

SEC. 33. This act shall be liberally construed. If any section, sentence, clause or part of this act is for any reason held to be unconstitutional or invalid, as applied to any person or as applied under certain circumstances, such decision shall not affect the remaining portions of this act nor the application of this act to other persons or under other circumstances.

Construction
of act.Constitution-
ality.

SEC. 34. This act is necessary for the immediate preservation of public health, the preservation of the soft tree fruits industry, the preservation of the soft tree fruits producing areas, and for the support of the state government and its existing institutions, and in order that the commission may be organized and function prior to the beginning of the 1947 soft tree fruit marketing season, and shall take effect immediately.

Emergency.

Passed the House February 18, 1947.

Passed the Senate February 26, 1947.

Approved by the Governor March 5, 1947.

CHAPTER 74.

[H. B. 218.]

FOOD FISH AND SHELLFISH.

AN ACT relating to food and shellfish; providing for licenses for the taking, canning, receiving, buying, wholesaling and selling of food and shellfish, defining license fees, fixing penalties for violations thereof, amending section 51, chapter 31, Laws of 1915, as last amended by section 1, chapter 149, Laws of 1937 (sec. 5703, Rem. Rev. Stat.; sec. 555-21, PPC) and adding thirty-six new sections thereto, to be known as sections 51-a to -z, incl., and sections 51-aa to -jj, incl., respectively and repealing section 2, chapter 8, Laws of 1941, as amended by section 2, chapter 44, Laws of 1943 (sec. 5724-1, Rem. Rev. Stat.; sec. 555-33, PPC); section 2, chapter 63, Laws of 1921, as last amended by section 1, chapter 222, Laws of 1937 (sec. 5704, Rem. Rev. Stat.; sec. 560-1, PPC); section 2, chapter 133, Laws of 1931, as last amended by section 1, chapter 45, Laws of 1943 (sec. 5704b, Rem. Rev. Stat.; sec. 555-25, PPC), and declaring this act shall take effect April 1, 1947.

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

SECTION 1. Section 51, chapter 31, Laws of 1915, as last amended by section 1, chapter 149, Laws of 1937 (sec. 5703, Rem. Rev. Stat.; sec. 555-21, PPC), is amended to read as follows:

Licenses.

Section 51. Licenses herein required shall be issued to any qualified person, firm or corporation, by the Director of Licenses, or his duly authorized deputy, upon the receipt of a lawful application therefor, upon a blank to be furnished for that purpose, accompanied by the receipt of the State Treasurer for the required fee, and the Director of Licenses shall cause to be endorsed on such application the number of the license issued and the date of issue, and transmit the application to the Director of Fisheries. All applications for licenses shall be filed with the State Treasurer accompanied by the proper fees.

Application.

Payment.

SEC. 2. There are hereby added to section 51, thirty-six new sections to be known as sections 51-a to -z, incl., and sections 51-aa to -jj, incl., to read as follows, respectively:

Personal
commercial
fishing \$5.00.

Section 51-a. There shall be a personal commercial fishing license fee of five dollars (\$5) per annum, which shall be obtained by every person who takes or assists in taking any fish or shellfish from the waters or beaches of the State of Washington for commercial purposes, or who operates or assists in operating any boat or gear for the taking of fish or shellfish from the waters or beaches of the State of Washington for commercial purposes, or who brings or assists in bringing any fish or shellfish into the State of Washington for commercial purposes after having taken such fish or shellfish in the waters of the Pacific Ocean. The personal license shall be carried on the person whenever such

person is engaged in the taking, landing or selling of any fish or shellfish: *Provided, however,* This section shall not apply to those persons engaged solely as employees of any person, firm or corporation holding a valid oyster or clam farm license.

Section 51-b. There shall be a commercial fishing guide license fee of ten dollars (\$10) per annum, which shall be obtained by every person acting as a professional guide for hire for others in the taking of food fish or shellfish from the waters or beaches of the State of Washington for commercial purposes.

Commercial
fishing guide
\$10.00.

Section 51-c. (1) There shall be a commercial fishing vessel license fee of five dollars (\$5) per annum, which shall be obtained by every person, firm or corporation, owning or operating any commercial vessel which delivers or lands fish or shellfish within the State of Washington: *Provided,* That nothing in this section shall apply to vessels operated by any person, firm or corporation having an oyster or clam farmer's license and used exclusively for such purpose.

Commercial
fishing vessel
\$5.00.

(2) Each annual application for a commercial fishing vessel license shall contain the name and address of the owner of the vessel, the name and address of the operator of the vessel, the name and number of the vessel, a description of the vessel and fishing gear to be carried thereon, and such other information as may be required by the department of fisheries.

Application.

(3) At the time of issuance of such license the Director of Licenses shall furnish each applicant with a certificate of registration and two metal license plates with the registration number stamped thereon. Such registration shall be known as the "State of Washington License & Registration Number" and shall not be transferable. The registration certificate shall be carried aboard the vessel at all times and the metal license plates shall be affixed

Certificate of
registration.

License
plates.

and carried in plain sight on each side of the vessel well forward.

