rodey
Chair, Senate Judiciary Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Senator Rodey:

My letter to you of February 26 included a copy of a memorandum from Captain Wayne Fleek. Please discard the previous memorandum, and substitute the memorandum enclosed with this letter.

I regret any inconvenience caused by this substitution.

Additionally, I have enclosed copies of the regulations and statutes cited on the proposed schedule, so that you may read the language of these provisions as you review the schedule.

Thank you again for your assistance.

Sincerely,

Karla L. Forsythe
General Counsel

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(5) Southeast. (§ 9 art I ch 94 SLA 1959; am § 1 ch 82 SLA 1968; am § 7 ch 206 SLA 1975)

Sec. 16.05.305. Clerical assistance for boards. The Board of Fisheries and the Board of Game are authorized to hire and set the compensation for one clerical assistant for each board. (§ 8 ch 206 SLA 1975)

Sec. 16.05.310. Special board meetings. A board may meet at any time upon the call of the commissioner or upon the request of two board members. (§ 6 art I ch 94 SLA 1959; am § 9 ch 206 SLA 1975)

Sec. 16.05.315. Joint board meetings. The Board of Fisheries and the Board of Game may hold a joint meeting upon the call of the commissioner or a board to resolve any conflicts in regulations of the boards and to consider matters, as determined by the commissioner or a board, which require the consideration of both boards. (§ 10 ch 206 SLA 1975)

Sec. 16.05.320. Quorum. A majority of the members of a board constitutes a quorum for the transaction of business, for the performance of any duty, and for the exercise of any power. However, a majority of the full board membership is required to carry all motions, regulations and resolutions. A majority of the members of the boards of fisheries and game constitute a quorum for the transaction of business in a joint board meeting. A majority of the membership of the boards is required to carry all joint motions, regulations and resolutions of the boards. (§ 10 art I ch 94 SLA 1959; am § 3 ch 71 SLA 1973; am § 11 ch 206 SLA 1975)

Article 3. Licensing of Sport Fishing and Hunting.

Section	Section
330. Licenses and tags required	of licenses and tags
335. Complimentary licenses	400. Persons exempt from license requirement
340. License and tag fees	405. Taking game by proxy for the blind
341. Free license for disabled veterans	407. Nonresident hunting game animals must be accompanied by guides
346. Permit applications	408. Nonresident alien hunter to be accompanied by guide
350. Expiration of licenses and tags	410. License forfeiture
360. Commissioner of revenue charged with license issuance	420. Violations
370. Reports by licensees	430. Penalties
380. Commissioner of revenue may appoint agents	
390. Fees and compensation for issuance	

Sec. 16.05.330. Licenses and tags required. (a) Except as otherwise permitted in this chapter, a person may not engage in sport fishing, including the taking of razor clams; in hunting, trapping, or fur dealing; in the farming of fish, fur, or game; or in taxidermy, without having the appropriate license or tag in actual possession.

(b) When obtaining the appropriate license or tag in (a) of this section, an applicant who asserts residency in the state shall provide the license vendor with the proof of residence that the department requires by regulation. (§ 1 art II ch 94 SLA 1959; am § 1 ch 61 SLA 1962; am § 1 ch 42 SLA 1968; am § 1 ch 140 SLA 1968)

Opinions of attorney general. — Alaska's fish and game laws are applicable as federal law on military reservations. 1964 Op. Att'y Gen., No. 2.

Hunting or fishing at a military reservation must be in accord with Alaska laws regulating seasons, bag limits, methods of taking, etc. 1964 Op. Att'y Gen., No. 2.

But military personnel are not required to comply with licensing requirements while on reservation. 1964 Op. Att'y Gen., No. 2.

Since AS 16.05.940(14) does not grant special resident privileges to military personnel, which is a requisite for requiring them to purchase licenses for use on military reservations under 10 U.S.C. 2671(a) (2), they cannot be required to do so. 1964 Op. Att'y Gen., No. 2.

Construing this section and AS 16.05.340 against federal law (10 U.S.C. § 2671(a)), a member of the military who does not qualify as a resident under AS 16.05.940(20) is not required to obtain an Alaska trapping license to trap on military lands. 1977 Op. Att'y Gen. No. 21.

Collateral references. —

35 Am. Jur. 2d, Fish & Game, § 45.

38 C.J.S., Game, § 15.

Applicability of state fishing license laws or other public regulations to fishing in private lake or pond, 15 ALR2d 754.

Right to kill game in defense of person or property, 93 ALR2d 1366.

Public rights of recreational boating, fishing, wading, or the like in inland stream the bed of which is privately owned, 6 ALR4th 1030.

Sec. 16.05.335. Complimentary licenses. The commissioner of revenue shall annually, at the request of the governor, provide the governor with not more than 50 complimentary fishing and hunting licenses and appropriate big game tags which the governor may distribute to distinguished visitors to Alaska for their use in any one season during their visits to the state. The complimentary license for sport fishing or hunting or both shall be inscribed by the governor with the inclusive dates for its authorized use. The governor shall advise the Department of Fish and Game on any complimentary issuances, which information shall be available to the public. (§ 1 art II ch 94 SLA 1959; am § 1 ch 61 SLA 1962; am § 1 ch 31 SLA 1963; am § 1 ch 6 SLA 1965)

Sec. 16.05.340. License and tag fees. (a) Fees for licenses and tags are as follows:

- (1) Resident sport fishing license \$10
- However, the fee is 25 cents for a resident who is blind.
- (2) Resident hunting license 12
- (3) Resident hunting and trapping license 15
- (4) Resident trapping license 3
- (5) Resident hunting and sport fishing license 22
- (6) Resident hunting, trapping, and sport fishing license . . . 25

However, the fee is 25 cents for an applicant who is the head of a family or a dependent member of that family, or who is solely self-supporting, upon proof presented by the applicant that the applicant

the first sentence of (a) was redrafted in 1983 to conform to the style of Alaska Statutes and the phrase "to the nonresident" was inserted near the end of the sentence to correct a manifest error of omission.

Effect of amendments. — The first 1982 amendment substituted "guide licensing and control board" for "depart-

ment" in the first sentence of subsection (a) and in subsection (b), and made other minor changes.

The second 1982 amendment substituted "this subsection" for "this section" in two places in the second sentence of subsection (a) and added "under AS 11.56.200" to the end of subsection (a).

Sec. 16.05.408. Nonresident alien hunter to be accompanied by guide. (a) It is a class A misdemeanor for a nonresident alien (1) to hunt, pursue, or take marine mammals unless personally accompanied by a licensed marine mammal guide; or (2) to hunt, pursue, or take a big game animal as defined by the Board of Game unless personally accompanied by a licensed master guide, registered guide, or class-A assistant guide under AS 08.54.

