

CHAPTER 253.

AN ACT to repeal and recreate 29.135 of the statutes, relating to wholesale fish dealer's license and providing a penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

29.135 of the statutes is repealed and recreated to read:

29.135 WHOLESALE FISH DEALER'S LICENSE. (1) As used in this section unless the content otherwise requires:

(a) "Fish" means any and all varieties of fresh fish, fast-frozen, salted, filleted, packaged, pickled and smoked fish, frogs, frog legs and all other forms of sea food.

(b) "Sea food" means those types of food sold fresh or frozen and commonly known as oysters, shrimp, lobsters, lobster tails, crabs, scallops, clams and other types of shell fish which are or can be lawfully taken for commercial purposes, but not any canned fish or such fish known as lutfish.

(c) "Canned fish" means fish and sea food products prepared for human consumption commercially, sterilized by heat and preserved in hermetically sealed containers.

(d) "Wholesale fish dealer" means any person who buys, barter, sells or solicits fish in any manner for himself or any other person for sale to anyone other than a consumer. A producer, except as otherwise hereinafter provided, who sells fish directly to retailers is a wholesale fish dealer. Hotels, meat markets, grocery stores, restaurants and taverns are retailers, except when they sell fish for resale, in which case they are wholesale fish dealers.

(e) A "producer of fish" means any person who fishes with or without a crew. No producer who holds a commercial fishing license or contract pursuant to this chapter shall be required to obtain a license to sell the fish he produces.

(2) No person shall engage in business as a wholesale fish dealer until a license therefor has been obtained from the conservation commission issued pursuant to this section and section 29.09.

(3) Wholesale fish dealers' licenses shall be issued by the commission to persons duly applying therefor. Every wholesale fish dealer shall pay a license fee of \$25 for each calendar year. Every license shall expire on December 31.

(4) No person, licensed under subsection (2) shall transport or cause to be transported, or deliver or receive for transportation, any package or parcel containing any fish or carcass or part thereof unless it is labeled legibly in English on its address side so as to disclose the name and address of the consigner which shall be identical to that on the license, the name and address of the consignee and the number of pounds of each kind of fish contained in such package or parcel and the number of his license.

(5) Such licensee may sell, buy or barter, or offer to sell, buy, or barter, or have in his possession, or under his control, for sale or barter, any commercial fish, (except sturgeon) which was lawfully taken either in this or in another state. He shall keep a separate record of the purchase of such fish in the form required by the commission, and such record shall at all times be open to its inspection and that of its deputies.

(6) Any person who violates this section or who has illegal fish in his possession shall be punished by a fine of not less than \$75 nor more than \$500 or by imprisonment in the county jail for not less than 3 months nor more than 9 months or by both such fine and imprisonment.

Approved June 15, 1949.