Reports.

(4) Registrants shall report immediately any change of name, ownership or operator of the vessel. Defaced, mutilated or lost license plates shall be replaced immediately and a fee of two dollars (\$2) shall be charged for such new plates.

Duplicate plates.

Hand line or jigger \$5.00.

Section 51-d. There shall be a hand line or jigger license fee of five dollars (\$5) per annum, which shall be required of any person, firm or corporation operating such gear in fishing for commercial purposes: *Provided*, That not more than three hooks shall be attached to any one hand line or jigger used for commercial fishing.

Troll line \$5.00.

Section 51-e. There shall be a troll line license fee of five dollars (\$5) per annum, which shall be required of any person, firm or corporation operating such gear in fishing for commercial purposes.

Set line \$10.00.

Section 51-f. There shall be a set line license fee of ten dollars (\$10) per annum, which shall be required of any person, firm or corporation operating such gear in fishing for commercial purposes: *Provided*, That not more than five hundred hooks may be attached to any one set line.

Gill net \$7.50.

Section 51-g. There shall be a gill net license fee of seven dollars and fifty cents (\$7.50) per annum, which shall be required of any person, firm or corporation operating such gear in fishing for commercial purposes in the Puget Sound, Grays Harbor and Willapa Harbor districts: *Provided*, That any person using any such net which exceeds seven hundred and fifty feet in length, shall pay an additional license fee of one cent (1¢) for each foot by which such length is exceeded.

Additional fee.

Gill net \$7.50.

Section 51-h. There shall be a gill net license fee of seven dollars and fifty cents (\$7.50) per annum, which shall be required of any person, firm or corporation operating such gear in fishing for commercial purposes in the Columbia River district.

Section 51-i. There shall be a set net license fee of ten dollars (\$10) per annum, which shall be required of any person, firm or corporation operating such gear in fishing for commercial purposes for bottom fish only.

Set net
\$10.00.

Section 51-j. There shall be a dip bag net license fee of five dollars (\$5) per annum, which shall be required of any person, firm or corporation operating such gear in fishing for commercial purposes.

Dip bag net
\$5.00.

Section 51-k. There shall be a drag seine, beach seine, or drag bag seine license fee of ten dollars (\$10) per annum, which shall be required of any person, firm or corporation operating such gear in fishing for commercial purposes: *Provided*, That any person fishing with any such device which exceeds three hundred feet in length, shall pay an additional fee of three cents (3¢) for each foot by which such length is exceeded.

Drag seine,
beach seine,
or drag bag
seine \$10.00.

Additional
fee.

Section 51-l. There shall [be] a lampara, or round-haul net license fee of twenty-five dollars (\$25) per annum, which shall be required of any person, firm or corporation operating such gear in fishing for commercial purposes.

Lampara, or
round-haul
net \$25.00.

Section 51-m. There shall be a purse seine license fee of fifty dollars (\$50) per annum, which shall be required of any person, firm or corporation operating such gear in fishing for commercial purposes.

Purse seine
\$50.00.

Section 51-n. There shall be a beam trawl license fee of twenty-five dollars (\$25) per annum, which shall be required of any person, firm or corporation operating such gear in fishing for commercial purposes.

Beam trawl
\$25.00.

Section 51-o. There shall be an otter trawl license fee of twenty-five dollars (\$25) per annum, which shall be required of any person, firm or corporation operating such gear in fishing for commercial purposes.

Otter trawl
\$25.00.

Section 51-p. There shall be a reef net license

Reef net
\$15.00.

fee of fifteen dollars (\$15) per annum, which shall be required of any person, firm or corporation operating such gear in fishing for commercial purposes.

Fyke net
\$10.00.

Section 51-q. There shall be a fyke net license fee of ten dollars (\$10) per annum, which shall be required of any person, firm or corporation operating such gear in fishing for commercial purposes.

Brush weir
\$25.00.

Section 51-r. There shall be a brush weir license fee of twenty-five dollars (\$25) per annum, which shall be required of any person, firm or corporation operating such gear in fishing for herring for commercial purposes.

Ring net
\$5.00.

Section 51-s. There shall be a ring net license fee of five dollars (\$5) per annum, which shall be required of any person, firm or corporation operating such gear in fishing for commercial purposes.

Bottom fish
pot \$10.00.

Section 51-t. There shall be a bottom fish pot license fee of ten dollars (\$10) per annum, which shall be required of any person, firm or corporation operating such gear in fishing for bottom fish for commercial purposes: *Provided*, That an additional fee of ten cents (10¢) per pot shall be required for each pot over one hundred.

Additional
fee.

Shellfish
pot \$5.00.

Section 51-u. There shall be a shellfish pot license fee of five dollars (\$5) per annum, which shall be required of any person, firm or corporation operating such gear in fishing for crab, shrimp, crawfish or octopus for commercial purposes: *Provided*, That an additional fee of ten cents (10¢) per pot shall be required for each pot over one hundred.

Additional
fee.

Clam or
oyster farm
\$10.00.

