

in pamphlet form for general distribution to manufacturers and dealers in foods and drugs.

Prima facie
evidence of
adulteration
or mis-
branding.

SEC. 3. In any prosecution for the violation of the laws of this state against adulteration or misbranding of foods and drugs, and in any proceedings for the condemnation of adulterated or misbranded foods or drugs, it shall be competent to prove that the standards of quality, purity and strength adopted by the commissioner of agriculture, as in this act provided, have not been complied with, and proof of that fact shall be *prima facie* evidence of a violation of the law against the adulteration or misbranding of foods and drugs.

Passed the Senate March 1, 1917.

Passed the House March 6, 1917.

Approved by the Governor March 19, 1917.

CHAPTER 169.

[S. B. 287.]

AMENDMENT OF FISHERIES CODE.

AN ACT amending sections 6, 12, 21, 23, 24, 25, 38, 46, 48, 51, 52, 54, 58, 63, 65, 66, 71, 77, 88, 93, 96, 99 and 100, and repealing section 60 of Chapter 31 of the Laws of 1915 of the legislature of the State of Washington, known as the "Fisheries Code" of said state, and adding thereto an additional section defining certain terms therein, and declaring an emergency.

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

SECTION 1. That section 6 of chapter 31 of the Laws of 1915 be amended to read as follows:

Duties of
fish com-
missioner.

Section 6. The commissioner shall devote his time to the duties of his office and shall enforce the laws for the propagation, protection and preservation of food, shell, game and commercial fishes. He shall purchase, construct, charter and operate the boats necessary to properly patrol the waters of the state in the enforcement of the laws. He shall have charge and control of and oper-

ate and maintain the fish hatcheries now or that may hereafter be owned by the state. He shall select and purchase suitable lands for hatchery purposes and build hatcheries thereon when so directed by the fish commission. He shall make an annual typewritten and a biennial printed report on the first day of April of each year to the governor, containing a detailed statement of his actions under this act, of the operation and result of the laws pertaining to the fish industry, the method of taking fish, the number of fish hatched and where distributed, the amount of expense incurred by his department, and full and complete statistics of the fishing business and suggestions as to needed legislation. He shall designate which are the food, shell, game and commercial varieties, when such designations are not specifically made by the laws of this state. Reports.

SEC. 2. That section 12 chapter 31 of the Laws of 1915 be amended to read as follows:

Section 12. The commissioner may employ the following assistants to serve under his direction and during his pleasure:

(1) A general superintendent of hatcheries, who shall receive a yearly salary of eighteen hundred dollars (\$1800). Hatchery superintendent.

(2) As many inspectors as he may deem necessary, who shall receive a compensation not to exceed four dollars and fifty cents (\$4.50) per day for each day actually employed. The fish commissioner may, whenever he deems the same advisable, designate any one of said inspectors as deputy fish commissioner, who may serve as such deputy fish commissioner during the pleasure of the commissioner. Inspectors. Deputy commissioner.

(3) The necessary employees for the conduct of the commissioner's office; for the operation of the department's patrol boats; for the maintenance and operation of the hatcheries, fish cultural and experimental stations; the patrolmen necessary for the protection of the state Employees.

oyster, clam and shrimp reserves; and the employees necessary, in the judgment of the commissioner, to conduct the business of the fisheries department.

Compensation
and expenses.

(4) The employees of the commissioner shall be reimbursed their necessary traveling expenses, and the salaries and compensation of all employees not specifically designated shall be fixed by the commissioner.

SEC. 3. That section 21 of chapter 31 of the Laws of 1915 be amended to read as follows:

Fishing in
Chambers
creek.

Section 21. It shall be unlawful at any time to take any fish with any appliance whatsoever, except with hook and line, in Chambers creek, in the county of Pierce, and within one mile of the Northern Pacific Railway bridge located across the mouth of said creek.

SEC. 4. That section 23 of chapter 31 of the Laws of 1915, be amended to read as follows:

Willapa
harbor
tributaries.

Section 23. It shall be unlawful to take or fish for salmon, except with hook and line, in any of the following tributaries of Willapa harbor above tide water in said rivers, viz.:

North river, Willapa river, south fork of Willapa river, Nasel river, Palix river, Nema river, Bear river, Cedar river, and Smith creek, and for the purposes of this act the head of tide water shall be:

On North river, where the north boundary line of section 24, of township 15 north, range 10 west of the Willamette meridian crosses said river.

On Willapa river where Louderback's slough empties into the said Willapa river in the eastern portion of section 20, township 14 north, range 8 west of Willamette meridian.

On the south fork of the Willapa river, the draw bridge of the Northern Pacific Railway Company, being the center of lots 8 and 11 of section 24, township 14 north, range 9 west of the Willamette meridian.

On the Nasel river, at the gap in the main log boom.

On Cedar river, the mouth of said river, or the line between townships 14 and 15 north, ranges 10 and 11 west of the Willamette meridian.

On Palix river, where the south line of section 22, township 15 north, range 10 west of the Willamette meridian crosses said river.

On North Nema river, at the school house on lot 3 of section 22, township 12 north, range 10 west of the Willamette meridian.

