

Chapter 507

Compacts with Other States

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CASE CITATIONS: *Sohappy v. Maison*, (1969) 302 F Supp 899, 903.

ATTY. GEN. OPINIONS: Food fish as including both fin-fish and shellfish, 1962-64, p 389.

507.010

NOTES OF DECISIONS

Each state has limited its right by the compact only as to its common right with the adjoining state to take fish in the waters which are subject to the concurrent jurisdiction. *Union Fishermen's Co. v. Shoemaker*, (1921) 98 Or 659, 193 P 476, 194 P 854; *Olin v. Kitzmiller*, (1920) 268 F 348, aff'd 259 US 260, 42 S Ct 510, 66 L Ed 930.

It is assumed that the compact is binding on the two states to the extent that one cannot withdraw without the consent of the other, and that therefore one state cannot without the consent and approbation of the other enact any law which would conflict with the terms of the compact. *Union Fishermen's Co. v. Shoemaker*, (1921) 98 Or 659, 193 P 476, 194 P 854.

This compact is not violated by a law prohibiting within the state the possession or sale of fish caught beyond the three-mile limit outside the Columbia River during the closed season. *Id.*

The Oregon legislature acted in harmony with this compact when it excluded aliens from fishing rights. *Olin v. Kitzmiller*, (1921) 259 US 260, 42 S Ct 510, 66 L Ed 930, aff'g 268 Fed 348.

The compact was ratified by an Act of Congress approved April 8, 1918 (c. 47, 40 Stat. at L. 515, Fed. Stat. Ann. Supp. 1918, p. 179). *Id.*

FURTHER CITATIONS: *Anthony v. Veatch*, (1950) 189 Or 462, 220 P2d 493, 221 P2d 575, appeal dismissed 340 US 923, 71 S Ct 499, 95 L Ed 667; *Miles v. Veatch*, (1950) 189 Or 506, 220 P2d 511, 221 P2d 905.

ATTY. GEN. OPINIONS: Restraints upon the fishing privileges within its own territorial jurisdiction as affected by this compact, 1934-36, p 289.

LAW REVIEW CITATIONS: 18 OLR 88.

507.020

ATTY. GEN. OPINIONS: Application of salmon-steelhead tagging regulations to fish caught in Columbia River, 1950-52, p 243.

507.030

ATTY. GEN. OPINIONS: Construing commission authority to close specific waters to commercial fishing, 1962-64, p 70.

507.040

ATTY. GEN. OPINIONS: Construing proposed Columbia Interstate Compact, 1964-66, p 146.