Section 51-v. There shall be a clam or oyster farm license fee of ten dollars (\$10) per annum, which shall be required of any person, firm or corporation engaged in the production of clams or oysters on privately owned or controlled tidelands for commercial purposes.

Oyster
reserve
\$10.00.

Section 51-w. There shall be an oyster reserve license fee of ten dollars (\$10) per annum, which shall be required of any person, firm or corporation

taking oysters from state reserves and/or state tide-lands for any purpose authorized by law or regulations of the Director of Fisheries.

Section 51-x. There shall be a wholesale fish or shellfish dealer's license fee of twenty-five dollars (\$25) per annum, which shall be required of any person, firm, or corporation engaged in the business of selling fish or shellfish at wholesale or in freezing, salting, smoking, kippering, preserving in ice or otherwise dealing in or curing any food or shellfish for commercial purposes whether or not he is the taker or catcher of such fish or shellfish.

Wholesale
fish or shell-
fish dealer's
\$25.00.

Section 51-y. There shall be a retail fish or shellfish dealer's license fee of two dollars and fifty cents (\$2.50) per annum, which shall be required of any person, firm or corporation who sells fresh, frozen or cured fish or shellfish directly to the consumer whether or not he is the taker or catcher of such fish or shellfish.

Retail fish or
shellfish
dealer's
\$2.50.

Section 51-z. There shall be a food fish canning license fee of twenty-five dollars (\$25) per annum, which shall be required of any person, firm or corporation engaged in canning food fish, for commercial purposes, in hermetically sealed containers which are processed by exposure to heat for pasteurization or sterilization.

Food fish
canning
\$25.00.

Section 51-aa. There shall be a shellfish canning license fee of fifteen dollars (\$15) per annum, which shall be required of any person, firm or corporation engaged in canning shellfish, for commercial purposes, in hermetically sealed containers which are processed by exposure to heat for pasteurization or sterilization.

Shellfish
canning
\$15.00.

Section 51-bb. There shall be a fish by-products license fee of twenty-five dollars (\$25) per annum, which shall be required of any person, firm or corporation engaged for commercial purposes in the manufacture or preparation of fertilizer, oil, meal,

Fish
by-products
\$25.00.

caviar, fish bait or other by-products from fish or shellfish.

Fish broker's
\$25.00.

Section 51-cc. There shall be a fish broker's license fee of twenty-five dollars (\$25) per annum, which shall be required of every person, firm or corporation handling food fish, or shellfish, whether fresh, frozen, canned or otherwise processed, for others or with others with whom he has an interest, divisible or indivisible, for a fixed compensation or on commission, or who negotiates, bargains and contracts with others relative to any of such fish and with the custody of which he may not have any concern.

Fish buyer's
\$5.00.

Section 51-dd. There shall be a fish buyer's license fee of five dollars (\$5) per annum, which shall be required of each wholesaler, canner, by-products manufacturer or broker for each buyer engaged as the representative of such wholesaler, canner, by-products manufacturer or broker.

Boathouse
operator's
\$5.00.

Section 51-ee. There shall be a boathouse operator's license fee of five dollars (\$5) per annum, which shall be required of any person, firm or corporation engaged in the business of renting boats to individuals for the purpose of taking food fish or shellfish for personal use: *Provided*, That an additional fee of one dollar (\$1) shall be required for each boat in excess of five in number.

Branch
plant
\$5.00.

Section 51-ff. There shall be a branch plant license fee of five dollars (\$5) per annum, which shall be required of each retailer, wholesaler, canner, by-products manufacturer or boathouse operator having more than one place of business. Such person, firm or corporation shall designate one place of business as headquarters and shall obtain one such license for each other place of business.

Unlawful not
to have
license.

Section 51-gg. It shall be unlawful for any person, firm, or corporation to engage in any phase of the fishing industry, or to operate any fishing gear

known as or classified as commercial fishing gear by the director of fisheries, or to deliver or land any fish in the State of Washington, whether taken from waters within or without the jurisdiction of the State of Washington, without first obtaining and having in possession such licenses as herein specified.

Section 51-hh. Any person, firm or corporation violating any of the provisions of this act shall be guilty of a misdemeanor and conviction thereof shall be subject to a fine of not less than twenty-five dollars (\$25) nor more than two hundred fifty dollars (\$250). Penalty.

Section 51-ii. Section 2, chapter 8, Laws of 1941, as amended by section 2, chapter 44, Laws of 1943 (sec. 5724-1, Rem. Rev. Stat.; sec. 555-33, PPC) section 2, chapter 63, Laws of 1921, as last amended by section 1, chapter 222, Laws of 1937 (sec. 5704, Rem. Rev. Stat.; sec. 560-1, PPC) and section 2, chapter 133, Laws of 1931, as last amended by section 1, chapter 45, Laws of 1943 (sec. 5704b, Rem. Rev. Stat.; sec. 555-25, PPC) are hereby repealed. Repealed statutes.

Section 51-jj. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect April 1, 1947. Emergency.

Passed the House February 27, 1947.

Passed the Senate February 26, 1947.

Approved by the Governor March 5, 1947.