On South Nema river, at what is known as Carruther's landing, being on the east and west half section line extending through section 27, township 12 north, range 10 west of the Willamette meridian.

On Bear river, at Masny's landing, on the half section line extending east and west through sections 7 and 8 of township 10 north, range 10 west of the Willamette meridian.

On Smith creek, at the mouth thereof, being where lots 1 and 2 of section 35, township 15 north, of range 10 west of the Willamette meridian abut upon the entrance of the Willapa harbor.

SEC. 5. That section 24 of chapter 31 of the Laws of 1915 be amended to read as follows:

Section 24. It shall be unlawful to take or fish for salmon, except with hook and line, in the following tributaries of Grays harbor: In Chehalis river, above point one-half mile below the mouth of Wynooche river, and one-half mile above the mouth of the Humptulips river, and one-half mile above the mouth of the Elk river, and one-half mile above the mouth of Johns river.

Grays harbor
tributaries.

From and after the passage of this act it shall be unlawful to erect any fish trap, pound net or fish wheel in any of the streams emptying into Grays harbor, Willapa harbor, or any of the streams of these districts, as by this act defined: *Provided, however,* The right to erect fish traps, pound nets or fish wheels on locations existing in said districts in 1914 is hereby recognized.

It shall be unlawful to fish in any river or stream emptying into the Pacific ocean between the north entrance to Grays harbor and Cape Flattery with any appliance whatsoever except gill nets and set nets, and it shall be unlawful to fish with any appliances in said waters between the hours of six a. m. Saturday and six p. m. Sunday of each week of each year.

SEC. 6. That section 25 of chapter 31 of the Laws of 1915 be amended to read as follows:

Section 25. It shall be unlawful to take or fish for salmon, except with hook and line, in the Kalama river, Lewis river, Wind river, Little White Salmon river, Big White Salmon river, Wenatchee river, Methow river, Little Spokane river, Colville river and Yakima river, and in the Columbia river, within one mile below the mouths of the above named rivers: *Provided, however,* That the commissioner shall open the Yakima river to a point 400 feet below the Prosser dam to fishing by white people and Indians for food for themselves and their families only, said fishing to be carried on at such limited times and under such rules and regulations as shall be from time to time prescribed by the commissioner. No fish trap shall be located on or within three miles below the mouth of Lewis river, but fishing with gill nets is permitted in the Columbia river to a point within one mile below the mouth of the above named rivers and a quarter of a mile out from where the same empty into the Columbia river. It shall be unlawful for any person or persons, firm or corporation, to fish for salmon, sturgeon or other anadromous fish by means of devices known as purse seines in any of the waters of the Columbia river in the State of Washington or over which the State of Washington has concurrent jurisdiction, east of a certain line which shall be drawn from the present inshore end of the north jetty on the Columbia river to the knuckle of the south jetty on said river, which knuckle is approximately four miles westerly from the government dock at Fort Stevens. Said line will pass approximately three-eighths ($\frac{3}{8}$) of a mile

Columbia
river and
tributaries.

westerly from buoy No. 10, as shown on the Coast and Geodetic Survey No. 6151, dated January 5, 1917.

SEC. 7. That section 38 of chapter 31 of the Laws of 1915 be amended to read as follows:

Section 38. The commissioner shall immediately after this act takes effect proceed to definitely locate and chart at least five of the most productive of the herring spawning grounds in the waters of Puget sound and its tributaries in the State of Washington and particularly at Hadlock, Holmes harbor, Deception pass, Jackson cove, Hales pass, and Birch point, and shall mark the boundary of not fewer than five of the most productive of such spawning grounds to be designated by the commissioner by driving at least one pile or erecting at least one monument at either side at right angles with the shore of such spawning grounds, and thereafter it shall be unlawful to take herring in, over or upon the spawning grounds thus marked during the spawning season of such fish upon such grounds, such spawning season to be ascertained by the commissioner and to be promulgated by the commissioner and notice thereof shall be given by posting a copy of such rule printed on cloth upon the pile or monument marking the boundaries of such spawning grounds: *Provided, however,* That the commissioner may, in his discretion, locate and chart each year certain herring grounds, including herring grounds above reserved, and mark the boundaries thereof by monuments or piles and post notices thereon defining such boundaries, and on said grounds so located and charted fishing for herring alone with nets of a mesh not less than one and one-half (1½) inches stretched measure shall be permitted during such periods of each year as may be prescribed by the commissioner in notices posted by him on said piles or monuments.

Herring
spawning
grounds.

Taking during
spawning
season.

Permissive
fishing on
herring
grounds.

SEC. 8. That section 46 of chapter 31 of the Laws of 1915 be amended to read as follows:

Section 46. Any license may be assigned or transferred to any person or corporation entitled to hold a

Transfer
of licenses.

license under the provisions of this act and notice shall be given of such transfer or assignment within fifteen days from the date thereof to the commissioner who shall endorse the date of such notice on the license, for which the commissioner shall collect a fee of one dollar. If such notice be not given the license shall be void. The commissioner shall print on the back of each license a copy of this section and any assignee of a license who shall fail within fifteen days to give notice to the commissioner of the assignment of such license shall be guilty of a misdemeanor.

