

Chapter 508

1963 REPLACEMENT PART

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WHEN LICENSE REQUIRED

508.005 Requirement of license to take or deal in fish. It is unlawful for any person, firm or corporation, without first procuring a license to do so from the Fish Commission of the State of Oregon:

(1) To take, fish for or catch any salmon, shad, striped bass, sturgeon or other anadromous, food or shellfish, except trout of all species including steelhead trout, in any of the waters over which the state has jurisdiction, concurrent or otherwise, including waters of the Pacific Ocean within the boundaries of the state or over which the state has jurisdiction.

(2) To buy, sell, dispose of or otherwise deal in such fishes.

(3) To preserve, can, cure, process, manufacture or otherwise convert such fishes into fish products or by-products.

508.010 Requirement of license to engage in business of dealing in fish. It is unlawful for any person, firm or corporation to engage in the business of buying, selling, canning, packing, preserving, peddling or otherwise dealing in salmon, shad, sturgeon or other anadromous, food or shellfish within the state, without first obtaining a license from the State Fisheries Director, as provided by law. In all prosecutions under this section, it is no defense that the person, firm or corporation caught his or its own salmon, shad, sturgeon or other anadromous, food or shellfish, or not.

508.015 Requirement of license for fishing gear. It is unlawful for any person to operate or maintain, or leave in a condition to take any food fish or shellfish, in any of the waters of this state, any setnet, gillnet, setline or any device, apparatus or gear used in catching food fish and shellfish without first obtaining from the fisheries director or an authorized agent a license as specified by ORS 508.021 and 508.105 to 508.470, and said license must be in possession at the time any gear is being fished or so operated.

[Amended by 1963 c.246 §3]

508.020 [Amended by 1953 c.656 §6; 1961 c.374 §1; repealed by 1963 c.246 §4 (ORS 508.021 enacted in lieu of ORS 508.020)]

508.021 Requirement of separate licenses for certain fishing gear and activities; exception for packaged frozen food fish or shellfish. (1) Separate licenses are required for:

(a) Each setnet, setline or gillnet.

(b) Each person, firm or corporation, other than employes, acting as a food fish canner, or a shellfish canner.

(c) Each person acting or engaged by any person, firm or corporation as a fish buyer at each separate place of business or fixed location where such business is being conducted.

(d) Each person, firm or corporation, other than employes, operating as a wholesale fish dealer, for each separate place of business or fixed location where such business is being conducted; provided, however, that only one license shall be required at each place of business for any or all of the activities permitted.

(e) Each person, firm or corporation, other than employes, operating as a retail fish dealer at each separate place of business.

(f) Each boat or vessel used in the operation of taking or catching fish.

(g) Each person acting as a fisherman and engaged or assisting in the taking or catching of food fish or shellfish.

(h) Each single delivery of fish from the Pacific Ocean in the absence of boat and fisherman licenses.

(2) The fish commission shall classify and define the various licenses provided for in this section, and shall direct the State Fisheries Director to issue licenses accordingly and the classification shall be final. However, no license is required to handle or deal only in packaged frozen food fish or packaged frozen shellfish. As used in this section, "packaged frozen food fish or packaged frozen shellfish" means any species of food fish or shellfish which is wrapped, frozen and placed in packages to which a legible label is stamped or printed showing the name, address, brand or trade name of the original processor or wholesale distributor under which the package is marketed and the kind of frozen food fish or frozen shellfish contained therein, for distribution and ultimate sale in the original package.

[1963 c.246 §5 (enacted in lieu of ORS 508.020)]

508.025 to 508.100 [Reserved for expansion]

KINDS OF LICENSES AND REGULATIONS APPLICABLE THERETO; FEES

508.105 Commercial fishing license; fee; purpose; issuance; possession. (1) The fee for each commercial fishing license is \$15.

(2) A commercial fishing license shall be obtained by each person who takes or assists in the taking of any food fish or shellfish from the waters and land over which the state has jurisdiction, concurrent or otherwise, for commercial purposes, or who operates or assists in the operation of any boat or gear for the taking of food fish or shellfish in the waters over which the state has jurisdiction, concurrent or otherwise, or who lands food fish or shellfish from the waters of the Pacific Ocean at any point in the state.

