

SCOMM

#48:25

Bill No. House Bill 596
Title "An Act relating to fishermen's liens"

Date April 7, 1986
Contact: Eileen Plate
465-2700
James J. O'Connor
465-4842

House Bill 596 proposes to expand upon the assets which are liened by a person who sells fish to a processor or primary fish buyer. Under present law only the property of the processor or buyer is liened. Under the provisions of this bill, the lien would also extend to the fish themselves and products made from them, and to proceeds received by the processor or buyer for the resale of the fish or products made from them.

The Department of Labor supports House Bill 596 since it would provide additional mechanisms for the collection of earnings due Alaska's fishermen.

APPROVED:



Jim Robison, Commissioner
Department of Labor

Alaska State Legislature

COMMITTEES:

Committee on Community and Regional Affairs
Committee on Transportation
Special Committee on Oil and Gas
Special Committee on Fisheries
Finance Sub-committee on Fish and Game




Andre Marrou
Representative

District 5

Kenai	Sterling
Soldotna	Anchor Point
Homer	Port Graham
Seldovia	English Bay
Kachemak	Nikolaevsk
Kasilof	Halibut Cove
Ninilchik	Clam Gulch

April 10, 1986

To: Chairman Peter Goll and Members of the H. Fisheries Committee
From: Andre Marrou, Representative 

Subject: HB 596, Fishermans Liens

We know from deliberations on HB 277 "Fish Processors and Primary Fish Buyers" in this Committee that many fisherman sometimes have trouble collecting their due. HB 596 will help to alleviate this problem.

HB 596 automatically extends a fisherman's property rights in his/her catch until payment in full is received. It does this without the trouble or expense of attorneys and litigation to establish the same.

Your support is appreciated.

Enclosures:

Legal opinion, March 18, showing no conflict with UCC
Position paper from Dept. of Labor, supports HB 596
Fiscal note, Feb. 28, showing zero fiscal impact

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 18, 1986

SUBJECT: HB 596 and the UCC
TO: Rep. Andre Marrou
FROM: Ed Hein, LAA *EHA*

You have asked, through your assistant Jack Sanderson, whether HB 596 conflicts with the Uniform Commercial Code. Also, you have asked how the UCC applies to fishermen's liens.

The relevant provisions of the UCC are in Article 9, Secured Transactions. Section 9-104, however, specifically exempts from coverage all statutory liens for services or materials. This is codified in Alaska under AS 45.09.104(3). In addition, the fishermen's lien takes priority over a perfected security interest. AS 45.09.310.

Thus, I do not see any conflict between HB 596, which adds provisions to the statutory fishermen's lien, and UCC Article 9. The UCC simply does not apply to this type of statutory lien. *#*

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : HB 596
 Title : "An Act relating to
 Fishermen's liens."
 Sponsor : Marrou
 Requestor : Spec. Committee on Fisheries
 Date of Request : 2/18/86

FISCAL DETAIL

Agency Affected : Labor
 BRU : Labor Standards and Safety
 Components : Wage and Hour

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : Robert J. Bacolas, Sr. Phone : 465-4870
 Division : Labor Standards and Safety Date : 2/28/86

Approved by Commissioner : Jim Robison Date : 2/28/86
 Agency : Labor

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)