SEC. 9. That section 48 of chapter 31 of the Laws of 1915 be amended to read as follows:

Fisheries
fund.

Section 48. All license fees and fines collected under the provisions of this act, unless otherwise provided herein, shall be paid into the state treasury and placed in a fund to be known as the "fisheries fund," which shall not be used for any purpose other than for the propagation, protection, and perpetuation of food and shell fishes, and the administration and enforcement of the laws relating thereto. All unexpended balance thereof shall continue in such fund, unless otherwise disposed of by the legislature. The commissioner is directed to expend such funds, as nearly as may be, in the localities from which they are collected.

Monthly
remission
of fine
collections.

All fines collected shall be remitted monthly by the justice of the peace or by the clerk of the court collecting the same to the county treasurer of the county in which the same shall be collected, and the county treasurer shall at least once a month remit the same to the state treasurer and shall at the same time furnish a statement to the commissioner showing the amount of fines so remitted and from whom collected.

SEC. 10. That section 51 of chapter 31 of the Laws of 1915 be amended to read as follows:

License fees.

Section 51. Licenses herein required shall be issued to any qualified person or corporation by the commissioner

upon application therefor and the payment of the license fees herein required.

For each pound net or fish trap license for taking Fish traps. salmon at both ends on Puget sound, one hundred dollars (\$100.00);

For each pound net or fish trap license on Puget sound for the taking of salmon, fifty dollars (\$50.00);

For each first-class pound net or fish trap license for the taking of salmon on the Columbia river, twenty-five dollars (\$25.00);

For each second-class pound net or trap license on the Columbia river, fifteen dollars (\$15.00).

A first-class trap is hereby defined to be a trap on the Fish traps defined. Columbia river that during the preceding season caught fish of the value of one thousand dollars or more, and a second-class trap, a trap on the Columbia river that caught during the preceding season fish of the value of less than one thousand dollars (\$1000.00).

For each pound net or fish trap license for taking salmon in Willapa and Grays harbor, fifteen dollars (\$15.00);

For each brush weir license for the taking of smelt Brush weirs. and herring, twenty-five dollars (\$25.00);

For each stationary fish wheel license for the taking Fish wheels. of salmon, thirty-five dollars (\$35.00);

For each scow fish wheel license for the taking of salmon, twenty-five dollars (\$25.00);

For each purse seine license, twenty-seven and fifty Purse seines. one-hundredths dollars (\$27.50). No purse seine shall be of greater length than 1900 lineal feet, including lead and attachment, measured on cork line when wet.

For each gill net license for the taking of salmon on Gill nets. Puget Sound of a length not to exceed 600 feet, five dollars (\$5.00); and for each additional lineal foot in length one cent. No gill net shall be operated on Puget Sound of a greater length than 3000 feet;

For each gill net license for the taking of salmon on the Columbia river, Grays harbor and Willapa harbor, seven and fifty one-hundredths dollars (\$7.50);

Reef nets. For each reef net, five dollars (\$5.00);

Drag seines. For each drag seine license, three cents per lineal foot: *Provided*, That in the waters of Puget Sound the rate shall be two cents per lineal foot;

Set nets. For each set net license for the taking of salmon, three and seventy-five one-hundredths dollars (\$3.75);

Any person may use a jigger in the taking of smelt or herring for the use of himself and family without any license therefor;

Bag nets. For each bag net license for the taking of smelt or herring, one dollar (\$1.00);

For each smelt drag bag net on Puget Sound not exceeding forty feet in length, one dollar (\$1.00); and each additional foot, two cents per lineal foot;

Beam trawl. For each license for beam trawl, ten dollars (\$10.00);

Hook and line. For each license to fish with hook and line, for commercial purposes in the Puget Sound, Grays harbor and Willapa harbor district one dollar (\$1.00);

For each license to fish with hook and line, for commercial purposes in the Columbia river district two dollars and fifty cents (\$2.50);

District to be specified. The license issued by the commissioner for the appliances hereinbefore mentioned shall specify the district wherein the license is to be used and no license for one district shall be used in another.

Crabs, clams, mussels. For each license to take crabs, one dollar (\$1.00);

For each license to take clams and mussels, one dollar (\$1.00);

Oysters for seeding. For each license to take oysters from the state reserves for seed purposes under regulations to be promulgated annually by the state fish commissioner, five dollars (\$5.00);

Dealing in hatchery fish. For each person, firm or corporation engaged in the business of buying and selling, packing and preserving, or otherwise dealing in trout or other food fish obtained

from private hatcheries of this state, two and fifty one-hundredths dollars (\$2.50) ;

For each restaurant or hotel keeper serving to guests trout or other food fish obtained from private hatcheries in this state, one dollar (\$1.00) ;

Restaurants.

For each private trout hatchery, twenty-five dollars (\$25.00) ;

Private hatchery.

For each codfish canning or curing establishment, five dollars (\$5.00) ;

Codfish cannery.

For each establishment for the manufacture of fertilizer, oil, meal, or other by-product from fish, twenty-five dollars (\$25.00) ;

By-product manufacture.

For each person, firm or corporation buying, selling or otherwise dealing in halibut as wholesaler or as a broker, five dollars (\$5.00) ;

Halibut dealers.