(b) A nonresident alien, when purchasing a big game tag for the taking of an animal specified in (a) of this section, shall first furnish to the state, on a form provided by the state, an affidavit showing that the nonresident alien will be accompanied in the hunt by a person who is qualified under the terms of (a) of this section. A nonresident alien shall have a copy of the affidavit in possession while in the field hunting. A person who falsifies the required affidavit is guilty of perjury under AS 11.56.200. (§ 2 ch 74 SLA 1982; am § 3 ch 13 SLA 1983)

Revisor's notes. — Enacted as AS 16.05.407(d) and (e). Renumbered in 1982.

Effect of amendments. — The 1983 amendment rewrote subsection (a).

Sec. 16.05.410. License forfeiture. (a) Upon conviction of a person of a first violation of AS 16.05.330 — 16.05.430 or of a federal or state law or regulation for the protection of the sport fish and game of the state, the court may, in addition to the penalty imposed by law, revoke the person's license.

(b) Upon subsequent conviction of a person for a violation of AS 16.05.330 — 16.05.430 or of a federal or state law or regulation for the protection of the sport fish and game of the state, the court shall revoke the person's license.

(c) A person whose license has been revoked as provided in (b) of this section may not purchase another license of the same type for a period of not less than two years nor more than three years from the date of revocation as determined by the court.

(d) *[Repealed, § 2 ch 32 SLA 1968.]*

(e) *[Repealed, § 2 ch 32 SLA 1968.]* (§ 8 art II ch 94 SLA 1959; am § 17 ch 131 SLA 1960; am § 1 ch 56 SLA 1962; am §§ 4, 5 ch 75 SLA 1964; am § 2 ch 32 SLA 1968)

Sec. 16.05.420. Violations. (a) A false statement as to a material fact in an application for license makes the license issued upon it void. A person who knowingly makes a false statement or knowingly omits

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a material fact in an application violates AS 16.05.330 — 16.05.430.

(b) A person to whom a license or tag has been issued under this chapter may not alter, change, loan, or transfer the license or tag. A person may not use a license or tag that has been issued under this chapter to another person.

(c) [Repealed. § 2 ch 32 SLA 1968.]

(d) [Repealed. § 2 ch 32 SLA 1968.] (§ 7 art II ch 94 SLA 1959; am § 16 ch 131 SLA 1960; am §§ 6, 7 ch 75 SLA 1964; am § 2 ch 32 SLA 1968)

Collateral references. — Entrapment with respect to violation of fishing laws, 75 ALR2d 709.

Sec. 16.05.430. Penalties. (a) A person who violates AS 16.05.330 — 16.05.420 is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$1,000, or by imprisonment for not more than six months, or by both.

(b) The proceeds of all fines shall be transmitted by the court to the proper state officer for deposit in the general fund of the state. (§ 10 art II ch 94 SLA 1959; am § 18 ch 131 SLA 1960)

Cited in Schuster v. State, Sup. Ct. Op. No. 1305 (File No. 2911), 553 P.2d 925 (1976).

Article 4. Licensing of Commercial Fishing Crewmembers and Vessels.

Section	Section
440. Expiration date for licenses	buoys, or both, used in the taking of
450. Issuance of licenses	king crab and requirements for
460. Commissioner of revenue may	buoys
appoint agents	660. License exemption
470. Fee for issuance of licenses and in-	662. Fishing derbys
terim-use or entry permits	665. Falsification of application for
475. Registration of fishing vessels	license
480. Commercial fishing license	680. Unlawful purchases
490. Vessel license	685. Processing on commercial crab
495. Vessel license exemption	fishing vessels
510. Unlicensed vessel unlawful	690. Record of purchases
520. Number plate	710. License forfeiture
530. Annual renewal of vessel license	720. Penalties
632. Identification of shellfish pots or	

Sec. 16.05.440. Expiration date for licenses. Licenses issued under AS 16.05.440 — 16.05.720 expire at the close of December 31 following their issuance, and shall be renewed annually upon application and payment of the license fees required by AS 16.05.440 — 16.05.720. (§ 2 art III ch 94 SLA 1959)

**CHAPTER 75.
STATEWIDE PROVISIONS**

Article

1. General
(5 AAC 75.001-5 AAC 75.015)
2. Methods and Means
(5 AAC 75.020-5 AAC 75.034)
3. Closed Waters and Prohibited Acts
(5 AAC 75.050-5 AAC 75.070)
9. Definitions
(5 AAC 75.995)

**ARTICLE 1.
GENERAL**

Section

1. Application of regulations
2. Liability for violations
5. Possession of licenses, stamps and harvest record
10. Possession of sport-caught fish
15. Sale of sport-caught fish unlawful

5 AAC 75.001. APPLICATION OF REGULATIONS. This chapter applies only to sport fishing activities which are permitted as provided in 5 AAC 46 - 5 AAC 75, unless otherwise specified by emergency order or emergency regulation.

Authority: AS 16.05.251

5 AAC 75.002. LIABILITY FOR VIOLATIONS. Unless otherwise provided in 5 AAC 42 - 5 AAC 77, or in AS 16, a person who violates a provision of 5 AAC 42 - 5 AAC 77 is strictly liable for the offense, regardless of that person's intent. (Eff. 6/30/83, Reg. 86)

Authority: AS 16.05.251

5 AAC 75.005. POSSESSION OF LICENSES, STAMPS AND HARVEST RECORD. All persons engaged in sport fishing or in possession of fish must show their sport fishing licenses, Harvest Records and special permits or stamps to any local representative of the department or to any peace officer of the state upon his request.

Authority: AS 16.05.251(a)(4),(7),(10)
and (12)

5 AAC 75.010. POSSESSION OF SPORT-CAUGHT FISH. Sport-caught fish, their parts, and articles manufactured from such fishes may

be possessed within the state by any person at any time, and may be transported within and exported out of the state by any person at any time except that no person may possess any unpreserved fish, or part of one, not legally taken by himself, unless he furnishes, upon request of any peace officer of the state, a statement signed by the person taking the fish stating the type of fish, number of fish, location, date taken, and license number. The statement is unnecessary if the person possessing the fish is accompanied by the person who took the fish. No person may possess fish which were not legally taken.

Authority: AS 16.05.251(a)(2),(3),(4),
(7) and (10)

5 AAC 75.015. SALE OF SPORT-CAUGHT FISH UNLAWFUL. No person may buy, sell or barter sport-caught fish or their parts.

Authority: AS 16.05.251(a)(4),(7) and (10)

**ARTICLE 2.
METHODS AND MEANS**

Section

20. Sport fishing gear
21. Ice fishing gear
22. Fresh water sport fishing
23. Gear for single-hook waters
24. Gear for fly-fishing-only waters
25. Gear for conventional fly-fishing tackle waters
27. Use of explosives or toxicants
28. Use of underwater spear
30. Sport fishing gear for herring and smelt
31. (Repealed)
33. Sport fishing gear for burbot
34. Sport fishing gear for northern pike

5 AAC 75.020. SPORT FISHING GEAR. Unless provided in 5 AAC 75.021-5 AAC 75.049, or by the area regulations in 5 AAC 46-5 AAC 70, sport fishing may only be conducted by the use of a single line having attached to it not more than one plug, spoon, spinner, or series of spinners, or two flies, or two hooks. The line must be closely attended.