(3) The commercial fishing license shall be issued to any qualified person by the State Fisheries Director or an authorized agent upon application therefor upon blanks to be furnished by the Fish Commission of the State of Oregon and payment of the required license fee. The commercial fishing license shall be in the possession of such person when engaged in the taking, landing or selling of such food fish or shellfish, and is required in addition to any other license to take food fish or shellfish required under this chapter.

[Amended by 1955 c.176 §1; 1963 c.246 §6]

508.110 Treaty Indians exempted from license fees. The fees prescribed in ORS 508.105 to 508.220 are not required of Indians with treaty rights.

[Amended by 1963 c.246 §7]

508.115 [Repealed by 1961 c.156 §1]

508.120 Gillnet license; fee; licensee to personally operate gillnet; scope of license.

(1) The fee for each gillnet license issued to an actual bona fide resident of the state for at least one year prior to application is \$5 and the fee for each gillnet license issued to any person who is not a resident of the state is \$45.

(2) A licensee must personally operate the gillnet and may operate only one gillnet at a time.

(3) The gillnet license shall be issued to fish on any one stream and its tributaries. A separate gillnet license is required to fish on any other stream or its tributaries during any one license year.

[Amended by 1963 c.246 §8]

508.125 Setline license; fee; scope; number of hooks on setline. (1) The fee for each setline license issued to an actual bona fide resident of the state for at least one year prior to application is \$5 and the fee

for each setline license issued to any person who is not a resident of the state is \$45.

(2) A setline license shall be issued for a definite and specific location.

(3) Not more than 100 hooks shall be attached to any one setline and the setline must be operated by the licensee.

[Amended by 1963 c.246 §9]

508.130 [Amended by 1959 c.128 §1; repealed by 1963 c.246 §12]

508.135 Setnet license; fee; limit on number; length and operation of setnet.

(1) The fee for each setnet license issued to an actual bona fide resident of the state for at least one year prior to application is \$5 and the fee for each setnet license issued to any person who is not a resident of the state is \$45.

(2) No person, firm or corporation shall be issued more than six such licenses for the same river, bay or stream during any one license year.

(3) No setnet operated under any license so issued shall:

(a) Exceed 300 feet in length, except in the waters of Tillamook Bay, where setnets of not to exceed 1,200 feet in length shall be permitted during the months of October, November and December.

(b) Be operated by other than the licensee.

[Amended by 1963 c.246 §10]

508.140 [Repealed by 1963 c.246 §12]

508.145 [Repealed by 1963 c.246 §12]

508.147 [1955 c.238 §2; repealed by 1963 c.246 §12]

508.150 [Repealed by 1963 c.246 §12]

508.152 [1955 c.238 §3; repealed by 1963 c.246 §12]

508.155 [Amended by 1953 c.656 §6; repealed by 1963 c.246 §12]

508.160 [Amended by 1955 c.167 §1; repealed by 1963 c.246 §12]

508.165 [Repealed by 1963 c.246 §12]

508.170 [Repealed by 1963 c.246 §12]

508.175 [Repealed by 1963 c.224 §7]

508.180 Retail fish dealer's license; fee. The fee for each license to operate as a retail fish dealer is \$10.

[Amended by 1953 c.656 §6; 1959 c.401 §1; 1961 c.374 §2; 1963 c.224 §1]

508.185 [Repealed by 1963 c.224 §7]

508.190 Wholesale fish dealer's license; fee. The fee for each license to operate as a wholesale fish dealer is \$50.
[Amended by 1963 c.224 §2]

508.195 [Amended by 1953 c.656 §6; repealed by 1961 c.374 §4]

508.200 Fish buyer's license; fee. The fee for each license to operate as a fish buyer is \$10.
[Amended by 1963 c.224 §3]

508.205 [Repealed by 1963 c.224 §7]

508.210 [Repealed by 1963 c.224 §7]

508.215 Fish and shellfish canners' licenses; fees. (1) The fee for each license to operate as a fish canner is \$100.

(2) The fee for each license to operate as a shellfish canner is \$50.
[Amended by 1963 c.224 §4]

508.220 [Amended by 1955 c.177 §1; repealed by 1963 c.224 §7]

508.223 Fee for delivery license. The fee for each single delivery license is \$15.
[1963 c.246 §2]

508.225 Special permit to net or trap carp or nongame or nonfood fish; fee. (1) Upon receiving a written application therefor, accompanied by a fee of \$1.50, either the fish commission or the State Game Commission may issue to any person a special permit to net or trap carp or nongame or nonfood fish from any of the waters of the state or waters over which the state has concurrent jurisdiction.

