

propriate forms to prove the carriage to, and the use of, such motor fuel in foreign countries.

Sec. 3. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved April 25, 1961

CHAPTER 137

AN ACT

Relating to the licensing of commercial fishermen, vessels, and gear; amending Art. III, Ch. 94, SLA 1959 as amended by Chs. 14 and 131, SLA 1960; and providing for an effective date.

(H.B. 88)

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

Section 1. Art. III, Ch. 94, SLA 1959 as amended by Chs. 14 and 131, SLA 1960 is amended to add a new section 8A to read:

than 16 feet in length and has aboard a motor or motors of no more than 10 horsepower in the aggregate, shall pay an annual vessel license of \$3.00 and a gear license of \$5.00 for the use of troll lines, set lines, or long lines as prescribed in Sec. 8 of this Act, in taking or catching fish for commercial purposes in the waters of this state.

Sec. 8A. **Licensing of Small Commercial Operations.** Any person who is a licensed commercial fisherman in Alaska and employs in commercial fishing only one vessel which is not more

Sec. 2. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved April 25, 1961

CHAPTER 138

AN ACT

Providing for the protection of forested lands; authorizing the Commissioner of Natural Resources to promulgate regulations and enter into contracts for forest protection; permitting entry on public or private lands for the purpose of forest protection; establishing a fire season; prohibiting certain acts; requiring certain equipment and notices; providing penalties; repealing Secs. 65-5-11 through and including 65-5-19, ACLA 1949 as amended by Ch. 76, SLA 1949; and providing for an effective date.

(H.B. 152)

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

Section 1. **Intent: Definitions.** It is the legislative intent of this Act to provide protection for the timber resources and watersheds on all of the lands owned by the state and its citizens. Wherever used in this Act the term "forest fire" shall be deemed to include the uncontrolled burning of grass, brush, timber and other natural vegetative material; the term "forested lands" shall be deemed to include all lands on which grass, brush, timber and other natural vegetative material grows; and the term "Commissioner" shall mean the Commissioner of Natural Resources.

Sec. 2. **Regulations: Contracts for Forest Protection: Right of Entry.** The Commissioner shall, by regulation, make provision for the protection of forested lands in the state from fire and other destructive agents, and the Commissioner may enter into such protection contracts as he deems necessary. Upon approval by the Commissioner or his authorized agent, employees of the Division of Lands, or of any organization authorized to prevent, control or suppress such fires or destructive agents, and others assisting in the control or suppression of fires upon request of an officer or employee of the United States or the State of Alaska may at any time enter upon any lands, whether publicly or pri-

vately owned, for the purpose of preventing, suppressing or controlling such forest fires and destructive agents.

Sec. 3. Fire Season. The period from April 1 to October 31, inclusive, of each year, and any other period fixed by the Commissioner or his authorized agent, shall be designated the fire season. The Commissioner or his authorized agent may proclaim an additional period for all or any portion of the state when weather or other conditions require such action for the protection of forested lands. The Commissioner or his agent may also, during the fire season, prohibit, or allow only by permit, the setting of fires, smoking, entry or other use within or on such lands, when, in his judgment, such activities would unduly increase the fire danger. When required, permits shall be obtained in such manner as may be prescribed by regulations promulgated by the Commissioner. Failure to obtain a permit when required, or violation of any of the terms of the permit shall be a misdemeanor.

Sec. 4. Disposal of Burning Materials. Any person who, during the fire season, shall throw away any lighted tobacco, cigars, cigarettes, matches, firecrackers or other burning materials on any forested land, whether public or private, within the state, shall be guilty of a misdemeanor.

Sec. 5. Equipment and Notice Required. Every conveyance operated through or above forested lands shall be equipped at all times in each compartment thereof, with a suitable receptacle for the disposition or reception of any of the burning materials mentioned in Sec. 4 of this Act. Every owner or operator of a public conveyance operated through or above such areas shall post and keep displayed at all times a copy of Secs. 3 through 5 and 10 of this Act in a conspicuous place within the smoking compartment of such conveyance; and every person or corporation owning or operating a sawmill or logging camp or any other commercial plant or operation in any forested lands shall post and keep displayed at all times a copy of Secs. 3 through 5 and 10 of this Act in a conspicuous place upon the buildings or grounds of such milling, logging or commercial operations. No person shall deface or destroy the notices required under this section. Any violations of this section shall be a misdemeanor.

Sec. 6. Building Fire Without Clearing

Ground or Leaving Unextinguished Fire as Misdemeanor. Any person who builds any fire in or near any timber, brush, grass or other inflammable materials without first clearing the ground immediately around it free from materials which will carry fire, or who leaves the fire before totally extinguishing it, shall be guilty of a misdemeanor.