Authority: AS 16.05.251(a)(4)

5 AAC 75.021. ICE FISHING GEAR. Sport fishing through the ice is permitted with the use of two lines, provided only one hook or artificial lure is used on each line.

Authority: AS 16.05.251(a)(4)

5 AAC 75.022. FRESH WATER SPORT FISH-
ING. (a) Fish may not be taken in fresh water
by means of

(1) fixed or weighted hooks and lures (except
those of standard manufacture) or multiple
hooks and lures to which a weight is attached in

such a manner that when retrieved the weight follows the hook:

(2) multiple hooks with gap between point and shank larger than one-half inch, unless permitted in the area regulations in 5 AAC 46 - 5 AAC 70;

(3) repealed 4/3/83.

(4) spear, unless permitted by the area regulations in 5 AAC 46 - 5 AAC 70;

(5) arrow, unless permitted by the area regulations in 5 AAC 46 - 5 AAC 70.

(b) Live fish may not be used as bait when sport fishing in fresh water.

(c) It is unlawful to intentionally snag or attempt to snag any fish in fresh water. Fish unintentionally hooked elsewhere than in the mouth must be released immediately. "Snag" means hook a fish elsewhere than in the mouth. (In effect before 1983; am 4/3/83, Reg. 85)

Authority: AS 16.05.251(a)(2) and (4)

5 AAC 75.023. GEAR FOR SINGLE-HOOK WATERS. (a) In waters designated as single-hook waters, sport fishing is permitted only as follows:

(1) with not more than one single hook with gap between point and shank one-half inch or less;

(2) hooks or lures (including those of standard manufacture) may not have additional weight attached to them; weights may be used only ahead of the hook or lure.

(b) Multiple hooks are prohibited in waters designated as single-hook waters. (In effect before 1984; am 4/28/84, Reg. 90)

Authority: AS 16.05.251

5 AAC 75.024. GEAR FOR FLY-FISHING-ONLY WATERS. In waters designated as fly-fishing-only waters, sport fishing is permitted only as follows:

(1) with not more than one unweighted, single-hook fly with gap between point and shank three-eighths inch or less;

(2) weights may be used 18 inches or more ahead of the fly. (In effect before 1984; am 4/28/84, Reg. 90)

Authority: AS 16.05.251

5 AAC 75.025. GEAR FOR CONVENTIONAL FLY-FISHING TACKLE WATERS. In waters specifically restricted to conventional or traditional fly-fishing tackle, sport fishing is permitted with

(1) rod, reel and line combination designed so that the weight of the line provides the impetus to propel the "fly";

(2) use of all fixed-spool, bait casting, open or closed-faced spinning, spin casting or other similar reels designed so that the weight of the terminal tackle (lures, sinkers, baits, etc.) provides the primary impetus for casting is prohibited;

(3) only one single-hook, unweighted, artificial fly is permitted;

(4) no weights may be attached to the line or leader. (In effect before 1984; am 4/28/84, Reg. 90)

Authority: AS 16.05.251

5 AAC 75.027. USE OF EXPLOSIVES OR TOXICANTS. The use of any explosive or toxicant for taking any fish in the waters of Alaska is prohibited.

Authority: AS 16.05.251(a)(4) and (7)

5 AAC 75.028. USE OF UNDERWATER SPEAR. In salt water, spears may be used to take fish, subject to applicable seasons and bag limits, by persons who are completely submerged.

Authority: AS 16.05.251(a)(4)

5 AAC 75.030. SPORT FISHING GEAR FOR HERRING AND SMELT. In salt water, herring and smelt may be taken with the use of 15 or less unbaited single or multiple hooks attached to a single line.

Authority: AS 16.05.251(a)(4)

**PART 3.
GAME**

Chapter

- 81. Hunting
(5 AAC 81.010-5 AAC 81.930)
- 82. Big Game Photography Contest
(5 AAC 82.010-5 AAC 82.060)
- 84. Trapping
(5 AAC 84.010-5 AAC 84.300)

**CHAPTER 81.
HUNTING**

Article

- 1. Licenses, Harvest Reports, Harvest Tickets, and Tag Fees
(5 AAC 81.010-5 AAC 81.022)
- 2. Permits and Reports
(5 AAC 81.030-5 AAC 81.060)
- 3. Hunting Methods and Means
(5 AAC 81.070-5 AAC 81.126)
- 4. Possession and Transportation
(5 AAC 81.130-5 AAC 81.195)
- 5. Use of Game
(5 AAC 81.200-5 AAC 81.218)
- 6. Controlled Use Areas
(5 AAC 81.220-5 AAC 81.238)
- 7. Areas Closed to Hunting
(5 AAC 81.239-5 AAC 81.260)
- 8. State Game Refuges and Sanctuaries
(5 AAC 81.270-5 AAC 81.300)
- 9. Hunting Seasons and Bag Limits
(5 AAC 81.310-5 AAC 81.360)
- (5 AAC 81.380-5 AAC 81.385)
- 10. Marine Mammals (5 AAC 81.400)
- 11. General Provisions
(5 AAC 81.900-5 AAC 81.930)

Editor's Note: The amendments to 5 AAC 81.040, 5 AAC 81.055, 5 AAC 81.075, 5 AAC 81.145, 5 AAC 81.216, 5 AAC 81.237, 5 AAC 81.238, 5 AAC 81.250, 5 AAC 81.320, 5 AAC 81.330 and 5 AAC 81.340, adopted by emergency regulation and effective 9/3/81, were repealed under AS 44.62.250 on 9/12/81. The identical amendments became effective as permanent regulations on 9/30/81. The history notes under these sections state both amendment dates.

**ARTICLE 1.
LICENSES, HARVEST REPORTS,
HARVEST TICKETS, AND TAG FEES**

Section

- 10. Harvest tickets and reports
- 15. (Repealed)
- 20. Licenses, age requirements, and showing licenses and tags to officers
- 21. Muskoxen tag fees
- 22. Brown and grizzly bear tag fee exemption

5 AAC 81.010. HARVEST TICKETS AND REPORTS. (a) No person may hunt for deer, sheep, or moose in any game management unit, or for caribou in Units 9, 12, 16-21, or 25(c), unless the person has in his or her personal possession a nontransferable harvest ticket for the species of game animal being hunted. However, no harvest ticket is required for big game taken by a permittee under the conditions of a permit hunt.

(b) No person may hunt for moose or sheep in any game management unit, or for caribou in Units 9, 12, 16-21, or 25(c), unless the person first obtains a harvest report for the species, which accompanies the harvest ticket. A person issued a harvest report shall comply with the reporting requirements of (g) of this section.

(c) Immediately upon killing a big game animal for which a harvest ticket is required by (a) of this section, the hunter shall validate the harvest ticket by completely removing from the ticket the day and month on which the kill was made, without obliterating or destroying any other month or day printed on the ticket.

