

the provisions of this Act the court shall order that the parent or parents of such minor pay in such manner as the court may direct such sum as will cover in full or in part the support of such delinquent minor. If a parent or parents ordered under the provisions of this section so to pay such support shall willfully fail or refuse to pay

such sum, he or they may be proceeded against as provided by law in cases of family desertion and non-support.

Any sum collected from any parent or parents under the provisions of this section shall be directly credited to the general fund of the state.

Approved April 29, 1959

CHAPTER 142

AN ACT

To provide for the protection of associations and unions of working men and artisans, or other persons in their labels, trademarks, and forms of advertisements; providing for the filing of such labels, trademarks, and forms of advertisement with the secretary of state; prescribing penalties for the counterfeiting and fraudulent use of such labels, trademarks and forms of advertisement; and providing for an effective date.

(S.B. 123)

Be it enacted by the Legislature of the State of Alaska:

Section 1. Counterfeit or Imitation Label, Trademark, etc., of Labor Association: Production, Use, Sale, Circulation: Unlawfulness. Whenever any person, or any association or union of working men has heretofore adopted or used, or shall hereafter adopt or use any label, trademark, term, design, device or form of advertisement for the purpose of designating, making known or distinguishing any goods, wares, merchandise or other product of labor, as having been made, manufactured, produced, prepared, packed or put on sale by such person, or association or union of working men or by a member or members of such association or union, it shall be unlawful to counterfeit or imitate such label, trademark, term, design, device or form of advertisement or to use, sell, offer for sale, or in any way utter or circulate any counterfeit or imitation of any such labels, trademark, term, design, device or form of advertisement.

Sec. 2. Same: Possession, Sale of Marked Goods: Unauthorized Use of Genuine Label or Seal: Misdemeanor: Proof in Civil Action. Whoever counterfeits or imitates any such label, trademark, term, design, device or form of advertisement, or sells, offers for sale, or in any way

utters or circulates any counterfeit or imitation of any such label, trademark, term, design, device, or form of advertisement; or knowingly uses any such counterfeit or imitation; or knowingly sells or disposes of, or keeps or has in his possession with intent that the same shall be sold or disposed of, any goods, wares, merchandise or other product of labor to which any such counterfeit or imitation is attached or affixed or on which any such counterfeit or imitation is printed, painted, stamped or impressed; or knowingly sells or disposes of any goods, wares, merchandise or other product of labor contained in any box, case, can or package, to which, or on which any such counterfeit or imitation is attached, affixed, printed, painted, stamped or impressed; or keeps or has in his possession with intent that the same shall be sold or disposed of, any goods, wares, merchandise or other product of labor in any box, case, can, or package, to which or on which any such counterfeit or imitation is attached, affixed, printed, painted, stamped or impressed, or shall use or display the genuine label trademark, term, design, device or form of advertisement of any such person, association or union in any manner not being authorized so to do, by such person, union or association, or who shall in any way use the name or seal of any

such person, association or union or officer thereof, in and about the sale of goods or otherwise, not being authorized to so use the same, shall be deemed guilty of a misdemeanor, and shall be punished as hereinafter provided. In suits or proceedings for equitable relief by or on behalf of any such person, association or union, on account of the violation of any provision of this Act, it shall not be necessary to prove that such violation was knowingly or wilfully committed.

Sec. 3. Penalty. Any person, whether a member of a firm or corporation, or otherwise, who shall violate any of the provisions of Sec. 1 of this Act, or who shall knowingly or wilfully violate any of the provisions of Sec. 2 of this Act, shall be deemed to have committed a misdemeanor thereby, and on conviction thereof, shall be punished by a fine of not less than fifty dollars nor more than two hundred dollars, or by imprisonment for a period of not exceeding 90 days, or both such fine and imprisonment in the discretion of the court. Any person who shall be convicted a second time for violating any of the provisions of Sec. 1 of this Act, or who shall knowingly or wilfully violate any provisions of Sec. 2 of this Act, shall be punished by imprisonment for not less than 60 days nor more than 90 days.