(2) The kind or kinds of fish authorized to be netted or trapped, the method to be used, and the name and location of the body of water from which the fish are to be netted or trapped shall be specified in the permit.

(3) After having obtained a special permit as provided for in subsection (1) of this section, and subject to any regulations of the fish commission or State Game Commission, any person may net or trap carp or nongame or nonfood fish from any of the waters of the state or waters over which the state has concurrent jurisdiction described in the permit.

(4) No person shall take and retain any fish other than described in the permit in connection with the use of any permit issued under subsection (1) of this section.
[Amended by 1955 c.279 §1; 1957 c.134 §1]

508.230 Additional fees for operating fishing appliances or cannery; payment to Seal Fund. (1) For the purpose of placing money in the Seal Fund provided for by ORS 506.335, there shall be paid to the fisheries director by each applicant for operating on food fish within the waters of the Columbia River and the waters over which this state has jurisdiction, concurrent or otherwise, at the time the application is made, \$2.50 for each gillnet license and \$50 for each fish canner license. These fees are in addition to all other fees provided by law for the operation of such fishing appliances or cannery.

(2) The fisheries director shall issue, upon payment of the fees mentioned in subsection (1) of this section, a certificate showing that the applicant has paid such fees to the Seal Fund. It is unlawful for any person, firm or corporation to operate under a gillnet license or a fish canner license as provided in this section without first paying the fees specified in subsection (1) of this section, and receiving the certificate.
[Amended by 1963 c.224 §5]

POUNDAGE FEES

508.305 Additional poundage fees; by whom paid. Additional poundage fees shall be collected by the fisheries director as follows: Every person, firm or corporation operating within the state as a canner, buyer or wholesaler of any food fish or shellfish shall pay, in addition to all other licenses or fees provided by law, one and one-tenth of a cent per pound on each species of salmon except chum salmon; eight-tenths of a cent per pound on striped bass and sturgeon; four-tenths of a cent per pound on chum salmon, crabs and clams gross weight in the shell; three-tenths of a cent per pound on shad and smelt; twenty-five hundredths of a cent per pound on albacore tuna; two-tenths of a cent per pound on halibut and shrimp; and the fee for all other food fish and shellfish shall be five-hundredths of a cent per pound received or purchased by such canner, buyer or wholesaler; provided, however, that such poundage fees for all such fish not sold by a commercial fishing licensee to a canner, buyer or wholesaler shall be paid by the licensee.
[Amended by 1957(s.s.) c.9 §1; 1963 c.197 §1]

508.310 Time of payment of additional poundage fees; accompanying report; interest on overdue fees. (1) The poundage fee required by ORS 508.305 shall be paid to the

fisheries director on or before the fifteenth day of each calendar month for the preceding calendar month or at such other times as the fish commission may order and direct.

(2) 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 fisheries director.

(3) In the event that such poundage fee is not paid within 45 days after the due date, there shall be charged an interest rate of two-thirds of one percent per month until the principal and interest is paid.

508.315 Bond to guarantee additional poundage fee payment. The fish commission may, in its discretion, require a bond from any person, firm or corporation licensed, guaranteeing the payment of the poundage fee required by ORS 508.305.

508.320 Fish on which additional poundage fees paid; effect of Washington license.

(1) The poundage fees provided by ORS 508.305 shall be paid on all food fish and shellfish received or landed in the state except as otherwise provided by law.

(2) The poundage fee as provided for in ORS 508.305 shall be paid irrespective of whether the fish were caught under a Washington or Oregon license, or in the waters of the Pacific Ocean.