For each retail fish dealer, a license fee of one dollar (\$1.00) ;

Retail dealers.

For each fish broker and each wholesale dealer in fish, except halibut, and for each person engaged in freezing, salting, smoking, kippering, preserving in ice or otherwise, ten dollars (\$10.00) ;

Dealers in other than halibut.

For each person engaged in buying food fish for any person whomsoever, one dollar (\$1.00) ;

For each person, firm or corporation using scows, boats or other water craft in the buying of fish on the Columbia river, for each scow, boat or other water craft, a license fee of fifty dollars (\$50.00). This requirement shall not apply to scows, boats or other water craft used in buying fish for and transporting fish to canneries and packing plants that pay an annual license fee to the State of Washington of not less than one hundred dollars (\$100.00).

Fish buyers using boats.

Every person, firm or corporation engaged in canning salmon, shell or other food fish, shall procure a license from the commissioner before commencing the season's packing, and shall on or before the 30th day of November of each year pay to the commissioner as an annual license fee for all salmon, shell or other food fish

Canneries.

packed by him subsequent to the 31st day of March of each year and prior to November 30th of each year, and the 31st day of March of each year shall pay to the commissioner for all salmon, shell or other food fish packed by him subsequent to November 30th and prior to the 31st day of March of each year, two cents per case for each case of steel-head, blue-back, quinalt, or sockeye salmon, and one cent for each case of other varieties of salmon, except that he shall pay for each case of chinook salmon packed on the Columbia river prior to the 26th of August of each year five cents per case, and for each case of chinook salmon packed on the Columbia river after the 26th of August of each year four cents per case; and for each case of all other varieties of salmon packed on the Columbia river four cents per case; for each case of clams, clam nectar, crabs, shad, shrimp, and other food and shell fish, one cent per case.

"Case of fish"
defined.

For the purpose of this act a case of fish is defined to consist of forty-eight (48) one pound cans, bottles, or their equivalent in weight. The owner or licensee of any cannery, before beginning the operation of the same in any year and at the time of making application for his license, shall execute a good and sufficient bond to the commissioner in such sum as he may require, conditioned that he will pay or cause to be paid to the commissioner the license fees or charges for salmon, shad, crab, clam and other food and shell fish packed by him at the time and in accordance with the requirements of the foregoing paragraph, such bond to contain such other provisions as may be required by the commissioner.

Tonnage tax.

Each person, firm or corporation buying, selling or otherwise dealing in salmon and other food fish at wholesale caught in the Puget sound, Willapa harbor or Grays harbor districts, or as a fish broker, shall pay to the commissioner on or before the 31st day of July of each year one dollar (\$1.00) per gross ton for each ton or fraction thereof so bought or handled during the preceding four months, and on or before the 30th day of November of

each year, one dollar per gross ton for each ton or fraction thereof so bought or handled during the preceding four months, and on the 31st day of March of each year shall pay one dollar (\$1.00) per gross ton for each ton or fraction thereof so bought or handled during the preceding four months; each person, firm or corporation buying, selling or otherwise dealing in salmon and other food fish at wholesale caught in the Columbia river district, or as a fish broker in said district, shall pay to the commissioner on or before the 31st day of July of each year one dollar and twenty-five cents (\$1.25) per gross ton for each ton or fraction thereof so bought or handled during the preceding four months, and on or before the 30th day of November of each year, one dollar and twenty-five cents (\$1.25) per gross ton for each ton or fraction thereof so bought or handled during the preceding four months, and on the 31st day of March of each year shall pay one dollar and twenty-five cents (\$1.25) per gross ton for each ton or fraction thereof so bought or handled during the preceding four months; and before beginning operations in any year, every such person, firm or corporation shall apply for a license therefor and at the time of making the application for such license shall execute a good and sufficient bond in such sum as may be required by the commissioner and subject to the approval of the commissioner, conditioned that at the time herein provided they will pay or cause to be paid to the commissioner the said license fees and charges and will make the reports provided by law, said bond to contain such other provisions as may be required by the commissioner: *Provided*, That no person, firm or corporation engaged in the canning business shall be required to pay such tax upon any fish caught or bought and canned by them, and no person, firm or corporation shall be required to pay such tax upon any fish caught and sold by them, nor shall such tax or charge be paid upon any fish ultimately canned; nor shall more than one tonnage tax be collected upon any particular quantity of fish.

Every person, firm or corporation engaged in freezing, salting, smoking, kippering, preserving in ice, curing, mild curing, or otherwise, shall, before beginning operations in any year, first obtain a license from the commissioner, as hereinbefore provided, and shall pay to the commissioner on or before the 31st day of July of each year, one dollar (\$1.00) per gross ton for each ton or fraction thereof so handled during the preceding four months: and on or before the 30th day of November of each year shall pay one dollar (\$1.00) per gross ton for each ton or fraction thereof so handled during the preceding four months; and on the 31st day of March of each year shall pay one dollar (\$1.00) per gross ton for each ton or fraction thereof so handled during the preceding four months; and each person, firm or corporation so engaged at the time of the application for such license shall execute a good and sufficient bond in such sum as may be required by the commissioner and subject to the approval of the commissioner, conditioned that at the times herein provided they will pay, or cause to be paid, to the commissioner the said license fees and charges, and will make the reports provided by law; said bond to contain such other provisions as may be required by the commissioner.