(d) A person taking a big game animal for which a harvest ticket is required by (a) of this section shall keep the validated harvest ticket in his actual possession at all times until the animal is delivered to the location where it will be processed for consumption.

(e) No person may refuse to produce or permit inspection of a big game harvest ticket upon the request of any person authorized by AS 16.05.150 to enforce provisions of AS 16.05 or regulations adopted under it.

(f) Harvest tickets and accompanying harvest report forms may be procured without cost from any licensing agent or department office. At the time of issuance, the number of the harvest ticket must be entered on the hunter's license; the number of each harvest ticket issued the previous calendar year must also be entered on the hunter's license if the harvest ticket is still valid.

(g) Within 15 days after taking the bag limit allowed for the species of game for which a harvest ticket is required, the hunter shall fill out the information requested on the harvest report and mail it to the address printed on the report; a person not taking game, or taking less than the allowable bag limit, shall fill out the information requested on the harvest report and mail it to the address printed on the report within 15 days after the closing date of the open season for the species listed on the report.

(h) No person may hunt for caribou in Units 22(A), 22(B), 23, 24, 25 (except 25(C)), or 26 unless he first obtains an arctic caribou harvest report. (In effect before 1980; am 7/4/80, Reg. 75; am 4/5/81, Reg. 78; am 6/30/84, Reg. 90)

Authority: AS 16.05.255
AS 16.05.370

5 AAC 81.015. HARVEST TICKETS.
Repealed 4/5/81.

5 AAC 81.020. LICENSES, AGE REQUIREMENTS AND SHOWING OF LICENSES AND TAGS TO OFFICERS. (a) No license is required of a resident of this state under the age of 16 for hunting or trapping. Licenses and big game tags are required of all nonresidents regardless of age, for hunting and trapping.

(b) Upon request by a person authorized to enforce AS 16 or regulations promulgated thereunder, the following items must be presented for inspection: licenses and tags, birds, mammals or fish taken or possessed under the provisions of AS 16 or regulations promulgated thereunder, apparatus designed to be, and capable of being used to take birds, mammals or fish.

(c) A resident may not take a muskox or brown/grizzly bear without previously purchasing a numbered, non-transferable, appropriate tag, issued to him. The tag must be

affixed to the animal immediately upon capture and must remain affixed until the animal is prepared for storage, consumed or exported. (In effect before 1980; am 7/4/80, Reg. 75)

Authority: AS 16.05.255(3)
AS 16.05.340(9)
AS 16.05.345

Editor's Note: See AS 16.05.330 - 16.05.420 for licenses and information.

5 AAC 81.021. MUSKOXEN TAG FEES. (a) The resident tag fee for bull and cow muskoxen taken on Nelson Island under 5 AAC 81.320(10) is \$25.

(b) The resident tag fee for cow muskoxen taken on Nunivak Island under 5 AAC 81.320(10) is \$25. (Eff. 4/5/81, Reg. 78; am 7/17/82, Reg. 83)

Authority: AS 16.05.346(a)

5 AAC 81.022. BROWN AND GRIZZLY BEAR TAG FEE EXEMPTION. No resident tag or tag fee is required for taking brown or grizzly bear in game management Units 12, 20(E), 22, or 23. (Eff. 6/14/84, Reg. 90)

Authority: AS 16.05.255
AS 16.05.340(a)(16)

ARTICLE 2. PERMITS AND REPORTS

Section

- 30. Permits required
- 40. Permits issued by the department
- 50. (Repealed)
- 55. Permit hunts
- 60. Reports required.

5 AAC 81.030. PERMITS REQUIRED. The activities listed in 5 AAC 81.040 are permitted only in accordance with the terms of a non-transferable permit that will be issued at the discretion of the commissioner. No person may make a false statement as to any material fact on a permit, affidavit, or report form required by these regulations, or as prescribed by the board or department under these regulations. (In effect before 1980; am 7/4/80, Reg. 75)

Authority: AS 16.05.255(10)
AS 16.05.340

the specified quota of wolves is taken for a specified area:

(D) the commissioner may limit the number of permits issued in any unit and the number of wolves authorized to be taken under each permit;

(E) a permit must be returned to the nearest department office within five days after the expiration of the permit, unless otherwise specified;

(F) when a permit is returned to the department, the permittee shall notify the department of the date when, and location where, wolves were taken, and shall provide other information the department may request at the time the permit is issued;

(G) the department may require a permittee to check in and out at a specified location;

(H) wolves taken under a permit become the property of the permittee only if the permittee has complied with all pertinent game laws and regulations and the conditions of the permit;

(I) no permit may be issued to a nonresident. (In effect before 1980; am 7/4/80, Reg. 75; am 9/3/81 - 9/12/81, Reg. 80; am 9/30/81, Reg. 79; am 7/17/82, Reg. 83; am 4/21/83, Reg. 86; am 6/30/84, Reg. 90)

Authority: AS 16.05.255
AS 16.05.340
AS 16.35.010

Editor's Note: 5 AAC 81.040 (Permits issued by the department) and 5 AAC 81.050 (Permits issued by the commissioner) are repealed effective 7/4/80, and are re-adopted as 5 AAC 81.040 (Permits issued by the department).

5 AAC 81.050. PERMITS ISSUED BY THE COMMISSIONER. Repealed 7/4/80.

5 AAC 81.055. PERMIT HUNTS. (a) The following restrictions apply to all permit hunts:

(1) an incomplete permit application or one containing false statements is void;

(2) multiple permit applications from one person for any hunt are all void;

(3) permits must be in the possession of the hunter while hunting;

(4) permit issuance:

(A) permits will be issued in the order applications are received or on a lottery basis;

(B) a successful applicant must obtain his permit and appropriate licenses and big game tags within the time period specified by the department;

(C) unless otherwise provided, when a drawing is undersubscribed, surplus permits become void and will not be allocated;

(5) permits are nontransferable;

(6) immediately upon killing a big game animal for which a permit is required, the hunter shall cancel his permit by completely removing from the permit the day and month on which the kill was made without obliterating or destroying any other month or day printed on the permit.

(b) The department will, at its discretion, apply the following conditions to the conduct of permit hunts when necessary to the management of the species hunted:

(1) a permittee shall register at a designated station before entering the field, and again upon leaving;

(2) a permittee shall demonstrate

(A) ability to identify the species hunted;

(B) ability to identify the area to be hunted;

(C) knowledge of weapon safety and use;

(3) a permittee shall attend an orientation course;

(4) a permittee shall carry a portable radio while in the field;

(5) a permittee who is successful in taking an animal for which a permit is issued shall present specified biological specimens to a check station or nearest department office within a time specified by the department;

(6) a permittee must be accompanied by a department representative;

(7) not more than a specified number of permittees may hunt during any time period, and permittees will be restricted to specified subdivisions within the area being hunted;

(8) a permittee's use of mechanized vehicles for hunting big game and transporting meat from the hunting area will be restricted;

(9) a permittee who cancels his plans to hunt must notify the department at a designated office within a time specified by the department;

(10) a permittee shall be restricted to use of specified minimum ballistic size and type of weapons in the permit hunt;

(11) a permit applicant shall sign an acknowledgement indicating that he has read and understands, and agrees to abide by the conditions specified for that hunt;

(12) a permittee may only hunt during specified hours of each day during the hunt;

(13) permit applicants must be at least 10 years old;

(14) multiple permit applications for any one species are all void;

(15) a permittee shall submit, within a time specified by the department, information on the hunt on a form supplied by the department;

(16) the permit applicant must hold a valid Alaska hunting license; however this does not apply to residents 15 years of age or younger; the number of the applicant's valid hunting license must be entered on the permit application; a resident 15 years of age or younger shall enter his age in place of a license number.