Sec. 4. Civil and Criminal Actions: Procedure. In actions at law or proceedings in equity brought on behalf of any such association or union which is not incorporated, the same may be brought in the name of any member of such association or union, who has been duly authorized so to do by such association or union, but for the use and benefit of all the members of such association or union: Provided, that before commencing such action or proceeding, the member so authorized shall file with the magistrate or clerk of such court, a certificate of the president and secretary of such association or union, showing that such authority has been granted. Any criminal proceeding brought for a violation of any provision of this Act, may be prosecuted by the authorized attorney of such association or union, in the court where originally commenced, but in such case the fees and compensation of such attorney shall be borne and paid ex-

clusively by such association or union; provided, that nothing herein shall be deemed to prevent the prosecuting attorney from conducting any such prosecution, or the said authorized attorney of such association or union from deputizing a duly qualified attorney at law to appear in his stead.

Sec. 5. Filing of Label, Trademark, Etc: Statement, Fee, Civil Liability and Penalty for Fraud: Certificate, Fee, Evidence. Every such person, association or union that has heretofore adopted or used or shall hereafter adopt or use a label, trademark, term, design, device or form of advertisement, as provided in Sec. 1 of this Act, shall file the same for record in the office of the secretary of state by leaving two copies, counterparts or facsimiles thereof with said secretary, and by filing therewith a sworn statement specifying the name or names of the person, association or union on whose behalf such label, trademark, term, design, device, or form of advertisement shall be filed, the class of merchandise and a particular description of the goods to which it has been or is intended to be appropriated; that the party so filing or on whose behalf such label, trademark, term, design, device or form of advertisement shall be filed has the right to the use of the same, and that no other person, firm, association, union or corporation has the right to such use, either in the identical form, or in any such near semblance thereto as may be calculated to deceive, and that the facsimile copies or counterparts filed therewith are true and correct. There shall be paid for such filing and recording a fee of one dollar. Any person who shall for himself or on behalf of any other person, association or union procure the filing of any label, trademark, term, design, device, or form of advertisement in the office of the secretary of state under the provisions of this Act, by making any false or fraudulent representations or declaration, verbally or in writing, or by any fraudulent means, shall be liable to pay any damages sustained in consequence of any such filing, to be recovered by or on behalf of the party injured thereby in any court having jurisdiction, and shall be punished by a fine not exceeding one hundred dollars or by imprisonment not exceeding three months or by both

such fine and imprisonment. Said secretary shall deliver to such person, association or union so filing or causing to be filed any such label, trademark, term, design, device, or form of advertisement, so many duly attested certificates of the recording of the same as such person, association or union may apply for, for each of which certificates said secretary shall receive a fee of one dollar. Any such certificate of record shall in all suits and prosecutions under this Act be prima facie proof of the adoption of such label, trademark, term, design, device, or form of advertisement. Said secretary of state shall not record for any person, union or association, any label, trade-

mark, term, design, device or form of advertisement that would reasonably be mistaken for any label, trademark, term, design, device, or form of advertisement theretofore filed by or on behalf of any other person, union or association.

Sec. 6. Certificate: Assignability. In no case shall the certificate from the secretary of state, obtained in conformity with Sec. 5 of this Act, be assignable by the party to whom the same is issued.

Sec. 7. Effective Date. This Act shall take effect immediately upon its passage and approval or upon its becoming law without such approval.

Approved April 29, 1959

Alaska Administrative Procedure Act

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CHAPTER 143

AN ACT

Establishing administrative procedures for executive, quasi-judicial and quasi-legislative agencies of the State; providing standard procedures for the adoption, promulgation after notice and public hearing, and judicial review of rules and regulations adopted by the State agencies; providing for due process and standard procedural methods in connection with administrative adjudication and quasi-judicial hearings conducted by specified State agencies; providing for judicial review of administrative rules and regulations and of administrative adjudications; providing for legislative review of rules and regulations; requiring that all agency meetings be public; and repealing or amending all laws inconsistent herewith.

(H.B. 13)

Be it enacted by the Legislature of the State of Alaska:

Chapter I. Rules and Regulations

Article I

General

Section 1. Short Title. This Act constitutes and may be cited as the Administrative Procedure Act.

Sec. 2. Definitions. In this chapter, unless otherwise specifically indicated:

(1) "State agency" means and includes all departments, offices, agencies, and other organizational units of the executive branch, except as may be expressly excluded by this Act or otherwise by law, but does not include an agency in the judicial or legislative departments of the State Government.