

Offense to  
prohibit  
hunting.

SEC. 12. Any person not the owner, lawful occupant or lawful possessor, of any land or who is not lawfully authorized so to do, who shall wilfully post a warning as herein provided, or shall wilfully warn, drive or attempt to drive, any person off land not owned, lawfully occupied, or lawfully possessed by him, or his principal, shall be guilty of a misdemeanor.

Repeals Rem.  
Comp. Stat.  
§ 5911;  
Pierce's Code  
§ 2641-8.

SEC. 13. That Section 5911 of Remington's Compiled Statutes be and the same is hereby repealed.

Repeal if  
any part  
unconstitu-  
tional.

SEC. 14. All other acts and parts of acts inconsistent with the provisions of this chapter are hereby repealed: *Provided*, if any section of this act shall be declared unconstitutional, it shall not affect any other section or part of section thereof.

Passed the Senate February 20, 1923.

Passed the House March 2, 1923.

Approved by the Governor March 13, 1923, with the exception of Section 1, which is vetoed.

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## CHAPTER 90.

[S. B. 284.]

### FOOD AND SHELL FISH.

AN ACT relating to food and shell fish and amending Sections 5682, 5693, 5709, 5711, 5717, 5731, 5734 of Remington's Compiled Statutes and adding three new sections to Chapter 1, Title 35 of Remington's Compiled Statutes to be known as Sections 5663-a, 5704-a and 5754-a, providing penalties and declaring that this act shall take effect immediately.

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

Amends Rem.  
Comp. Stat.  
§ 5682;  
Pierce's Code  
§ 2439.

SECTION 1. That Section 5682 of Remington's Compiled Statutes be amended to read as follows:

Section 5682. The failure to renew the license or to have made lawful application therefor for any fish-trap, pound-net, fish-wheel, or other fixed appli-

License  
failure to  
renew.

ance or set-net in any of the waters of this state on the first day of April of any year shall constitute abandonment of the location.

SEC. 2. That Section 5693 of Remington's Compiled Statutes be amended to read as follows:

Section 5693. It shall be unlawful to catch, take or fish for food with any appliance or by any means whatsoever except with hook and line commonly called angling or trolling unless license so to do has been first obtained from the Director of Licenses.

The presence in any of the waters of this state of any craft of any nature whatsoever equipped with any of the appliances required to be licensed by the laws of this state for the taking of fish, or of any fishing appliance for which licenses are required shall be prima facie evidence that the owners thereof are engaged in fishing.

Any person who shall engage in fishing, with any appliance whatsoever without having first obtained a license or made lawful application therefor shall be deemed guilty of a misdemeanor and the Director of Fisheries and Game is hereby authorized to seize said appliance and the same shall be confiscated to the state.

SEC. 3. That Section 5709 of Remington's Compiled Statutes be amended to read as follows:

Section 5709. It shall be unlawful to take or fish for salmon or sturgeon in the Columbia River, its tributaries and in any of the waters or sloughs thereof, west of the north and south line between sections 14 and 15, township 2 north, range 15 east of the Willamette meridian and within three miles outside the mouth of the Columbia River, by any means whatever, between 12 o'clock noon on the first day of March and 12 o'clock noon on the first day of May and between 12 o'clock noon on the twenty-

Vetoed  
L. F. H.

Amends Rem.  
Comp. Stat.  
§ 5709;  
Pierce's Code  
§ 2465.

Columbia  
River,  
closed  
season.

fifth of August and 12 o'clock noon on the tenth day of September, and between 6 o'clock p.m. on Saturday of each week and 6 o'clock p.m. of the Sunday following, from the first day of May to the twenty-fifth day of August, both dates inclusive, of each year.

It shall be unlawful to take or fish for salmon or sturgeon in the Columbia River between the north and south line dividing sections 14 and 15, township 2 north, range 15 east of the Willamette meridian, as extended across the Columbia River and a line easterly thereof where the 46th parallel north latitude crosses said Columbia River.

SEC. 4. That Section 5711 of Remington's Compiled Statutes be amended to read as follows:

Section 5711. 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 prior to January 1, 1924, 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, a resident of this state or an adjoining state, and from and after January 1, 1924, unless such person be a citizen of the United States 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, and nothing in this act shall be construed to prohibit fishing or the taking of fish with a hook and line. The word "fishing" as used in this act shall be deemed and construed to mean the catching or taking of food fish with any appliance, gear or trap, floating or fixed, whatsoever.

Amends Rem.  
Comp. Stat.  
§ 5711;  
Pierce's Code  
§ 2467.

