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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 749

02/04/2019 Authored by Vang; Gomez; Xiong, J.; Becker-Finn; Hansen and others
The bill was read for the first time and referred to the Committee on Ways and Means

1.1 A bill for an act
1.2 relating to game and fish; modifying provisions for taking turtles; amending
1.3 Minnesota Statutes 2018, sections 97A.475, subdivision 41; 97C.605, subdivisions
1.4 1, 2c, 3; repealing Minnesota Statutes 2018, section 97C.605, subdivisions 2, 2a,
1.5 2b, 5; Minnesota Rules, part 6256.0500, subparts 2, 2a, 2b, 4, 5, 6, 7, 8.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2018, section 97A.475, subdivision 41, is amended to read:

1.8 Subd. 41. Turtle licenses license. (a) The fee for a turtle seller's license to sell turtles
1.9 and to take, transport, buy, and possess turtles for sale is \$250.

1.10 (b) The fee for a recreational turtle license to take, transport, and possess turtles for
1.11 personal use is \$25.

1.12 (c) The fee for a turtle seller's apprentice license is \$100.

1.13 Sec. 2. Minnesota Statutes 2018, section 97C.605, subdivision 1, is amended to read:

1.14 Subdivision 1. Resident angling license required Taking turtles; requirements. (a)
1.15 In addition to any other license required in this section, A person may not take, possess, or
1.16 transport turtles without a resident angling license, except as provided in subdivision 2c
1.17 and a recreational turtle license.

1.18 (b) Turtles taken from the wild are for personal use only and may not be resold.

1.19 Sec. 3. Minnesota Statutes 2018, section 97C.605, subdivision 2c, is amended to read:

1.20 Subd. 2c. License exemptions. (a) A person does not need a turtle seller's license or an
1.21 angling license the licenses specified under subdivision 1:

2.1 ~~(1) when buying turtles for resale at a retail outlet;~~

2.2 ~~(2) (1) when buying a turtle at a retail outlet; or~~

2.3 ~~(3) if the person is a nonresident buying a turtle from a licensed turtle seller for export~~
 2.4 ~~out of state. Shipping documents provided by the turtle seller must accompany each shipment~~
 2.5 ~~exported out of state by a nonresident. Shipping documents must include: name, address,~~
 2.6 ~~city, state, and zip code of the buyer; number of each species of turtle; and name and license~~
 2.7 ~~number of the turtle seller; or~~

2.8 ~~(4) (2) to take, possess, and or rent or sell up to 25 turtles greater than four inches in~~
 2.9 ~~length for the purpose of providing the turtles to participants at a nonprofit turtle race, if~~
 2.10 ~~the person is a resident under age 18. The person is responsible for the well-being of the~~
 2.11 ~~turtles.~~

2.12 (b) A person with an aquatic farm license with a turtle endorsement or a private fish
 2.13 hatchery license with a turtle endorsement may sell, obtain, possess, transport, and propagate
 2.14 turtles and turtle eggs according to Minnesota Rules, part 6256.0900, without the licenses
 2.15 specified under subdivision 1.

2.16 Sec. 4. Minnesota Statutes 2018, section 97C.605, subdivision 3, is amended to read:

2.17 Subd. 3. **Taking; methods prohibited.** ~~(a)~~ A person may take turtles in any manner,
 2.18 except by the use of:

2.19 (1) explosives, drugs, poisons, lime, and other harmful substances;

2.20 (2) traps, ~~except as provided in paragraph (b) and rules adopted under this section;~~

2.21 (3) nets other than anglers' fish landing nets; or

2.22 (4) commercial equipment, ~~except as provided in rules adopted under this section.~~

2.23 ~~(b) Until new rules are adopted under this section, a person with a turtle seller's license~~
 2.24 ~~may take turtles with a floating turtle trap that:~~

2.25 ~~(1) has one or more openings above the water surface that measure at least ten inches~~
 2.26 ~~by four inches; and~~

2.27 ~~(2) has a mesh size of not less than one-half inch, bar measure.~~

2.28 Sec. 5. **TURTLE SELLER'S LICENSES; TRANSFER AND RENEWAL.**

2.29 The commissioner of natural resources must not renew or transfer a turtle seller's license
 2.30 after the effective date of this section.

3.1 Sec. 6. **REPEALER.**

3.2 Minnesota Statutes 2018, section 97C.605, subdivisions 2, 2a, 2b, and 5, and Minnesota
3.3 Rules, part 6256.0500, subparts 2, 2a, 2b, 4, 5, 6, 7, and 8, are repealed.

97C.605 TURTLES.

Subd. 2. **Turtle seller's license.** (a) A person may not take, possess, buy, or transport turtles for sale; sell turtles; or take turtles for sale using commercial equipment without a turtle seller's license, except as provided in subdivision 2c.

(b) Except for renewals, no new turtle seller's licenses may be issued after August 1, 2002.