(c) The permit hunts listed below are subject to the following special conditions, in addition to those of (a) and (b) of this section:

(1) Dall sheep permit hunt in the Tok Sheep Management Area: a maximum of 10 percent of the available permits will be issued to nonresident hunters and a minimum of 90 percent to resident hunters; any nonresident permits not applied for will be available to residents;

(2) brown bear permit hunt in Unit 8:

(A) a maximum of 40 percent of the available permits will be issued to nonresident hunters, and a minimum of 60 percent to resident hunters;

(B) applications by nonresidents accompanied by resident relatives within the second degree of kindred will be entered in the resident drawing; for each season, a maximum of four permits for nonresident hunters accompanied by resident relatives within the second degree of kindred will be issued; however not more than one permit will be issued per individual hunt as described in the permit hunt supplement published by the department, in each calendar year;

(C) A nonresident guided hunter or the hunter's agent may apply for a permit on a first-come first-served basis at the Kodiak game division office; the department may only issue a permit to an applicant who presents proof that the applicant will be accompanied by a guide as required in AS 16.05.407 (a).

(3) Subsistence permits for hunting caribou in Unit 13 will be issued under the following conditions:

(A) a nonresident is ineligible to apply for or receive a permit;

(B) the bag limit per permit is one caribou;

(C) 500 subsistence permits will be available;

(iii) the applicant lives, and has lived for the previous five years, in a household where fish and game not commercially taken has comprised more than half of the meat and fish of the diet;

(iv) no other member of the applicant's household has applied for a permit under this paragraph during the current regulatory year;

(F) for the purpose of this paragraph, "household" means all persons domiciled in the same residence.

(7) Any Unit 22 or 23 nonresident brown/grizzly bear permits that are not issued for the drawing permit hunt will be issued on a first-come first-served basis to applicants who possess a valid nonresident hunting license and a nonresident brown/grizzly bear tag. These permits will be available at the Nome and Kotzebue game division offices, respectively, five days following the drawing. (In effect before 1980: am 7/4/80, Reg. 75; am 9/3/81 - 9/12/81, Reg. 80; am 9/30/81, Reg. 79; am 7/17/82, Reg. 83; am 6/30/83, Reg. 86; am 6/30/84, Reg. 90)

Authority: AS 16.05.255

5 AAC 81.060. REPORTS REQUIRED. (a) A report of activities authorized by permits in 5 AAC 81.040 must be made in accordance with instruction on the permit and submitted to the department before or upon the expiration of the permit.

(b) A written report detailing the circumstances of the taking of game in defense of life or property shall be made to the department within 15 days after taking of game for this reason.

(c) The purchase or acquisition through consignment or barter of furs or hides of game shall be reported to the department on forms provided for this purpose within 30 days of the close of each calendar month in which such business is transacted.

(d) Repealed 7/2/78.

(e) No drawing hunt permittee who fails to supply a report required under 5 AAC 81.055 may hold or be issued any drawing hunt permit

during the next regulatory year. A permittee aggrieved by this subsection will be granted a hearing before the commissioner or the commissioner's designee if the permittee makes a request in writing to the commissioner within 90 days after the conclusion of the permit hunt for which he or she has failed to provide a report. (In effect before 1980; am 7/4/80, Reg. 75; am 6/14/84, Reg. 90)

Authority: AS 16.05.255
AS 16.05.370

ARTICLE 3. HUNTING METHODS AND MEANS

Section

- 70. (Repealed)
- 72. General game provisions
- 75. Big game
- 80. Small game
- 90. Fur animals
- 100. (Repealed)
- 110. Unclassified game
- 115. Waterfowl, snipe, and cranes
- 120. (Repealed)
- 125. Control of predation by wolves
- 126. Wolf predation control programs

5 AAC 81.070. BIG GAME. Repealed 4/5/81.

5 AAC 81.072. GENERAL GAME PROVISIONS. The following methods and means of taking game are prohibited:

(1) by shooting from, on, or across a highway;

(2) with the use of poisons except with the written consent of the Board of Game;

(3) with the use of helicopter or rotorcraft in any manner, including transportation either to or from the field of any unprocessed game or parts of game, hunters or hunting gear, or any equipment used in the pursuit or retrieval of game; this paragraph does not apply to transportation of hunters, hunting gear, or game during emergency rescue operations in a life-threatening situation;

(4) unless otherwise provided in this chapter, from any mechanical vehicle or from a motor-driven boat unless the motor has been completely shut off and the boat's progress from the

promulgated thereunder. (In effect before 1980; am 7/4/80, Reg. 75)

Authority: AS 16.05.255(3)
AS 16.05.920
AS 16.05.930

5 AAC 81.145. TRANSFER OF POSSESSION. (a) No person may transfer possession of game or parts of game that he has taken unless he provides immediately upon request of any person authorized to enforce AS 16 or regulations promulgated thereunder, a statement, signed by himself and the person to whom the game or its parts were transferred, stating the date of the transfer and the name and address of the person to whom the game was transferred.

(b) No person may possess or transport any game or parts of game not taken by himself unless he provides immediately upon request of a person authorized to enforce AS 16 or regulations promulgated thereunder, a statement signed by the person who took the game, stating that person's name, address, and license or permit number, and the place the game was taken.

(c) Repealed 3/28/82.

(d) A person who takes an animal that has been marked or tagged by the department for scientific studies must, within a reasonable time, notify the department of the date when, and the place where, the animal was killed, and any ear tags, collars, tattoos, or other identification must be retained with the hide until it is sealed, if sealing is required, and in all cases any identification equipment must be returned to the department. (In effect before 1980; am 7/4/80, Reg. 75; am 9/3/81 - 9/12/81, Reg. 80; am 9/30/81, Reg. 79; am 3/28/82, Reg. 81)

Authority: AS 16.05.255(2)
AS 16.05.370
AS 16.05.920

5 AAC 81.150. TERMINATION OF POSSESSION. Repealed 6/30/77.

5 AAC 81.160. EVIDENCE OF SEX AND IDENTITY. (a) No person may possess or transport a mountain sheep unless both horns accompany the animal.