Unlawful  
to take  
fish unless  
citizen or  
resident.

SEC. 5. That Section 5717 of Remington's Compiled Statutes be amended to read as follows:

Amends Rem.  
Comp. Stat.  
§ 5717;  
Pierce's Code  
§ 2474.

Section 5717. It shall be unlawful for any person, firm or corporation to purchase, handle, deal in or have in his possession any food fish of any variety which were taken from the waters of this state during any of the closed seasons prescribed by law or by the state fisheries board.

Unlawful  
to possess.

SEC. 6. That Section 5731 of Remington's Compiled Statutes be amended to read as follows:

Amends Rem.  
Comp. Stat.  
§ 5731;  
Pierce's Code  
§ 2488.

Section 5731. In the event that any person desires to construct a dam in any of the streams of this state to a height that will make a fish-ladder or fish-way thereover impracticable, in the opinion of the director of fisheries and game, then such person shall convey to the State of Washington a site of the size and dimensions satisfactory to the director of fisheries and game, at such place as may be selected by the director of fisheries and game, and erect thereon a fish hatchery and hatchery residence according to plans and specifications to be furnished by the director of fisheries and game and enter into an agreement with the director of fisheries and game secured by good and sufficient bond, to furnish all water and lights, without expense, and necessary sums of money to operate and maintain said proposed hatchery. The provisions of this section shall not apply to cases where the right to use or divert such waters or to erect such dams as has heretofore been granted or has become vested, or where dams have been heretofore constructed in streams to a height where construction of a fish-ladder is impracticable. Any decision of the director of fisheries and game hereunder shall be subject to review in the superior court of the State of Washington for Thurston county.

Fish-ladders  
and fish-ways  
in dams.

Amends Rem.  
Comp. Stat.  
§ 5734;  
Pierce's Code  
§ 2491.

SEC. 7. That Section 5734 of Remington's Compiled Statutes be amended to read as follows:

Pollution of  
waters.

Section 5734. It shall be unlawful to cast or pass, to suffer or permit to be cast or passed into any waters of this state, either fresh or salt, any sawdust, planer shavings, wood pulp or other waste, lime, gas, oil, oil products, grease, cocculus indicus, chemical substance or any refuse or waste material substance or matter at any time whatsoever deleterious to fish or shell-fish; *Provided, however,* That the director of fisheries and game shall have the power to grant permits for the sawing of logs in such waters as in his judgment can be used for that purpose without injury to food or game fish.

Rem. Comp.  
Stat. § 5663-a;  
Pierce's Code  
§ 2420.

SEC. 8. That a new section be added to Chapter 1, Title 35 of Remington's Compiled Statutes to be known and designated as Section 5663-a to read as follows:

Columbia  
River  
mouth  
established.

Section 5663-a. For the purpose of computation and determination of any statute, rule or regulation with respect to the fishing industry in the State of Washington or upon the Columbia River, the mouth of the Columbia River is hereby established and declared to be as follows:

Beginning at the present inshore end of the north jetty of the Columbia River to the knuckle of the south jetty on such river, which knuckle is approximately four miles westerly from the government dock at Fort Stevens. The said line will pass approximately  $\frac{3}{8}$  of a mile westerly from Buoy No. 10 as shown on geodetic survey No. 6151, dated January 5th, 1917.

Rem. Comp.  
Stat. § 5704-a;  
Pierce's Code  
§ 2460.

SEC. 9. That a new section be added to Chapter 1, Title 35 of Remington's Compiled Statutes to be known and designated as Section 5704-a to read as follows:

Section 5704-a. There shall be paid to the state treasurer of the state of the following license fees and taxes in the Columbia River district or the Columbia River or the waters of the Columbia River over which the State of Washington has jurisdiction or concurrent jurisdiction:

Columbia  
River  
license  
fees.

For each gill net license for the taking of salmon, smelt or herring, seven and fifty-one-hundredths dollars (\$7.50);

For each boat puller license for the taking of salmon, smelt or herring, one dollar (\$1.00);

*Provided, however,* That no such gill net licenses or boat puller licenses shall be issued in the name of or to any applicant unless the said applicant is to be engaged personally in the operation of said gill net or boat used in the operation thereof.

Every person, firm or corporation operating as a canner, receiver, buyer, or wholesaler of salmon, shad or sturgeon shall pay in addition to all other licenses or fees provided by law, the sum of one half cent ( $\frac{1}{2}$ c) per pound on each and every specie of salmon, shad and sturgeon caught in the Columbia River district or the waters of the Columbia River over which the State of Washington has jurisdiction or concurrent jurisdiction. The poundage fee herein required shall be paid to the state treasurer on March first and September first or at such other times as the supervisor of fisheries may order and direct, and the fee shall be accompanied by a report showing the total number of pounds of all varieties of fish, stated separately upon blanks furnished by the supervisor of fisheries.