[Amended by 1963 c.197 §2]

508.325 Determination of additional poundage fee disputes. It is the intention that only one poundage fee shall be collected for each pound of fish purchased or received, and in order that this end may be accomplished the fish commission and the fisheries director may determine finally any dispute arising out of the operation and enforcement of ORS 508.305.

508.330 Additional poundage fee lien; foreclosure; jurisdiction of courts. The poundage fee required by ORS 508.305 constitutes a first lien upon the cannery, packing plant, scow, boat and its equipment used in the canning, receiving or transporting of the fish. This lien may be foreclosed by the fish commission in the name of the state by a suit in equity in the circuit court of the county in which the property upon which a lien is given by this section is situated. If situated in two or more counties the court first acquiring jurisdiction of a part of the

property shall have jurisdiction of all the property described in such foreclosure suit.

508.335 Making regulations and requiring reports; violating regulations and falsifying reports. (1) The fish commission may make such rules, regulations and orders and require such reports to be made as, in its judgment, are necessary to insure the collection and payment of the poundage fee required by ORS 508.305.

(2) It is 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 fish commission.

508.340 Keeping poundage records; contents; display; inspection. (1) Every person, firm or corporation licensed to operate as a canner, buyer, retailer or wholesaler by the fisheries director shall keep a record in such form so that the following information and facts shall be found thereon:

(a) Name of person from whom any of the fish are obtained.

(b) The commercial fishing license number and kind of gear operated by such person.

(c) For the Columbia River district the license number shall be preceded by the letter "O", in case the license has been issued by the State of Oregon, and the letter "W", in case the license has been issued by the State of Washington.

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

(e) The date when the fish were purchased or received.

(f) The name of the purchaser or receiver.

(g) The license number of the boat used in catching or taking the fish.

(2) At least one copy of this record shall be kept:

(a) On each boat, vessel, scow, pickup boat or other craft, truck, automobile, motor vehicle or other vehicle of any kind whatsoever used in buying, receiving or transporting the fish.

(b) By the canner, buyer, retailer or wholesaler.

(3) This record is subject to inspection by the fish commissioners, the fisheries director or any duly authorized police officer. This record shall be transmitted to the office of the fisheries director at such times and

in such manner as the fish commission directs.

(4) Every person, firm or corporation shall always keep open to inspection by the fish commission or its agent any books, records, papers or memoranda which are pertinent to the administration of ORS 508.305 to 508.350. For the purpose of ascertaining the correctness of any poundage fee record or report or the number of pounds of fish upon which the additional poundage fee is based or such other information as may be necessary to the administration of ORS 508.305 to 508.350, the fish commission or its agent may inspect such books, records, papers or memoranda.

[Amended by 1961 c.373 §1; 1963 c.197 §3]

508.345 Failure to keep or submit records or pay fees as grounds for license suspension, revocation or nonrenewal. (1) In addition to the penalty prescribed by subsection (5) of ORS 508.990, failure on the part of any person, firm or corporation to keep the record required by ORS 508.340 or failure of such person, firm or corporation to submit its books, records, papers or memoranda for inspection, pursuant to subsection (4) of ORS 508.340, to any member of the fish commission or any of its representatives presenting written authority from the commission is good and sufficient reason for the fish commission to order the fisheries director to suspend or revoke the license granted to such person, firm or corporation.

(2) Any person, firm or corporation failing to pay the poundage fee required shall be denied a renewal of such license or the issuance of any other license which may be issued by the fisheries director.

[Amended by 1961 c.373 §2]

508.350 Privacy of records and reports. The information received from the records and reports provided for by ORS 508.310, 508.335 and 508.340 shall not be made public by the fish commission, the fisheries director or any other person in the employment of the fish commission or fisheries director, except in a case where such information is called for by the Governor, member of the legislature or proper service in a court proceeding, by the fish commission or one especially authorized by it as provided in ORS 506.615, or before a grand jury. Nothing in this section precludes the making public of the grand totals in pounds or dollars from tabulation of the records and reports, or the fisheries director from disclosing

pertinent information taken from such records when in his judgment such information is an aid to law enforcement.