(b) Whenever the taking of a big game animal, except sheep, is restricted to one sex, no person may possess or transport, within the unit or subunit where taken, the carcass of that species of big game which does not have sufficient portions of the external sex organs attached to indicate conclusively the sex of the animal. However, this section does not apply to the carcass of a big game animal which has been cut and placed in storage or otherwise prepared for consumption upon arrival at the location where it is to be consumed.

(c) Whenever moose antler standards have been established as part of the bag limit for a unit or subunit under this chapter, no person may possess or transport, within the unit or subunit where taken, the moose carcass or its parts unless the antlers accompany the carcass or its parts. Antlers lacking the minimum number of brow tines on one side of the antler must be naturally attached to the unbroken, uncut skull plate; however, this subsection does not apply to a moose carcass or its parts that have been cut and placed in storage or otherwise prepared for consumption after arrival at the location where it is to be stored or consumed. (In effect before 1980; am 7/4/80, Reg. 75)

Authority: AS 16.05.255(3)
AS 16.05.920

5 AAC 81.170. EXPORTATION OF SKINS. (a) The raw skins of wild fur animals may not be shipped, mailed or otherwise transported out of Alaska without properly executing an export permit (shipping tag) and an export report (postcard) provided by the department and available from the department, a post office, or commercial carrier.

(b) The export permit must be attached to the outside of any package containing raw skins of wild fur animals for export and must include a statement that the skins were legally taken and possessed. No carrier or post office may accept for shipment out of Alaska any raw skins of wild

5 AAC 81.176. SEALING OF MOOSE ANTLERS AND SURRENDERING OF MOOSE JAWS. Repealed 9/30/81.

5 AAC 81.180. SEALING OF BEAR SKINS AND SKULLS. (a) No person may possess in Alaska, transport, or export from Alaska, the skin or skull of a bear, whether taken inside or outside Alaska, unless each has been sealed by an authorized representative of the department. Seals must remain on the hides while in Alaska or until the tanning process has commenced. A brown bear taken within Unit 8 may not be transported from that unit until it has been sealed.

(b) Notwithstanding the provisions of (a) of this section, a person taking a bear may possess the unsealed skin and skull of the bear taken for a period not to exceed 30 days from the time of taking for the purpose of transporting the skin and skull to an authorized representative of the department for sealing. The skin and skull of a bear shall be sealed within 30 days from the time of taking or shall be tendered immediately for sealing upon the request of an authorized representative of the department.

(c) A person who possesses a bear skin and skull shall present the skin and skull for sealing to an authorized representative of the department and shall, in addition, complete a report on the appropriate form provided by the department. A skin and skull accompanied by a completed temporary sealing form signed by the person who took the bear shall be considered properly tendered for sealing if it is received by an authorized representative of the department within 30 days from the time of taking.

(d) The hide and skull of a bear must accompany each other until a representative of the department has removed a rudimentary premolar tooth from the skull and sealed both the skull and the hide.

(e) As used in this section, "bear" means brown and grizzly bear in all units, and black bear (including the cinnamon and blue color phases) in Units 1 through 7, 11 through 16, and 20.

(f) No person may falsify any information required to be set forth, either on the sealing

form provided by the department or on the temporary sealing form. (In effect before 1980; am 7/4/80, Reg. 75; am 6/30/83, Reg. 86)

Authority: AS 16.05.255

AS 16.05.920

5 AAC 81.185. SEALING OF WOLF, WOLVERINE, AND LYNX. (a) No person may possess in the state, transport or export from the state the untanned skin of a wolf, wolverine, or lynx whether taken inside or outside of the state unless it has been sealed by an authorized representative of the department. Seals must remain on the hides while in the State of Alaska or until tanning process has commenced.

(b) Notwithstanding the provisions of (a) of this section, a person taking a wolf or wolverine may possess the unsealed skin of the wolf or wolverine taken for a period not to exceed 60 days from the time of taking, and may possess the unsealed skin of a lynx taken for a period not to exceed 30 days following the close of the lynx hunting season in the game management unit where taken, for the purpose of transporting the skin to an authorized representative of the department for sealing. The skin of a wolf or wolverine must be sealed within 60 days from the time of taking or must be tendered immediately for sealing upon the request of an authorized representative of the department. The skin of a lynx must be sealed within 30 days following the close of the lynx hunting season in the game management unit where taken or must be tendered immediately for sealing upon the request for an authorized representative of the department.

(c) A person who takes a wolf, wolverine or lynx shall present the skin for sealing to an authorized representative of the department and shall, in addition, complete a report on an appropriate form provided by the department. The long bones of the left front leg (radius and ulna bones) of wolves taken in Units 20, 23, 24 and 26 must remain naturally attached to the hide of any wolf taken until the hide is sealed. A skin accompanied by the completed temporary sealing form signed by the person who took the wolf, wolverine or lynx shall be considered properly tendered for sealing if it is received by an authorized representative of the department within the time period for sealing

(b) Big game killed or injured in a vehicular accident is the property of the state. The operator of a motor vehicle that collides with a big game animal resulting in death or injury to the animal must notify the State Troopers or Fish and Wildlife Protection as soon as possible. (In effect before 1980; am 9/3/81 - 9/12/81, Reg. 80; am 9/30/81, Reg. 79)

Authority: AS 16.05.255(3)
AS 16.05.257

5 AAC 81.217. QUANTITY OF MEAT TO BE SALVAGED FROM WILD FOOD ANIMALS. Repealed 7/2/75.

5 AAC 81.218 FEEDING OF GAME. No person may intentionally feed bears, wolves, foxes, or wolverines, or intentionally leave human food or garbage in a manner that attracts these animals. This prohibition does not apply to the use of legal bait materials for trapping fur animals, nor does it apply to the use of bait for hunting black bears under 5 AAC 81.040(4). (In effect before 1983; am 4/21/83, Reg. 86; am 6/30/84, Reg. 90)

Authority: AS 16.05.255

ARTICLE 6.
CONTROLLED USE AREAS

Section

- 220. (Repealed)
- 221. (Repealed)
- 222. (Repealed)
- 223. (Repealed)
- 224. (Repealed)
- 225. (Repealed)
- 226. (Repealed)
- 227. (Repealed)
- 228. (Repealed)
- 229. (Repealed)
- 230. (Repealed)
- 231. (Repealed)
- 232. (Repealed)
- 233. (Repealed)
- 234. (Repealed)
- 235. (Repealed)
- 236. (Repealed)
- 237. Controlled use areas.
- 238. Management areas

