

CHAPTER 104.

[S. S. B. 272.]

CONSERVATION OF SHELLFISH.

AN ACT relating to shellfishes; prohibiting the fishing therefor in certain waters until July 1, 1946; defining the duties of certain officers; providing for a certain license; and prescribing penalties.

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

Closed season
on shellfish.

Time.

Territory.

Boundaries
of closed
waters.

Purpose.

Preservation
of shellfish.

Private
oyster beds
excepted.

SECTION 1. It shall be unlawful to engage in commercial fishing with any fishing appliance or by any means whatsoever for shrimp and crabs until July 1, 1946, in the waters of Hood Canal, including the waters of Quilcene Bay and Dabob Bay, inland or inside of a line commencing at Hammond Point on Hood Head and then projected due east to the mainland; also in the waters of Puget Sound, inland or inside of the following described lines: Beginning at a point on the east side of Wholloch Bay near the entrance, said point being designated by a post set in the ground, painted white and marked "State Monument—Boundary Salmon Preserve"; thence due southwest to a point on Fox Island, said point being designated by a post set in the ground, painted white and marked "State Monument—Boundary Salmon Preserve"; thence following the shore line of Fox Island to Gibson Point; then due east to the mainland.

SEC. 2. The shellfishes in the waters and tidelands of the State Washington shall be preserved, protected and perpetuated, and to that end such shellfishes shall not be taken at such times or places, in such numbers or amounts, by such means or in such manner, as will impair the supply thereof: *Provided, however,* That nothing contained herein shall apply to privately owned or leased oyster beds or to the oysters grown thereon.

SEC. 3. The Director of Fisheries shall have the power to investigate the habits, supply, and economic uses of, and to classify, the shellfishes in the waters and tidelands of the State of Washington, and, from time to time, make, adopt, amend, and promulgate rules and regulations governing the taking thereof, (1) fixing the times when the taking of the several classes of, and all, shellfishes is prohibited, (2) fixing the numbers or amounts of the several classes of, and all, shellfishes that may be taken, (3) specifying and defining the places and waters in which the taking of the several classes of, and all, shellfishes is prohibited, and (4) defining, fixing, and prescribing the kinds of gear, appliances, or other means that may be used in taking the several classes of shellfishes, and the times, places and manner of using the same: *Provided, however,* That nothing herein contained shall apply to privately owned or leased oyster beds or to the oysters grown thereon.

Duties of
Director of
Fisheries.

Make rules.
Contents.

Private beds
excepted.

SEC. 4. All laws relating to the matters referred to in the last preceding section are hereby repealed as statutes, and are hereby constituted and declared to be operative and to remain in force as the rules and regulations of the Director of Fisheries, until such time as they or any of them are amended, modified, or revoked by the Director of Fisheries.

Existing laws
repealed.

Exception.

SEC. 5. Any person, firm or corporation owning or leasing any tidelands in the Puget Sound district that contains clams or mussels therein may, by paying to the State Treasurer on or before the first day of October of each year the sum of two dollars (\$2.00), obtain a clam farmer's license which will entitle the holder thereof to take or sell clams or mussels from any such tidelands owned or leased by such person, firm or corporation, from the first day of October of each year to the 31st day of March

May obtain
clam farmers
license.

Fee.

Season.

File location
map.

Containers
for sale to be
numbered.

Unlawful to
market
without
license.

Employees
to have
authority.

Penalty for
violation.

of the following year: *Provided, however,* That before the holder of the clam farmer's license may take or sell clams or mussels from any such tidelands such holder must file with the Director of Fisheries a location map of said tidelands made from an actual survey thereof. Upon receipt by the Director of Fisheries of such map he shall affix the serial number thereto which shall be the same number as the number of the license held by such clam farmer, and thereafter each and every package, sack or other container of clams or mussels marketed by the holder of said license must have affixed thereon the same serial number. It shall be unlawful for any person, firm or corporation owning or leasing any tidelands in the Puget Sound district to sell or market any clams or mussels grown upon such tidelands unless he, they, or it shall have taken out the clam farmer's license herein provided for. Every person employed by the holder of a clam farmer's license shall when digging clams or mussels have in his possession the written authority of such clam farmer, which authority shall be substantially in the following form: (1) it shall bear the number of the clam farmer's license, and (2) it shall bear the signature of the holder of the clam farmer's license.

SEC. 6. Anyone violating any of the provisions of this act or any of the rules and regulations of the Director of Fisheries shall be guilty of a misdemeanor.

Passed the Senate February 25, 1941.

Passed the House March 11, 1941.

Approved by the Governor March 19, 1941.