508.355 [Repealed by 1963 c.197 §4]

508.360 [Repealed by 1963 c.197 §4]

508.365 to 508.400 [Reserved for expansion]

ISSUANCE, APPLICATION, CONTENTS, WHERE VALID, TRANSFERRING, TERM, LOCATION ABANDONMENT, FORFEITURE

508.405 Director to issue licenses. All licenses required by ORS chapters 506, 507, 508, 509, 511 and 513 shall be issued to any qualified person, firm or corporation by the State Fisheries Director or an authorized agent, upon proper application and payment of the license fees provided for by ORS 508.105 to 508.135, 508.180, 508.190 and 508.200.

[Amended by 1963 c.196 §1]

508.407 Whip seine licensing prohibited. No license shall be granted to any person, firm or corporation to operate a whip seine within any of the waters of the state or within any of the waters over which the state has concurrent jurisdiction.

508.410 License application; form; affidavit and bond. (1) All applications for licenses under ORS 508.405 shall be made on blanks furnished by the fisheries director and accompanied by a sworn affidavit and bond, as provided in this section and ORS 508.415, specifying in detail the location of any fixed fishing appliance and such other information as will enable the fisheries director to determine the correctness of the application. Every application for a license to take food fish or shellfish, to operate or assist in the operation of a commercial fishing gear, or of a boat used in the operation thereof, shall contain a statement of the applicant's birth date, height, weight, color of hair and eyes and a description of complexion; and such physical description shall be shown on and made a part of any license issued by the State Fisheries Director pursuant thereto.

(2) Any person, firm or corporation making application to the fisheries director for a license to operate a setnet in any waters over which the state has jurisdiction, concurrent or otherwise, if anchored on private property, shall submit with the application a sworn statement certifying that

the applicant is the owner or part owner of the private property or that the owner has granted the applicant the right to go upon the property for such purpose.

(3) Application for a boat license shall be made in the name of the owner or operator, and show the boat name and either the federal registration or the Oregon Marine Board certificate of number.

(4) In the case of a single delivery license the application shall show the boat name and either the federal registration or the Oregon Marine Board certificate of number, and for the operator, the information required in subsection (1) of this section.

[Amended by 1957 c.208 §1; 1963 c.196 §2]

508.413 Boat license fee; plates. (1) Notwithstanding ORS 488.790, the fee for each boat license is \$20.

(2) A set of two license plates will be issued with each new boat license and one license plate must be at all times conspicuously displayed on each side of the licensed boat as nearly amidships as is practicable.

(3) The fee for replacement of lost plates will be \$2. Issuance of renewal license insignia shall be in accordance with rules and regulations promulgated by the fish commission.

[1963 c.246 §1]

508.415 Bond for poundage fees. In case of license applications by canners or wholesalers, the fisheries director shall, in addition to license fees provided by law, exact from the applicant a surety bond, guaranteeing the payment of poundage fees provided in ORS 508.305 to 508.350. The minimum bond required by this section is \$750. If in the judgment of the fish commission a higher bond than the minimum provided in this section shall be exacted, the fisheries director shall be instructed to fix the amount of the bond.

[Amended by 1963 c.196 §3]

508.420 Qualifications of applicants for licenses. (1) No license for taking or catching food fish or shellfish for commercial purposes, as required by the laws of this state, shall be issued to any person who is not a citizen of the United States.

(2) Nothing contained in this section shall prevent the issuance of licenses to Indians.

[Amended by 1955 c.168 §1; 1963 c.196 §4]

508.425 Aliens prohibited from fishing in concurrent jurisdictional waters. It is unlawful for any person to fish for or take for sale or profit any salmon, shad, sturgeon, striped bass or other anadromous, food or shellfish in any of the rivers or waters over which the States of Oregon and Washington have concurrent rights and concurrent jurisdiction, unless such person is a citizen of the United States.