5 AAC 81.220. WEST CHUGACH MANAGEMENT AREA. Repealed 7/27/79.

5 AAC 81.221. DELTA MANAGEMENT AREA. Repealed 4/5/81.

5 AAC 81.222. GLACIER MOUNTAIN MANAGEMENT AREA. Repealed 4/5/81.

5 AAC 81.223. LAKE LOUISE MANAGEMENT AREA. Repealed 7/27/79, 4/5/81.

5 AAC 81.224. SOURDOUGH MANAGEMENT AREA. Repealed 4/5/81.

5 AAC 81.225. CLEARWATER CREEK MANAGEMENT AREA. Repealed 4/5/81.

5 AAC 81.226. ALASKA PENINSULA MANAGEMENT AREA. Repealed 4/5/81.

5 AAC 81.227. YANERT-WOOD RIVER MANAGEMENT AREA. Repealed 4/5/81.

5 AAC 81.228. MACOMB PLATEAU MANAGEMENT AREA. Repealed 4/5/81.

5 AAC 81.229. TOK MANAGEMENT AREA. Repealed 4/5/81.

5 AAC 81.230. TONSINA MANAGEMENT AREA. Repealed 4/5/81.

5 AAC 81.231. PARADISE MANAGEMENT AREA. Repealed 4/5/81.

5 AAC 81.232. FORT RICHARDSON MANAGEMENT AREA. Repealed 4/5/81.

5 AAC 81.233. KALSKAG MANAGEMENT AREA. Repealed 4/5/81.

5 AAC 81.234. KOYUKUK MANAGEMENT AREA. Repealed 4/5/81.

5 AAC 81.235. KANUTI MANAGEMENT AREA. Repealed 4/5/81.

5 AAC 81.236. MINTO FLATS MANAGEMENT AREA. Repealed 4/5/81.

5 AAC 81.237. CONTROLLED USE AREAS. The following are areas in which access for hunting is controlled:

(1) The Delta Controlled Use Area, described as follows, is closed to the use of motorized

MEMORANDUM

State of Alaska

TO: Ms. Karla Forsythe
General Counsel
Alaska Court System

DATE: February 19, 1985

FILE NO:

TELEPHONE NO:

FROM: Capt. Wayne A. Fleek *Wayne Fleek*
Director's Office
Fish & Wildlife Protection

SUBJECT: Uniform Bail Schedule

The twenty violations of A.S. 16 or 5 A.A.C. included on the proposed bail schedule may comprise up to two-thirds of our divisions annual citations.

They are generally our less serious violations and are not normally detrimental to the resource by themselves.

Violations numbered 1 through 8, 16, 17, and 18 fall into the "methods and means" category with the remainder being "administrative."

These violations can be generally classed under two categories, "administrative violations" or "methods and means violations."

These violations were chosen for initial inclusion because we felt they would significantly reduce the number of hours spent by the public and the criminal justice system in resolving violations that could be treated similar to traffic infractions, by mail, and thereby allow all concerned to devote more time to more serious crimes.

It is our plan to review this list annually and add to or delete from the list as necessary.

WAF/pvo

UNIFORM FISH & GAME BAIL SCHEDULE

1.	5 AAC 75.022(c)	ATTEMPT TO SNAG	\$100
2.	5 AAC 75.022(c)	FAIL TO RELEASE	\$100
3.	5 AAC 75.020	SPORT FISHING WITH MORE THAN ONE LINE	\$ 50
4.	5 AAC 75.022(a)(2)	MULTIPLE HOOK WITH GAP LARGER THAN 1/2"	\$ 50
5.	5 AAC 75.022(a)(1)	USING FIXED OR WEIGHTED HOOK	\$ 75
6.	5 AAC 75.022(a)(2)	USING LURE WITH MULTIPLE HOOK OVER 1/2"	\$ 75
7.	5 AAC 75.022(a)(4)	USING SPEAR - SPORT FISHING	\$100
8.	5 AAC 75.022(a)(5)	USING ARROW - SPORT FISHING	\$100
9.	A.S.16.05.330(a)	SPORT FISHING WITHOUT LICENSE IN POSSESSION	\$ 50
10.	A.S.16.05.330(a)	HUNTING WITHOUT LICENSE IN POSSESSION	\$100
11.	A.S.16.05.420(a)	FALSE STATEMENT ON SPORT FISH LICENSE APPLICATION	\$ 75
12.	A.S.16.05.420(a)	FALSE STATEMENT ON HUNTING LICENSE APPLICATION	\$150
13.	5 AAC 81.010	HARVEST TICKET - NOT IN POSSESSION; FAIL TO VALIDATE	\$100
14.	5 AAC 81.060	FAIL TO SUBMIT REQUIRED REPORT	\$ 75
15.	5 AAC 81.180	FAIL TO SEAL BEAR OR POSSESS UNSEALED BEAR SKIN OR SKULL	\$100
16.	5 AAC 81.218	FEEDING GAME	\$ 50
17.	5 AAC 81.160(a)	POSSESS MOUNTAIN SHEEP WITHOUT BOTH HORNS	\$100
18.	5 AAC 81.160(b)	NO EVIDENCE OF SEX ATTACHED	\$100
19.	5 AAC 81.055(b)(15)	FAILURE TO SUBMIT REGISTRATION PERMIT HUNT REPORT	\$ 50
20.	5 AAC 81.185	FAIL TO SEAL WOLF, WOLVERINE, LYNX	\$100

(Revised 2/8/85)



Alaska Court System
State of Alaska

OFFICE OF ADMINISTRATIVE DIRECTOR

303 K Street
Anchorage, AK 99501

KARLA L. FORSYTHE
General Counsel

February 26, 1985

Senator Pat Rodey
Chair, Senate Judiciary Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Senator Rodey:

In your capacity as a member of the fish and game bail forfeiture advisory committee, established by supreme court order under AS 16.05.165(b), I have enclosed for your review and comment a copy of the proposed uniform fish and game bail schedule. This schedule is proposed by the division of fish and wildlife protection, Department of Public Safety. I have also attached a copy of a brief memorandum from Captain Fleek to me discussing the rationale for including these various offenses on the proposed schedule, as well as a copy of the underlying legislation (Chapter 132, SLA 1984).

Please review the proposed schedule, both for appropriateness of the included offenses, and appropriateness of the proposed bail forfeiture amounts, and provide your written comments to me no later than March 25, 1985. Your comments and the proposed schedule will then be forwarded to the supreme court.

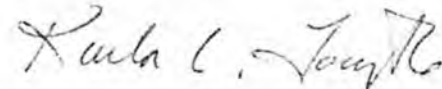
After the effective date of a supreme court order adopting the fish and game bail forfeiture schedule, citations issued by the fish and wildlife division for these offenses will provide that the person cited may within 15 days forward the bail forfeiture amount to the court along with a plea of no contest and a waiver of the right to appear in court. When bail has been forfeited, a judgment of conviction will be entered. If a person cited wishes to plead not guilty, the person will be scheduled for a nonjury trial. If found guilty, the penalty imposed may not exceed the bail amount established for the offense.

When a person has been convicted during a two year period of two or more offenses for which a forfeiture bail amount has been set, a peace officer may file a civil action in district court to revoke the person's license.

If you have questions about the proposed offenses and bail forfeiture amounts, Captain Wayne Fleek, who is a member of the committee, can be reached at 269-5541. If you have questions about the implementation procedure or the history of this legislation, please call me at 264-0634.

Thank you again for your assistance in reviewing the proposed schedule. I anticipate receiving your comments by March 25.

