Chapter 513

Packing Fish and Manufacture of Fish Products

513.010 "Reduction plant" defined
513.020 Control and regulation of means of handling fish and fish products
513.030 Inspection of means of handling fish and fish products
513.040 Control and regulation of amount and kind of fish commercially handled; sardine processing
513.050 Additional privilege tax on certain fish caught for commercial purposes
513.060 Privilege tax poundage report to commission
513.070 Determination of privilege tax disputes
513.080 Payment of privilege tax; effect of failure to pay
513.090 Disposition of privilege tax moneys collected
513.100 General regulatory power of commission
513.990 Penalties

CROSS REFERENCES

Additional fees for operating cannery, 508.230
Additional poundage fees on canners, 508.305
Cannery licenses, 508.215
Delivery license, 511.220
Reduction plant license, 508.205
Shellfish sanitation certificates, Ch. 622
Smelt poundage fees on canners, 508.355
Tax on floating reduction or processing plants, 308.260
Water resources policy, state, compliance with required, 536.300 to 536.400

513.010 "Reduction plant" defined. As used in this chapter, "Reduction plant" applies to any plant engaged in the reduction of fish into fish flour, fish meal, fish scrap, fertilizer, fish oil or other fish products or by-products.

513.020 Control and regulation of means of handling fish and fish products. In order that all fish or parts thereof suitable for human consumption may be conserved and used for that purpose, and to provide sanitary methods and prevent waste in the use, sale, packing, preserving, manufacturing, processing or other handling of fish or fish products, other than salmon, the Fish Commission of the State of Oregon may control and regulate fishing boats, barges, lighters or tenders, receptacles or vehicles containing fish or fishing gear, fish reduction plants or plants where fish products are manufactured, in so far as may be necessary to insure the taking, catching, delivery of fish, canning, packing, preserving, reduction of and manufacture of fish products or by-products in a wholesome and sanitary manner, and to prevent deterioration or waste of any fish.

513.030 Inspection of means of handling fish and fish products. Any member, assistant or employe of the fish commission, or duly authorized officer of the state, may enter any canning, packing, preserving or reduction plant or place of business where fish or other fish products are packed, preserved, manufactured, bought or sold, or board and inspect any fishing boat, barge, lighter or tender, receptacle or vehicle, containing fish, for the purpose of examining any fish or fish products and to ascertain the amount of fish received, or kind and amount of fish products packed or manufactured and the number and size of containers or cans for fish products purchased, received, used or on hand.

513.040 Control and regulation of amount and kind of fish commercially handled; sardine processing. The fish commission may:

(1) Control, regulate and establish, by order, the proportion or percentage of sardines, pilchards, herring or other species of fish other than salmon, to be used for reduction purposes or the manufacture of fish flour, fish meal, fish scrap, fertilizer or oil, and may further, through such order, specifically name or prescribe the particular species of fish which may be used for reduction purposes, food for animals or other purposes.

(2) Exercise full jurisdiction and control over the processing, packing or preserving of sardines, and prescribe and specify the process to be used in the canning of such fishes in order to assure a quality product and prevent the use of certain substitute oils resulting in inferior grades.

513.050 Additional privilege tax on certain fish caught for commercial purposes. (1) Every person, firm or corporation, engaged commercially in the canning, packing, preserving, freezing, dealing in or otherwise handling, or in the manufacture of fish products, or the operation of a reduction plant, for the purpose of canning, packing, preserving or manufacturing into any fish products or by-products from fish brought into the jurisdiction of this state, or taken from the waters of the Pacific Ocean inside the three-mile limit, including such waters in rivers and in harbors, shall, in addition to other fees and licenses required by the laws of the state governing the buying, selling, canning, preserving or otherwise handling or dealing in food or shell fish, and in addition to other applicable license fees provided by law, pay a privilege tax of three and three-fourths cents for each 100 pounds, or fraction thereof, of pilchard, tuna or other fish so purchased or received by them, or of pilchard, tuna or other fish caught or taken by themselves with their own equipment; provided, such privilege tax is 25 cents for each 100 pounds, or fraction thereof, on albacore tuna fish. The privilege tax on fish livers of any species when so delivered separate and apart from the whole or round fish or brought into the jurisdiction of this state is 10 cents for each 100 pounds or fraction thereof.

(2) The privilege tax specified in this section does not apply to any species of salmon, shad, striped bass, sturgeon or other anadromous or food fish taken in the waters within the jurisdiction of the state or over which the state has concurrent jurisdiction, the tax on such fish so taken being construed as coming under ORS 508.305.

513.060 Privilege tax poundage report to commission. The person, firm or corporation mentioned in ORS 513.050 shall, on the tenth day of each month, report to the State Fisheries Director the total of fish in

pounds purchased, caught or received by them during the month next preceding. Blanks for this report shall be supplied by the fish commission and shall be executed in the form and manner and in accordance with instructions which the fish commission may, by order, direct.

513.070 Determination of privilege tax disputes. It is intended that only one privilege tax shall be collected for each and every 100 pounds, or fraction thereof, of fish purchased, handled, taken or received. In order that this end may be accomplished, the fish commission may determine any dispute arising out of the operation and enforcement of ORS 513.050 to 513.080.

513.080 Payment of privilege tax; effect of failure to pay. (1) The privilege tax provided by ORS 513.050 shall be paid to the fish commission, or to a person designated by it, within 30 days after the close of each month.

(2) Upon the failure of any person operating under ORS 513.050 to pay the privilege tax within 30 days after the close of any month, his or its license shall be deemed forfeited and thereupon is ineffective and inoperative for any purpose whatsoever.

(3) Unpaid privilege taxes required by ORS 513.050 to be paid, and any portion thereof, constitute a first lien upon the plant and real property wherein and whereon the packing operations have been conducted and carried on.

513.090 Disposition of privilege tax moneys collected. All moneys collected from the privilege tax on fish provided for by ORS 513.050, shall be paid to the fisheries director and deposited with the State Treasurer to the credit of the General Fund.

513.100 General regulatory power of commission. The fish commission may make, promulgate and enforce such regulations as may be necessary or convenient for carrying out any power, authority or jurisdiction conferred upon it by this chapter, ORS 509.225 and 509.230.

513.990 Penalties. Violation of any provision of this chapter, or any rule, regulation or order of the fish commission authorized by this chapter, is punishable, upon conviction, by a fine of not more than $500, or by imprisonment in the county jail for not more than 90 days, or both.

CHAPTERS 514 AND 515

[Reserved for expansion]