[Amended by 1961 c.168 §1]

508.430 Proof of citizenship to fish; procedure; evidence in prosecutions. (1) When required by the fisheries director, any person desiring to fish for food fish or shellfish in any of the waters of this state, or waters over which the state has jurisdiction, concurrent or otherwise, including the waters of the Pacific Ocean, may go before a county clerk of any county of this state or the fisheries director, and furnish satisfactory proof of his citizenship and file his own affidavit and the affidavit of two or more persons to the effect that he now is, and for a year prior thereto has been an actual bona fide resident of this state. Thereupon the county clerk shall issue to him a certificate briefly reciting those facts.

(2) Thereafter in any prosecution against such person for a violation of the provisions of this Act, as defined in ORS 506.020, such certificate or a duly authenticated copy of the records in the office of the county clerk, relative thereto, is prima facie evidence of his citizenship and residence, as in this Act, as defined in ORS 506.020, required, but in all prosecutions under this Act, as defined in ORS 506.020, the burden of proof shall be upon the defendant to establish the fact of his citizenship and residence.

(3) Nothing contained in this section shall delay the issuance to any applicant of a license for a setnet or setline which is required to be issued on January 1 of each year.

[Amended by 1963 c.196 §5]

508.435 Director to keep license application records. The fisheries director shall keep and preserve a record of all applications for license filed.

[Amended by 1961 c.181 §1]

508.440 [Repealed by 1961 c.233 §1]

508.445 Certificate of director evidence as to license issuance. In all prosecutions requiring proof as to the issuance or non-issuance of a license by the fisheries director

under any of the laws of this state, the certificate of the fisheries director as to the issuance or nonissuance of the license by him shall be sufficient proof on that question to establish the fact. This certificate shall be admitted in evidence as to the issuance or nonissuance of the license in any such prosecution.

508.450 Contents of license. Each license issued under ORS 508.405 shall be numbered and dated by the fisheries director or an authorized agent and contain the site or address where the appliance or business is located and the name of the person to whom the license is granted.

[Amended by 1957 c.132 §1; 1963 c.196 §6]

508.455 Area where licenses valid. No license for a drag seine, setnet, or other fixed gear shall be transferred to any other location from the location for which it was issued and as originally located and marked under the license, during any license year.

[Amended by 1955 c.122 §1]

508.460 Oregon-Washington reciprocity on gillnet licenses. All gillnet licenses issued by the States of Oregon and Washington are valid as to the waters of the Columbia River in Oregon and Washington, as though issued by the department of fisheries of either state. The department of fisheries of each state or the officials who have charge of issuing licenses shall furnish to each other the names of licensees and the number of the licenses, without cost or expense to either state.

508.465 Licenses nontransferable. Licenses may not be transferred from one licensee to another.

508.470 When licenses expire; renewal. All licenses for which fees are provided for under ORS 508.105 to 508.220 shall expire as of midnight, December 31 following the dates of their issuance, and shall be renewed annually thereafter upon application and payment of fees required therefor; provided, however, that all licenses issued for the 1963-64 license year will expire on March 31, 1964. A licensee who applies for any license issued under authority of ORS 508.105 to 508.220 for the 1964 calendar year shall be credited with a sum in the amount of 25 percent of the fees paid for all licenses issued to him by the State Fisheries Director for the

1963-64 license year, provided he makes application therefor prior to January 1, 1964, and surrenders to the State Fisheries Director the license or licenses for which he is claiming credit.

[Amended by 1959 c.123 §1; 1961 c.374 §3; 1963 c.196 §7]

508.475 Failure to obtain fixed appliance license as location abandonment; war veterans excepted. The failure to renew the license, or make application therefor, for any fish traps, poundnet or location for other fixed appliance, in any of the waters of this state, on April 1 of any year, constitutes abandonment of the location. However, any licensee entering the armed services during any period which would qualify him as a war veteran is not deemed to have abandoned such location, gear or equipment so licensed, either by reason of absence from the location during such service or by failure to renew his license as required; and any such licensee may file application for renewal of any such license at any time following the date of his release from military or naval service, until April 1 of the following year, and shall have preference over other persons therefor.

508.480 Failure to construct appliance as location abandonment. Should the holder of any license neglect to construct the appliance called for by the license during two consecutive years covered by his license, the location shall be deemed abandoned.