For the purpose of ascertaining the amount of the license fee required in each instance the commissioner shall determine the class and character of each appliance.

All gill net licenses issued by the State of Oregon shall be valid in the concurrent waters of the Columbia river in this state. The commissioner when issuing licenses for the Columbia river district shall furnish to the fisheries department of Oregon the name of all licensees and the number of their licenses.

Every person, firm or corporation operating any of the fishing appliances hereinbefore mentioned (except gill nets and set nets) which by the terms of this act are required to be licensed, shall, in addition to their license fees in this act provided, pay to the state for the food and

Recognition
of Oregon
licenses.

Royalties.

shell fish taken from the waters thereof as follows: For each one thousand or fraction thereof of chinook salmon caught in the Columbia river prior to the 26th day of August, of each year at the rate of five dollars (\$5.00) per thousand; and for chinook salmon caught in the Columbia river after the 26th, and for tyee, king, black-mouth or spring salmon, at the rate of three dollars (\$3.00) per thousand. For each one thousand or fraction thereof of chinook, tyee, king, black-mouth or spring salmon in Willapa harbor, Grays harbor and Puget Sound, at the rate of three dollars (\$3.00) per thousand.

For each one thousand or fraction thereof of steel-head salmon, at the rate of three dollars (\$3.00) per thousand.

For each thousand or fraction thereof of sockeye or blue-back salmon, at the rate of one dollars and fifty cents (\$1.50) per thousand.

For each one thousand or fraction thereof of silverside or coho salmon, chum or fall salmon at the rate of one dollar (\$1.00) per thousand.

For each one thousand or fraction thereof of hump-back or pink salmon at the rate of fifty one-hundredths dollars (\$.50) per thousand.

For each one hundred pounds or fraction thereof of smelt, herring or shad three cents.

For each one hundred pounds or fraction thereof of shrimp, fifteen cents.

For each sturgeon, seven and one-half cents.

For each gross of crabs, ten cents.

For each ton of clams, gross weight in shells, seventy-five cents.

SEC. 11. That section 52 of chapter 31 of the Laws of 1915 be amended to read as follows:

Section 52. Every owner of any fishing appliance, which by the terms of this act is required to be licensed, shall report to the commissioner under oath on blanks to be furnished by the commissioner, upon request on the last day of March, July and November of each year for

Reports by
licensees.

Payment of
charges and
additional
fees.

the four months preceding the date on which the report is made, stating the number of salmon, species stated separately, the number of crabs, sturgeon, pounds of smelt, herring, shrimps, clams and shad and other food fish caught during the preceding four months period together with the name of the person, firm or corporation to whom such fish were sold, with the number and quantity delivered to each purchaser, and shall at the same time remit the license charges and the additional fees as by this act provided, and every person, firm, or corporation engaged in preserving, salting, smoking, kippering, mild curing, curing, freezing, preserving in ice or otherwise, or in buying, selling, or otherwise dealing in food or shell fish caught within the waters of the state as fish brokers, wholesalers, or retailers, either as principal, agent or employee, shall on the same dates and for the same periods make reports to the commissioner stating the quantity in pounds of all fish preserved or cured or handled; and all purchases and sales made during the preceding period for which the report is made, the varieties stated separately, together with the name of the person, persons, firms or corporations from whom purchased and the place from which the fish were taken and the appliances with which the same were taken and at the same time shall remit to the commissioner the license charges and additional charges as provided by this act; and every person, firm or corporation engaged in any branch of the fishing industry, including oysters, clams and shell fish and including any by-product thereof shall on or before the 31st day of March of each year report to the commissioner in writing, upon blanks furnished by the commissioner upon request, the amount of capital invested in the business, the quantity and kind of equipment and the value thereof and where situated, the value of the product handled, the number of employees and the wages paid during the preceding year; and any person, firm or corporation who shall fail to make the reports in this paragraph provided and at the same time make payment of the amounts of

money due the state shall be guilty of a gross misdemeanor and shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment, and the amounts owing by any such persons for license charges and additional charges shall become and constitute a first lien upon the fishing appliances of any such person and also a lien on the real and personal property of the person owing such sum or sums, from and after a notice of such lien on behalf of the state shall have been filed in the office of the county auditor in which the person owing such amount or amounts shall reside; the notice of lien to be filed by the commissioner shall be sufficient if it shall state the amount for which the lien is claimed and the person owing same. Every person, firm or corporation owning or operating codfish canning or curing establishments or owning or operating establishments for the manufacture of fertilizer, oil, meal or other by-product from fish or engaged in the buying, selling or dealing in halibut at wholesale or as a broker, shall make reports to the fish commissioner at the times and for the periods in this section provided, stating the quantity of fish with the species bought or sold or handled with the names of the persons from whom purchased and the waters from which taken, and also the quantity and value of all fish or fish by-products handled by them.

Penalty for failure.

Liens for charges due.

Reports by codfish, halibut and by-product establishments.

