



LAWS OF ALASKA

1975

Source

Chapter No.

HCS CSSB 96 (Judiciary) am H

89

AN ACT

Relating to the sale of subsistence caught salmon eggs.

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

* Section 1. INTENT. (a) It is the intent of sec. 2 of this Act to permit the sale or trade of salmon roe in the Arctic-Yukon-Kuskokwim District under strict permit and regulatory provisions to assure the health of subsistence economies in areas where such use will not jeopardize or interfere with the maintenance of existing salmon stocks.

(b) It is the intent of sec. 3 of this Act to control the waste of salmon resources.

* Sec. 2. AS 16.05 is amended by adding a new section to read:

Sec. 16.05.827. SALE OF SUBSISTENCE SALMON ROE. (a) Notwithstanding sec. 940(17) of this chapter, the board may adopt regulations permitting the sale of subsistence salmon roe under conditions the board considers advisable.

(b) The board may permit subsistence salmon roe sales under (a) of this section if

(1) the accustomed contribution of salmon to particular subsistence economies will be maintained, as modified by current needs; and

(2) subsistence salmon roe sales will not jeopardize or interfere with the maintenance of salmon stocks on a sustained yield basis.

(c) No person may purchase or trade for or attempt to purchase or trade for subsistence salmon roe unless he

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possesses an annual permit issued by the commissioner. The commissioner may specify terms and conditions of a permit required under this section. No license, entry permit or interim permit is required for the specific act of selling subsistence salmon roe. No person may purchase or transport or attempt to purchase or transport salmon roe which he knows or has reason to know was taken in violation of this section or regulations adopted under it.

(d) If the commissioner finds that sale of subsistence salmon roe is resulting in waste of salmon carcasses, damage to salmon stocks, or circumvention of salmon management programs, he may close any or all areas to subsistence salmon roe sale by emergency order. If the commissioner finds that the subsistence catch in an area exceeds or is likely to exceed, by 10 per cent, the 1974 subsistence catch for that area, he shall close that area to subsistence salmon roe sale by emergency order.

(e) Original purchasers of subsistence salmon roe shall record information required by the department on fish tickets supplied by the department.

(f) The board may adopt regulations it considers necessary for the administration of this section. The board may delegate its authority under this section to the commissioner.

(g) A person who violates this section or a regulation adopted under it is punishable by a fine of not more than \$10,000, or by imprisonment for not more than six months, or by both.

(h) In this section, "subsistence salmon roe" means salmon roe incidentally obtained as an unavoidable by-product of lawful subsistence fishing.

* Sec. 3. AS 16.05 is amended by adding a new section to read:

Sec. 16.05.831. WASTE OF SALMON. (a) It is unlawful for a person to waste salmon intentionally, knowingly, or with reckless disregard for the consequences. In this section, "waste" means the failure to utilize the majority of the carcass, excluding viscera and sex parts, for salmon which are to be

- (1) sold to a commercial buyer or processor;
- (2) utilized for consumption by humans or domesticated animals; or
- (3) utilized for scientific, educational, or display purposes.

(b) The commissioner may authorize other uses of salmon upon request if he finds that to do so would be consistent with maximum and wise use of the resource.

(c) A person who violates this section or a regulation adopted under it is punishable by a fine of not more than \$10,000, or by imprisonment for not more than six months, or

by both. In addition, a person who violates this section is subject to a civil action by the state for the cost of replacing the salmon wasted.

* Sec. 4. Sections 1(a) and (2) of this Act expire January 1, 1977.