Sincerely,



Karla L. Forsythe
General Counsel

KLF:smh

cc: Arthur H. Snowden, II
Gayle Horetski
Susan Miller

MEMORANDUM

State of Alaska

TO: Ms. Karla Forsythe
General Counsel
Alaska Court System

DATE: February 19, 1985

FILE NO:

TELEPHONE NO:

FROM: Capt. Wayne A. Fleek *WAF*
Director's Office
Fish & Wildlife Protection

SUBJECT: Uniform Bail Schedule

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They are generally our less serious violations and are not normally detrimental to the resource by themselves.

These violations can be generally classed under two categories, "administrative violations" or "methods and means violations."

These violations were chosen for initial inclusion because we felt they would significantly reduce the number of hours spent by the public and the criminal justice system in resolving violations that could be treated similar to traffic infractions, by mail, and thereby allow all concerned to devote more time to more serious crimes.

It is our plan to review this list annually and add to or delete from the list as necessary.

WAF/pvo

UNIFORM FISH & GAME BAIL SCHEDULE

1.	5 AAC 75.022(c)	ATTEMPT TO SNAG	\$100
2.	5 AAC 75.022(c)	FAIL TO RELEASE	\$100
3.	5 AAC 75.020	SPORT FISHING WITH MORE THAN ONE LINE	\$ 50
4.	5 AAC 75.022(a)(2)	MULTIPLE HOOK WITH GAP LARGER THAN 1/2"	\$ 50
5.	5 AAC 75.022(a)(1)	USING FIXED OR WEIGHTED HOOK	\$ 75
6.	5 AAC 75.022(a)(2)	USING LURE WITH MULTIPLE HOOK OVER 1/2"	\$ 75
7.	5 AAC 75.022(a)(4)	USING SPEAR - SPORT FISHING	\$100
8.	5 AAC 75.022(a)(5)	USING ARROW - SPORT FISHING	\$100
9.	A.S.16.05.330(a)	SPORT FISHING WITHOUT LICENSE IN POSSESSION	\$ 50
10.	A.S.16.05.330(a)	HUNTING WITHOUT LICENSE IN POSSESSION	\$100
11.	A.S.16.05.420(a)	FALSE STATEMENT ON SPORT FISH LICENSE APPLICATION	\$ 75
12.	A.S.16.05.420(a)	FALSE STATEMENT ON HUNTING LICENSE APPLICATION	\$150
13.	5 AAC 81.010	HARVEST TICKET - NOT IN POSSESSION; FAIL TO VALIDATE	\$100
14.	5 AAC 81.060	FAIL TO SUBMIT REQUIRED REPORT	\$ 75
15.	5 AAC 81.180	FAIL TO SEAL BEAR OR POSSESS UNSEALED BEAR SKIN OR SKULL	\$100
16.	5 AAC 81.218	FEEDING GAME	\$ 50
17.	5 AAC 81.160(a)	POSSESS MOUNTAIN SHEEP WITHOUT BOTH HORNS	\$100
18.	5 AAC 81.160(b)	NO EVIDENCE OF SEX ATTACHED	\$100
19.	5 AAC 81.055(b)(15)	FAILURE TO SUBMIT REGISTRATION PERMIT HUNT REPORT	\$ 50
20.	5 AAC 81.185	FAIL TO SEAL WOLF, WOLVERINE, LYNX	\$100

(Revised 2/8/85)



LAWS OF ALASKA

1984

Source

SCS CSSSHB 404 (Res)

Chapter No.

132

AN ACT

Relating to fish, game, and other animals; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1, LINE 9

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: July 2, 1984
Actual Effective Date: July 3, 1984

AN ACT

Relating to fish, game, and other animals, and providing
for an effective date.

* Section 1. AS 12.25.190(c) is amended to read:

(c) The person cited for the crime shall give a [HIS] written promise to appear in court by signing at least one copy of the written citation prepared by the peace officer and the officer shall deliver a copy of the citation to the person. The written promise requirement of this subsection does not apply to motor vehicle and traffic citations under AS 28.05.151 and fish and game citations for which a ball schedule has been established under AS 16.05.163.

* Sec. 2. AS 16.05.050 is amended to read:

Sec. 16.05.050. POWERS AND DUTIES OF COMMISSIONER. The commissioner has, but not by way of limitation, the following powers and duties:

(1) assist the United States Fish and Wildlife Service in the enforcement of federal laws and regulations pertaining to fish and game;

(2) through the appropriate state agency, acquire by gift, purchase, or lease, or other lawful means, land, buildings, water, rights-of-way, or other necessary or proper real or personal property when the acquisition is in the interest of furthering an objective or purpose of the department and the state;

(3) design and construct hatcheries, pipelines, rearing

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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 resource;

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

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AS 16.51 and AS 16.52 [THIS CHAPTER]:

- (1) an employee of the department authorized by the commissioner;
- (2) a police officer in the state;
- (3) any other person authorized by the commissioner.

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

Sec. 16.05.160. DUTY TO ARREST. Each peace officer designated in AS 16.05.150 shall arrest a person violating a provision of AS 16 except AS 16.51 and AS 16.52 [THIS CHAPTER], or any regulation adopted [MADE] under AS 16 except AS 16.51 and AS 16.52 [THIS CHAPTER], in the peace officer's presence or view, and shall take the person [IMMEDIATELY] for examination or trial before an officer or court of competent jurisdiction unless in the judgment of the peace officer it would be in the state's best interest to issue a warning or a citation under AS 16.05.165.

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

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

(b) The supreme court shall specify by rule or order those misdemeanors that are appropriate for disposition without court appearance, and shall establish a schedule of bail amounts. Before establishing or amending the schedule of bail amounts required by this subsection, the supreme court shall appoint and consult with an advisory committee consisting of two officers of the division of fish and 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.

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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) [ENCAGING IN BIOLOGICAL RESEARCH,] watershed and habi-
27 tat : protection, and [FISH] management, conservation, protection, use,
28 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, exercising
2 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; 1

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)

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For

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

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

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

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

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

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

(7) [ENGAGING IN BIOLOGICAL RESEARCH,] watershed and habitat improvement, and [GAME] management, conservation, protection, usc, disposal, propagation and stocking of game;

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

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

(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 li-
15 cense -- 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 exclusively for the commercial capture of salmon in commercial salmon
2 administrative management areas that include state water between the
3 latitude of Point Romanof 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 registra-
9 tion 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

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1 PROVIDED IN AS 16.95.720].

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,

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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

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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

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

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

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

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

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

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

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

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

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

Sec. 16.10.280. PRICE DISPUTES BETWEEN FISHERMEN AND FISH PROCESSORS. In an area where a price dispute exists between at least one-third of the registered commercial fishermen for that area, as estimated [CERTIFIED] by the Department of Fish and Game on the basis of 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 31 161

11 * Sec. 29. AS 16.05.903; AS 16.10.230(1); AS 16.15; and AS 16.35.010 -
12 16.35.180 are repealed.

13 * Sec. 30. This Act takes effect immediately in accordance with AS 01.-
14 10.070(c).