SEC. 12. That section 54 of chapter 31 of the Laws of 1915 be amended to read as follows:

Section 54. It shall be unlawful to take or fish for salmon, except with hook and line, in Puget Sound and in any of the rivers and streams emptying into it between the hours of four o'clock p. m. on Friday and four o'clock a. m. Sunday of each week of the months of July and August of each year, except with gill and set nets as herein provided. It shall be unlawful to take or fish for salmon with gill or set nets in any of said waters between the hours of six o'clock a. m. Saturday and six o'clock p. m. Sunday

Closed season on Puget Sound.

of each week of July and August of each year. It shall be unlawful to take or fish for salmon, except with hook and line, in any of the waters of Puget Sound or any river or stream flowing into the same north of a line extending from Brace point in King county to Point Southworth in Kitsap county and north of a line extending from Foul-weather bluff in Kitsap county to Tala point in Jefferson county from November tenth to December tenth, both dates inclusive, in each year; and it shall be unlawful to take or fish for salmon in the tributary thereof known as Hoods canal and in any river or stream flowing into the same south of the lines above described between the sixteenth day of November of each year and the first day of January following, both dates inclusive; and it shall be unlawful to take or fish for salmon, except with hook and line, in Carr's inlet or in any of the waters southerly and westerly thereof or in any of the rivers or streams emptying into such waters, and for the purposes of this act such waters are bounded as follows: Beginning at Gordon point in Pierce county and running thence north-westerly to Hyde point on McNeil's island; thence north-easterly to Gibson point on Fox island; thence north-westerly along the south shore of Fox island to Green point in Pierce county, between the tenth day of November of each year and the fifteenth day of April of the year following, both dates inclusive; and it shall be unlawful to take or fish for salmon in any of the waters between the waters bounded and described in the preceding clause and a line beginning at Brace point in King county and running thence westerly to Point Southworth in Kitsap county, or in any of the rivers or streams emptying into such waters between the sixteenth day of November and the thirtieth day of November of each year, both dates inclusive, and between the eighteenth day of January and the fifteenth day of April of each year, both dates inclusive. And it shall be unlawful to take or fish for salmon, except with hook and line, in any of the said described waters or in any of the waters of Puget Sound

or in any rivers or streams flowing into such waters (wherein fishing is not otherwise prohibited by the provisions of this act) between the eighteenth day of January and the fifteenth day of April, both dates inclusive, of each year: *Provided*, That in the waters northerly of a line produced from Brace point in King county to Point Southworth in Kitsap county, except in the waters of Hoods canal, fishing with gill nets and set nets of a mesh not less than six and one-half ($6\frac{1}{2}$) inches stretch measure, shall be permitted between the nineteenth day of January and the last day of February, both days inclusive of each year. The commissioner shall designate by the erection of monuments and signs all of the above mentioned boundary points.

In the event that the Dominion of Canada or the Province of British Columbia shall enact and enforce laws prohibiting the taking of sockeye salmon above the Westminster bridge at all times and in Georgia straits and all the waters of Fraser river and its tributaries between the twenty-fifth day of August and the fifteenth day of September of each year, then it shall be unlawful to take or fish for sockeye salmon in any of the waters of Puget Sound between the twenty-fifth day of August and the fifteenth day of September, both dates inclusive, of each year, and any sockeye salmon taken between the last named dates in the waters of Puget Sound shall be liberated and nothing in this paragraph of this section shall be construed to prevent any person, firm or corporation from operating its fishing appliances for the catching of other varieties of salmon between the last named dates.

If the Province of British Columbia or Dominion of Canada shall prohibit and prevent the taking of salmon in Georgia straits and the Fraser river during a forty-eight hour weekly period in each even numbered year, beginning at six o'clock p. m. Friday and ending not earlier than six o'clock p. m. Sunday, then and in that event it shall be unlawful to take or fish for sockeye salmon by any means whatever except with hook and line, in any

Regulations
contingent
on British
Columbia
action.

of the waters of that portion of Puget Sound last described between the hours of eight o'clock p. m. Thursday and eight o'clock p. m. Saturday of each week in each even numbered year. In the event that this proviso becomes effective and during the years while in effect, it shall supersede and render inoperative the thirty-six hour closed period in this section first provided as to and in the waters above described.

If it shall be adjudicated that the foregoing proviso be unconstitutional and invalid for any reason, such adjudication of invalidity of such proviso or any part of this act shall not affect the validity of the act as a whole or any part thereof.

SEC. 13. That section 58 of chapter 31 of the Laws of 1915 be amended to read as follows:

Section 58. It shall be unlawful for any person to fish or take for sale or profit any salmon or other food or shell fish in any of the rivers or waters of this state or over which it has concurrent jurisdiction in civil and criminal cases, unless such person be a citizen of the United States or has declared his intention to become such and is and has been for twelve months immediately prior to the time he engages in such business an actual resident of this state or an adjoining state; but this section shall not apply to Indians.

Aliens
prohibited
taking fish
for sale.

SEC. 14. That section 60 of chapter 31 of the Laws of 1915 is hereby repealed.

Repealing
clause.