Sec. 7. Setting Fire Without Consent of Owner or Occupant of Land as Misdemeanor. Any person who sets on fire any timber, brush, grass or other inflammable materials being or growing on lands not owned, possessed or controlled by him, without the consent of the owner or lawful occupant of the land, shall be guilty of a misdemeanor.

Sec. 8. Allowing Fire to Escape or Failure to Make Every Effort to Extinguish as Misdemeanor. Any person having, or setting on fire any timber, brush, grass or other inflammable materials being or growing on lands owned, possessed or controlled by him, shall do so at such time, in such manner and with such prudent care as to prevent it from spreading and doing damage to other property, and failing to do so he shall be deemed negligent and guilty of a misdemeanor; provided, that any person who, knowing of a fire set by him on any land whatsoever, neglects to make every effort possible to extinguish it or who leaves any fire unattended, shall be deemed negligent and guilty of a misdemeanor; provided further, that in all criminal actions brought under this section, the escape of the fire shall be presumptive evidence of negligence by the person responsible for starting the fire and unless rebutted shall be sufficient to sustain a conviction.

Sec. 9. Failure to Assist Officer or Government Employee in Preventing or Suppressing Fire as Misdemeanor. Any person who, when requested by an officer or employee of the United States or the state who is authorized to prevent or suppress fires, or is engaged in doing so, and who informed such person of his official character, fails to assist such officer or employee in the performance of such duties, shall be guilty of a misdemeanor. Nothing in any other section of this Act shall apply to the setting of a backfire under the direction of any such officer or employee pursuant to the provisions of this Act.

Sec. 10. **Penalty for Misdemeanors.** Any person convicted of a misdemeanor under this Act shall be punished by a fine of not less than \$25.00 or more than \$500.00, or be imprisoned in jail for not less than 10 days or more than six months, or both.

Sec. 11. **Malicious or Wanton Setting of Fires as Felony, Punishment.** Any person who maliciously or wantonly sets on fire any timber, brush, grass or other inflammable material being or growing on lands not owned, possessed or controlled by him shall be guilty of a felony and upon conviction thereof shall be punished by a fine of not less than \$100.00 or not more than \$1,000.00, or be imprisoned in the penitentiary for not less than one year or more than 10 years, or both.

Sec. 12. **Double Damages Allowed in Civil Actions.** In addition to the criminal punishment hereinbefore provided, the

United States, the state, any municipality, or any person may recover in a civil action double the amount of damages sustained as a consequence of a violation of this Act; provided, that in all civil actions brought under the provisions of this or any other law relating to the subject matter hereof, the escape of a fire shall be presumptive evidence of negligence by the person responsible for starting the fire and unless rebutted shall be sufficient to sustain the recovery.

Sec. 13. **Repeal.** Secs. 65-5-11 through and including 65-5-19, ACLA 1949 as amended by Ch. 76, SLA 1949 are hereby repealed.

Sec. 14. **Effective Date.** This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved April 25, 1961

CHAPTER 139

AN ACT

Relating to corporate ownership of shares in banks; amending Sec. 3.167, Ch. 129, SLA 1951 as amended by Ch. 194, SLA 1959; and providing for an effective date.

(S.B. 26)

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

Section 1. Sec. 3.167, Ch. 129, SLA 1951 as amended by Ch. 194, SLA 1959 is amended to read as follows:

Sec. 3.167. **Corporate Ownership of Shares in Banks Prohibited.** It shall be unlawful for any corporation, foreign or domestic, to purchase or own in any manner whatsoever the capital stock, or any of it, of any corporation which is subject to this Act, provided, that when it shall become a bona fide necessity to avoid loss, for a creditor corporation to accept shares of stock in any such regulated corporation in payment of indebtedness owing to such creditor corporation, such shares of stock may be so accepted, but in all such cases the shares of the regulated corporation shall be disposed of in accordance with regulations of the Commissioner of Commerce; Provided, however, notwithstanding any other provisions of this Act, any domestic bank holding company organ-

ized pursuant to Chapter 126, SLA 1957, notwithstanding Sec. 3 thereof, and registered under The Bank Holding Company Act of 1956 (70 Stat. 133), which shall maintain its principal office and place of business in this state and conduct its principal operations in this State, may acquire and own all or any portion of the voting shares or other capital stock of, or all of substantially all of the assets of, any corporation which is subject to the regulations of the Federal Reserve Board and the Commissioner of Commerce under the provisions of this Act; Provided, further, any such holding company may be required to post a bond, in an amount equal to the par value of the stock held by it, with the Commissioner of Commerce under such condition as may be prescribed by him to assure full protection to the public; Provided, any such holding company shall be subject to an examination by the Commissioner of Commerce, or a competent person designated by him, whenever he deems it necessary, but not less than once each year, and that the