



LAWS OF ALASKA

1977

Source

FCCS HCS CSSB 196

Chapter No.

103

AN ACT

Relating to the regulation of shellfish pots and buoys used in the taking of king crab; and providing for an effective date.

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

* Section 1. INTENT. It is the intent of this Act to require positive identification of shellfish pots or buoys, or both, used in the taking of king crab within areas in which the Board of Fisheries has regulations limiting the total amount of gear allowed per vessel in order to

- (1) more adequately enforce shellfish pot limits for king crab;
 - (2) assist in preventing the theft of gear;
 - (3) prevent the transfer of gear to prohibited areas;
- and
- (4) better manage the fishery by providing a visible means of determining how much gear is actually being fished.

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

Sec. 16.05.632. IDENTIFICATION OF SHELLFISH POTS OR BUOYS, OR BOTH, USED IN THE TAKING OF KING CRAB AND REQUIREMENTS FOR BUOYS. (a) Registration tags for the identification of shellfish pots or buoys, or both, used in the taking of king crab are required in areas in which the board has regulations limiting the total amount of shellfish pots allowed per vessel. Registration tags shall

- (1) be issued by the Department of Fish and Game under regulations promulgated by the board;

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(2) be nontransferable, unless the shellfish pot license issued under sec. 630 of this chapter is transferred in accordance with sec. 670 of this chapter, in which case the registration tags shall be transferred with the license;

(3) be individually numbered, designating the year of issuance;

(4) be permanently affixed to each shellfish pot or buoy, or both, used in the taking of king crab, whichever in the determination of the board is appropriate for identification, and in a manner determined to be appropriate by the board;

(5) conform to other requirements determined to be appropriate by the board; and

(6) be issued and renewed for a fee equal to the cost of obtaining the registration tags plus reasonable administrative costs, under procedures determined to be appropriate by the Department of Fish and Game.

(b) The unauthorized production, reproduction, sale, exchange, distribution, or use of registration tags required in (a) of this section is prohibited.

(c) In addition to meeting other requirements imposed by law, each shellfish pot used in the taking of king crab shall be connected to one durable "sea lion" buoy of an appropriate type and diameter as specified by the board. The buoy shall conform to other specifications determined to be appropriate by the board.

(d) For the purposes of this section

(1) "board" means the Board of Fisheries;

(2) "registration tags" means any tag, tape, or other identification device or method determined to be appropriate by the board.

(e) Upon conviction of a person of a violation of (a) or (b) of this section or a regulation adopted under (a) or (b) of this section, the court shall, in addition to any other penalty imposed by law, revoke the violator's shellfish pot license for a period of not less than 12 consecutive months nor more than five years and, in addition, restrict the boat used in a violation of (a) of this section from being used in the taking of king crab for the same period as the shellfish pot license is revoked. After the restriction is imposed, if the boat is used in the taking of king crab within the period of restriction, it shall be seized and forfeited to the state as provided in sec. 195 of this chapter.

* Sec. 3. AS 16.10 is amended by adding a new section to read:

Sec. 16.10.125. USE OF TERMINATION DEVICE ON SHELLFISH AND BOTTOM FISH POT REQUIRED. The Board of Fisheries shall, by regulation, prescribe a termination device or devices for all shellfish and bottom fish pots. In this section "termination device" means a biodegradable seam or panel or

other device which renders the pot incapable of holding shellfish or bottom fish for more than six months when it is continuously immersed in sea water.

* Sec. 4. AS 16.10.130 is amended to read:

Sec. 16.10.130. PENALTIES FOR VIOLATION OF SECS. 120 - 125 OF THIS CHAPTER. A person who violates secs. 120 - 125 of this chapter is guilty of a misdemeanor, and upon conviction is punishable by imprisonment for not more than six months, or by a fine of not more than \$1,000, or by both.

* Sec. 5. Sections 3 and 4 of this Act take effect August 1, 1978.