SEC. 15. That section 63 of chapter 31 of the Laws of 1915 be amended to read as follows:

Section 63. Throughout the weekly closed season prescribed in this act, each pound net or fish trap shall be closed by an apron placed across the outer entrance to the heart of the trap or pound net, which apron shall extend from above the surface of the water to the bottom of the water, and shall be securely connected to the piles on either side of the heart of such trap or pound net, fastened by rings not more than two feet apart on taut wires stretched from the top to the bottom of the piles.

Traps,
how closed.

And such apron or the appliances by which it is raised and lowered shall be provided with such signals or flags visible at a distance of at least one-half mile from the trap which shall disclose that the trap is closed, which signal or flag shall be of the form and character as may be prescribed by the commissioner under regulations to be issued by him: *Provided*, That in addition to the foregoing requirements each pound net or fish trap in the Columbia river district shall be equipped with a V shaped opening in the lead of such trap or pound net, next to the entrance to the heart and immediately adjacent to the apron, of at least ten feet in width at the top and extending below the surface at least four feet below low water, which V shaped opening shall be open during the full period of each closed season.

Columbia
river reg-
ulations.

For the purpose of enforcing this regulation, the owner or operator of the fish trap or pound net in Puget Sound district shall constantly maintain, during the weekly closed season, a watchman, whose duty, among other things, it shall be to cause such pound net or trap to be closed as above provided. Any owner or operator of a pound net or fish trap, or any watchman violating any of the provisions of this section, either by failing to do any act or thing required, or by doing any act or thing prohibited by this section, shall be deemed guilty of a misdemeanor and shall, upon conviction, be subject to a fine of not less than two hundred and fifty dollars (\$250.00), nor more than two thousand dollars (\$2000.00).

Duty of
watchman.

Penalty.

SEC. 16. That section 65 of chapter 31 of the Laws of 1915 be amended to read as follows:

Section 65. It shall be unlawful for any person, firm or corporation to purchase, handle, deal in or have in his possession except for the sole use of himself and family any food fish of any variety which were taken from the waters of this state during any of the closed seasons prescribed in this act, and any person who purchases, handles, deals in or has in his possession any such fish during such

Possession
during
closed
season.

periods, except for the sole use of himself and family, shall be guilty of a misdemeanor. And it shall be unlawful for any person, firm, or corporation to purchase, handle, deal in, or have in his possession, except for the sole use of himself and family any salmon fish of any variety which were taken beyond the three mile limit outside of the Columbia river, during any of the closed seasons prescribed in this act: *Provided, however,* That this provision shall not apply to salmon taken beyond the three mile limit outside the Straits of Juan de Fuca.

Penalty.

SEC. 17. That section 66 of chapter 31 of the Laws of 1915 be amended to read as follows:

Section 66. Any person who by any means, except with hook and line for the sole use of himself and family, shall catch or take any salmon, or salmon trout of any variety less than fifteen inches in length, and who shall not immediately return the same alive to the water, or who shall buy or sell or offer for sale, or have in his possession any such fish shall be guilty of a misdemeanor.

Taking of young salmon prohibited.

SEC. 18. That section 71 of chapter 31 of the Laws of 1915 be amended to read as follows:

Section 71. It shall be unlawful to catch, kill or in any manner destroy, any salmon on or within one mile below any rack, dam or other obstruction erected across any river or stream, except that it shall be lawful for any person to take any steelhead salmon, with hook and line, for his own use or for the use of his family, at any point not less than four hundred feet below any such rack, dam or other obstruction, in any river or stream on which there is no fish hatchery or eyeing station.

Taking salmon below dams prohibited.

Exception as to steelheads.

SEC. 19. That section 77 of chapter 31 of the Laws of 1915 be amended to read as follows:

Section 77. Every ditch, channel, canal or water pipe used for conducting water from any lake, river or stream, where any state fish hatchery is located, for irrigation, manufacturing, domestic or other purposes, shall be provided at its entrance or intake with a fish guard so

Screening of intakes.

fixed as to prevent the passage of fish into such ditch, channel, or water pipe and subject to the approval of the commissioner, which shall be constantly maintained at all times when water is taken or admitted into such ditch, channel, canal or water pipe: *Provided*, That such fish guards and screens shall be installed at such places and times as shall be prescribed by the commissioner upon thirty days notice to the owner or owners of any such water conduit. Every owner, manager, agent or person in charge of such ditch, channel, canal or water pipe who shall fail to comply with the provisions of this section shall be guilty of a gross misdemeanor.

Penalty for failure.

Each day the end of the ditch, channel, canal or water pipe is not equipped with this covering as provided shall constitute a separate offense. If within thirty days after notice to equip any such ditch, channel, canal or water pipe such person shall fail to do so, the commissioner is hereby authorized to take possession of the same in the name of the State of Washington and to close the same to the entrance of any water until such time as the ditch shall be properly equipped, and the expense incident thereto shall constitute a lien upon the ditch, channel, canal or water pipe and upon the real and personal property of the person or persons, firm or corporation owning the same. Notice of such lien shall be filed and recorded in the office of the county auditor in the county in which such action is taken.

Each day separate offense.

Lien for commissioner's expense closing intakes.