Poundage  
tax.

It is the intention of this act that only one poundage fee shall be collected for each and every pound of fish purchased or received and in order that this end may be accomplished, the supervisor of fisheries and the state treasurer are hereby authorized to

determine finally any dispute arising out of the operation and enforcement of this section.

Lien.

The poundage fee herein required shall constitute a first lien upon the cannery, packing plant, scow, boat and its equipment used in the canning, receiving or transporting of the said fish.

Rules and regulations.

The state treasurer and the supervisor of fisheries shall have and hereby are granted the right and power to make such rules, regulations and orders and require such reports to be made as in their judgment shall be necessary to insure the collection and payment of the poundage fee herein required, and may in their discretion require a bond from any person, firm or corporation licensed, guaranteeing the payment of said poundage fee.

Reports.

It shall be unlawful for any person to falsify any of the reports or to violate any of the rules, regulations or orders made or required by the state treasurer or the supervisor of fisheries, or to violate any of the provisions of this section. Every person, firm or corporation licensed to operate as a canner, packer, buyer, receiver or wholesaler by the director of licenses shall keep a record in triplicate in such form so that the following information and facts shall be found thereon:

Record required.

1. Name of person from whom any of said fish are obtained.

2. The license number and kind of gear operated by said person.

3. The license number shall be preceded by the letter "W" in case the license has been issued by the State of Washington, and the letter "O" in case the license has been issued by the State of Oregon.

4. The number of pounds of each variety of fish purchased or received from said person, said weights to be the gross weight, figured in the whole or round.

5. The date when said fish was purchased or received.

6. The name of the purchaser or receiver.

At least one copy of this record must be kept on each scow, pick-up boat or other craft used in buying, receiving or transporting said fish and by the canner, or packer and the wholesaler or his buyer or receiver, and shall be subject to inspection by the supervisor of fisheries and the state treasurer or their deputies or agents.

Failure on the part of any person, firm or corporation to keep the record herein required shall be good and sufficient reason for the director of licenses to suspend or revoke the license granted to said person, firm or corporation, and any person, firm or corporation failing to pay the poundage fee required herein shall be denied a renewal of said license or the issuance of any other license which may be issued by the director of licenses hereunder.

Any tax received hereunder shown by the reports to have been collected under a license issued by the State of Oregon shall not be deposited in the state treasury, but shall be deposited in a fund to be known as the Oregon License Fund; and the state treasurer of the State of Washington shall, each month, make a statement of all such tax received by him, and shall pay the same to the state fish commission of Oregon. This provision shall not become effective, however, unless a similar and reciprocal statute of the State of Oregon shall become effective in favor of the state fisheries board of the State of Washington.

It shall be unlawful to take or catch any food fish with a gill net or to operate as a boat puller in the Columbia River district, or in the waters in the Columbia River, over which the State of Washington has jurisdiction or concurrent jurisdiction without first obtaining the license as in this section provided.

Refund to  
Oregon.

Gill net  
and boat  
puller,  
license  
required.



Whip seine.

No license shall be granted to any person, firm or corporation to operate a whip seine in the Columbia River district or in the waters of the Columbia River, over which the State of Washington has jurisdiction or concurrent jurisdiction.

Penalty.

Any person, firm or corporation violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$250 nor more than \$1,000, or imprisonment in the county jail for not less than thirty days nor more than six months, or by both such fine and imprisonment.

SEC. 10. That Chapter 1 Title 35 of Remington's Compiled Statutes be amended by adding thereto a new section to be known and designated as Section 5754-a to read as follows:

Penalty.

Section 5754-a. Any person, firm or corporation who shall violate any of the provisions of Section 5752 and 5753 of Remington's Compiled Statutes or of any rule or regulation or order of the state fisheries board made pursuant thereto shall be guilty of a misdemeanor.

See Rem.  
Comp. Stat.  
§ 5752 and  
§ 5753;  
Pierce's Code  
§ 2510-1 and  
§ 2510-2.

Emergency.

SEC. 11. This act is necessary for the support of the state government and its existing public institutions and it shall take effect immediately.

Passed the Senate March 7, 1923.

Passed the House March 6, 1923.

Approved by the Governor March 13, 1923, with the exception of Section 2, which is vetoed.