508.485 Revocation of license for fish law violation. (1) Upon conviction within this state of any person, firm or corporation of actually having taken or caught salmon or other food fish in violation of any of the provisions of the laws relating thereto, the fish commission may, in its discretion, revoke and cancel for the remainder of the license year any license to take or catch salmon or other food fish which may have been issued to such person, firm or corporation by the fish commission or the fisheries director.

(2) Upon a second or subsequent conviction under subsection (6) of ORS 506.990, subsection (4) of ORS 509.990 or subsection (3) of ORS 511.990, in addition to the penalties provided therein, any license held by such convicted person issued by the fish commission shall be revoked and canceled and no new license shall be issued to such person during the remainder of the license year in which he was convicted.

508.490 Refusal to issue license within two years after second conviction. Upon conviction within this state of any person, firm or corporation of actually having taken or caught salmon or other food fish in violation of any of the provisions of the laws relating thereto after such person, firm or corporation has once been convicted and penalized under subsection (1) of ORS 508.485, the fish commission may, in its discretion, deny or refuse the issuance of any license to take or catch salmon or other food fish, through the fish commission or the fisheries director for any period of time up to two years from the date of the conviction.

508.495 Certificate in lieu of lost or destroyed license. Upon the receipt of a fee of \$1 and the filing of an affidavit that a license issued under authority of ORS 508.405 has been lost or destroyed, the State Fisheries Director shall issue a certificate that such license has been issued and has been lost or destroyed. The certificate may be used in lieu of the lost or destroyed license.
[1957 c.140 §1]

508.500 to 508.600 [Reserved for expansion]

508.605 [Repealed by 1961 c.232 §1]

508.610 [Repealed by 1961 c.232 §1]

508.615 [Repealed by 1961 c.232 §1]

508.620 [Repealed by 1961 c.232 §1]

508.625 [Repealed by 1961 c.232 §1]

508.630 [Repealed by 1961 c.232 §1]

508.635 [Amended by 1957 c.462 §1; repealed by 1961 c.232 §1]

508.640 [Repealed by 1961 c.232 §1]

508.645 [Amended by 1957 c.462 §2; repealed by 1961 c.232 §1]

508.650 [Repealed by 1961 c.232 §1]

508.655 [Repealed by 1961 c.232 §1]

508.660 to 508.985 [Reserved for expansion]

PENALTIES

508.990 Penalties. (1) Violation of any provision of ORS 508.005, or any rule, order or regulation promulgated and adopted by the fish commission in carrying out any provision of ORS 508.005, is punishable, upon conviction, by a fine of not more than \$500, or by imprisonment in the county jail for not more than six months, or both. Justice, district and circuit courts have concurrent jurisdiction of any prosecution instituted under authority of this subsection.

(2) Violation of ORS 508.165 is punishable, upon conviction, by a fine of not more than \$100, or by imprisonment in the county jail for not more than six months, or both.

(3) Violation of subsection (4) of ORS 508.225 is punishable, upon conviction, by a fine of not more than \$500, or by imprisonment in the county jail not more than six months, or both. Circuit courts, district courts and justice courts have concurrent jurisdiction over prosecutions under this subsection.

(4) Violation of subsection (4) of ORS 508.230 is punishable, upon conviction, by a fine of not more than \$500. All fines received under this subsection shall be paid to the fisheries director and by him deposited to the Seal Fund mentioned in ORS 506.335.

(5) Violation of ORS 508.305 to 508.350 is punishable, upon conviction, by a fine of not more than \$1,000, or by imprisonment in the county jail for not more than six months, or both.

(6) Violation of ORS 508.355 or 508.360 is punishable, upon conviction, by a fine of not more than \$100.

(7) Violation of subsection (2) of ORS 508.015, ORS 508.021, 508.105 to 508.160, 508.170 to 508.220, 508.405 or 508.470, or any rule or regulation promulgated and adopted by the fish commission in the administration of those statutes, is punishable, upon conviction, by a fine of not more than \$100, or by imprisonment in the county jail for not more than six months, or both.
[Amended by 1961 c.231 §1]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.
Done at Salem, Oregon,
on December 1, 1963.

Sam R. Haley
Legislative Counsel