(c) A turtle seller's license is transferable by the turtle seller licensee by making application to the commissioner. A turtle seller's license may be transferred only once under this paragraph and the transfer must be to a child of the person holding the turtle seller's license.

Subd. 2a. **Recreational turtle license.** A person who does not possess a turtle seller's license must obtain a recreational turtle license to take turtles for personal use with commercial equipment.

Subd. 2b. **Turtle seller's apprentice license.** (a) A person with a turtle seller's license may list one person as an apprentice on the license. A person acting as an apprentice for a turtle seller licensee must have an apprentice license and may assist the turtle licensee in all licensed activities.

(b) The turtle seller licensee or turtle seller's apprentice licensee must be present at all turtle operations conducted under the turtle seller's license. Turtle operations include going to and from turtle harvest locations; setting, lifting, and removing commercial turtle equipment; taking turtles out of equipment; and transporting turtles from harvest locations.

(c) A turtle seller's apprentice license is transferable by the turtle seller licensee by making application to the commissioner. A person listed as an apprentice by a turtle seller licensee must not be listed as an apprentice by another turtle seller licensee nor may an apprentice possess a turtle seller's license or a recreational turtle license.

Subd. 5. **Interfering with commercial or recreational turtle operations.** A person may not:

(1) knowingly place or maintain an obstruction that will hinder, prevent, or interfere with a licensed turtle operation;

(2) remove turtles, other wild animals, or fish from a floating or submerged trap licensed under the game and fish laws; or

(3) knowingly damage, disturb, or interfere with a licensed turtle operation.

6256.0500 TAKING TURTLES.

Subp. 2. **Equipment.** Turtles may be taken by a person possessing a turtle seller's, turtle seller's apprentice, or recreational turtle license by means of floating or submerged turtle traps, turtle hooks, and other commercial fishing gear authorized by the commissioner. Traps must not exceed five feet in width, four feet in height, and eight feet in length.

Subp. 2a. **Submerged turtle traps.** Submerged traps must be constructed of either flexible webbing or wire. Flexible webbing traps must be of mesh size not less than 3-1/2 inches bar measure or seven inches stretch measure. Wire traps must be of mesh size not less than two inches by four inches bar measure and must have at least one square opening in the top panel measuring at least four inches on a side and two of the same dimension on each of the side panels near the top of the trap. A trap must be set in water shallow enough so that the top of the trap is at least level with the water surface.

Subp. 2b. **Floating turtle traps.** Floating traps must have: (1) one or more openings above the water surface that measure at least ten inches by four inches; and (2) a mesh size of not less than one-half inch bar measure.

Subp. 4. **Operation of turtle trap.** Each submerged trap must be checked and emptied at intervals not exceeding 48 hours and each floating trap must be checked and emptied at intervals not exceeding 120 hours. A turtle seller licensee or turtle seller's apprentice operating under a turtle seller's license may not operate more than 40 submerged turtle traps. A turtle seller's apprentice is not entitled to any traps in addition to those of the turtle seller. A recreational turtle licensee may not operate more than three turtle traps.

Subp. 5. **Required marking of turtle traps.**

A. When in use, each turtle trap must have affixed on it a tag of permanent material visible from above, legibly bearing the name, address, and license number of the operator. This information must be recorded in an indelible manner on the tag. The tag must be of dimensions not less than 2-1/2 inches in length by five-eighths inch in width.

B. The commissioner shall issue 40 submerged turtle trap identification tags to a turtle seller licensee and three recreational turtle trap identification tags to a recreational turtle licensee. Tags must be attached to submerged and recreational traps at all times. Lost tags must be reported within 48 hours to the local conservation officer or the commercial fisheries program consultant. The commissioner may reissue tags upon request.

Subp. 6. **Turtles taken incidental to other operations.** Turtles listed in subpart 1 that are taken incidental to other commercial fishing operations may be possessed, transported, and sold, provided the operator is a holder of a turtle seller's license.

Subp. 7. **Required reporting by turtle seller; record keeping.**

A. A holder of a turtle seller's license must submit reports, on forms provided by the commissioner, to the address identified on the form by the tenth day of each month for the preceding month for the months of March through November, whether or not any equipment was used to take turtles.

B. In the report required in item A, the licensee must record daily operations, including separate entries for each water body. The records must include water body location, equipment used, numbers and pounds of each species of turtles taken, numbers of each species of turtles released at that water body, and other information about the operation as specified on the form provided by the commissioner. The records must be kept current within 48 hours of the last daily operation.

C. A license shall not be renewed until all of the licensee's monthly reports for the previous calendar year are submitted and received at the address identified on the form.

Subp. 8. **Report on buying turtles for resale.** A licensee who buys turtles for resale or for processing and resale must keep a correct and complete book record of all transactions and activities covered in the license, not inconsistent with Minnesota Statutes, section

APPENDIX
Repealed Minnesota Rules: 19-2359

97A.425. Copies of the shipping documents for turtles being sent out of state must be part of and included with the monthly reports required under subpart 7.