SEC. 20. That section 88 of chapter 31 of the Laws of 1915 be amended to read as follows:

Section 88. Any person, firm or corporation engaged in the business of taking fish spawn and the artificial hatching thereof, or in the raising of fry and fish therefrom, in any of the waters or streams of this state, shall be deemed to be conducting a private fish hatchery under the terms of this act. The state fish commissioner is hereby authorized each year to sell to any person, firm or corporation engaged in the business of conducting a pri-

Private hatchery defined.

Sales of spawn to private hatcheries.

vate fish hatchery, salmon spawn to an amount not to exceed twenty per cent (20%) of the eggs taken from any species at a price not to exceed seventy-five cents (75c) per thousand.

SEC. 21. That section 93 of chapter 31 of the Laws of 1915 be amended to read as follows:

License fees
for buying
hatchery fish.

Section 93. Every person, firm or corporation buying or selling, packing or preserving, or otherwise dealing in trout or other food fish obtained from private hatcheries in this state shall procure a license for such business from the commissioner and pay therefor a license fee of two dollars and fifty cents (\$2.50), and every restaurant or hotel keeper serving the same to guests shall procure a license for such business from the commissioner of the state and shall pay an annual license fee of one dollar (\$1.00).

SEC. 22. That section 96 of chapter 31 of the Laws of 1915 be amended to read as follows:

Destruction
of seals and
sea lions.

Section 96. The commissioner shall have the power and it shall be his duty to cause his employees to kill and destroy seals and sea lions in the waters of the State of Washington and he shall have the authority to expend such moneys as may from time to time be appropriated by the legislature for such purposes and he shall keep an accurate record of the number of seals and sea lions that are so destroyed.

Bounties.

Any person killing or causing to be killed within the waters of the Columbia river district any common seal or any sea lion, shall be entitled to receive a bounty of three dollars (\$3.00) from the moneys appropriated for such purposes by the legislature of Oregon or the legislature of Washington, for each seal or sea lion so killed. All moneys appropriated for such purpose by the legislature of this state shall be paid out under the supervision of the state fish commission upon vouchers approved by the commissioner, and the state fish commission shall adopt rules and regulations providing for the proof of such killing and the surrender and destruction of the scalp of such

seal or sea lion. The state fish commissioner may, in his discretion, enter into an agreement with the duly authorized authorities of the state of Oregon for the joint expenditure of appropriations made by the legislatures of the states of Washington and Oregon under such regulations as may be prescribed in such agreement.

SEC. 23. That section 99 of chapter 31 of the Laws of 1915 be amended to read as follows:

Section 99. It shall be unlawful for any person or persons whomsoever to take or dig clams from the beaches of the Pacific ocean in this state or from the beaches of Grays harbor or Willapa harbor, or to have in their possession if the same have been taken for the purpose of canning or for sale, between the first day of June of each year and the first day of March of the following year, both dates inclusive, or to take or dig clams at any time except with fork, pick or shovel operated by hand.

Clams, closed season on ocean and harbor beaches.

On or before the first day of February of each year the commissioner may reserve and withdraw for said year from use for the taking of clams such portion of the tidelands owned by the state and such portion of the beaches of the Pacific ocean as he may deem necessary, and shall give notice of such reserve and withdrawal from use by publication for one week in a newspaper published in the county in which such tideland or beach is situated, such notice to be given within ten days after making such reserve or withdrawal; and it shall be unlawful for any person or persons whomsoever to take or dig clams except for the use of himself and family from any tidelands or beaches so reserved or withdrawn by the commissioner from and after the first of March of each year in which such notice shall be published: *Provided*, That nothing herein shall be construed to prevent the state from selling or leasing any of its tide lands in the manner now provided by law: *And provided further*, That if any of the tide lands of the state are sold or leased which are included within the reservation or withdrawal herein provided for,

Withdrawal of ocean beaches from use for digging.

that the said reservation shall thereupon cease to be effective as to said tide lands when sold or leased.

Taking
for family
consumption
and bait.

Nothing in this section shall prevent the taking of clams for the consumption of the taker or his family or guests at all times without a license, and nothing in this section shall prevent the holder of a crab fishing license or any persons designated by him from taking clams for use as bait only between the first day of October and the thirty-first day of May following, upon the payment of a special license fee of one dollar (\$1.00) for each such digger of clams.

SEC. 24. That section 100 of chapter 31 of the Laws of 1915 be amended to read as follows:

Clams and
mussels on
Puget
Sound.

Section 100. It shall be unlawful for any person to take or dig clams or mussels from any of the tidelands abutting on Puget Sound or from the waters of Puget Sound below the line of low tide, or have them in his possession, if the same have been taken for the purpose of canning or selling, between the first day of April and the first day of September of each year, or to take or dig clams or mussels at any time except with fork, pick or shovel, operated by hand: *Provided*, That nothing in this section shall prevent the taking of clams or mussels by the taker for the consumption of himself or family or guests at all times, without a license.

Emergency.

SEC. 25. This act is necessary for the immediate support of the state and for the immediate preservation of the public peace, health and safety, and shall take effect March 31st, 1917.

Passed the Senate February 23, 1917.

Passed the House March 7, 1917.

Approved by the Governor March 19, 1917.