

"Section 7. All moneys received by the game and fish commissioner in conformity with the provisions of this chapter shall be deposited immediately with the state treasurer, who shall deposit same to the credit of a "Fish Lakes Improvement *Revolving Fund*" and all unexpended balances in the possession of the state treasurer and credited to the "Fish Lakes Improvement Fund" as of June 30, 1927, shall be converted and credited to the said "Fish Lakes Improvement *Revolving Fund*." All moneys credited to the said "Fish Lakes Improvement *Revolving Fund*" are hereby appropriated to the said commissioner for the purpose of carrying out the provisions of this act" and the said game and fish commissioner, whenever he deems necessary for the propagation and conservation of fish and waterfowl may construct dams, dykes or embankments, install fish screens, construct and maintain connecting water channels or make similar improvements in any of the waters of this state, or any streams connecting such waters and may acquire any land or any interest or easement in land he deems necessary for such purpose by donation, purchase or condemnation proceedings and to impound or store any unmarketable fish taken under this chapter and shall take such measures as to prevent their escape, and the game and fish commissioner is authorized, if he deems it advisable, to purchase and plant such aquatic plants suitable for the waters so to be planted and to make scientific surveys and investigations of any of the public waters of the state to determine the species of game fish which can be successfully planted and naturally propagated therein and to secure by purchase fish eggs and fish fry for distribution in waters which have been seined or fished under this chapter and for payment of game warden supervision and other necessary help in executing the provisions of this chapter, and also for the preservation and propagation of game and fish. Provided, however, that no contract shall be entered into or no obligation incurred by the commissioner under this chapter in excess of money herein provided.

The purpose and intent of this act is to clear the waters of this state of carp and other non game fish hereinbefore named, and to improve the waters of this state to the end that hunting and fishing may be improved and perpetuated therein, and to that end this act shall be liberally and broadly construed."

"Sec. 8. Laws repealed.—Sections 5594 and 5600, General Statutes 1923 and Chapter 393, General Laws 1921 (not referred to in General Statutes 1923) are hereby repealed."

Approved April 25, 1927.

CHAPTER 438—H. F. No. 1028

An act relating to the taking of game and fish and the issuance of licenses therefor.

Be it enacted by the Legislature of the State of Minnesota :

Section 1. Licenses to hunt and fish.—No person shall kill, take or attempt to take in any manner any wild animal, or engage in hunting, pursuing, or trapping for the purpose of taking any wild quadruped or bird, or engage in fishing for the purpose of taking any fish, without first obtaining a license from the commissioner of game and fish so to do, as provided by this act unless otherwise specifically permitted by law. Residents of the state shall be required to procure a hunting license at the age of 16 years for the purpose of hunting and a resident of the state shall be required to procure a fishing license at the age of 21 years for the purpose of fishing. Non-residents of the state under 16 years of age may take fish without procuring a license, but may not transport or ship any fish out of the state without procuring a license, and provided further that no non-resident under 16 years of age may fish without a non-resident angling license unless his or her parent or guardian shall have obtained and have in his or her possession such non-resident angling license. No trapping license shall be issued to any non-resident of the state. All licenses shall be issued for the calendar year, and no reduction in fees shall be made for fractions of a year. Only one license of each kind shall be issued to any one person in any calendar year. No license shall be transferable.

Sec. 2. Fees for licenses.—The kinds of licenses, the fees to be paid therefor, and the kinds of animals which may be taken thereunder, respectively, subject to all other provisions of law relating to the taking of wild animals, shall be as follows:

Resident small game hunting license, \$1.00, to take all small game;

Non-resident small game hunting license, \$25.00, to take all small game;

Resident big game hunting license, \$2.00, to take all big game;

Non-resident big game hunting license, \$50.00, to take all big game;

Resident trapping license, \$1.00, to trap all fur-bearing animals;

Resident angling license, \$.50 to take fish, provided that a resident angling license shall be issued to the head of the family or household authorizing all members thereof to use the same by paying a fee of \$1.00, and it shall be the duty of the Commissioner of Game and Fish to issue an identification card without payment of any fee for each member

of a family or household of the age of 21 years or over, of which family or household the head thereof has applied for and received such resident angling license.

Non-resident angling license, \$3.00, to take fish;

The term "big game" as used herein shall include deer, moose, elk, caribou and bear, and the term "small game" as used herein shall include all other wild quadrupeds and wild birds.

Every license shall have printed thereon the kind thereof and the names of all wild animals which may lawfully be taken thereunder, and shall entitle the person to whom issued to take the wild animals therein specified in such manner and at such times and places as may be permitted by law. Wild animals may be taken under a hunting license only by hunting with a firearm or other lawful weapon. Fur-bearing animals may be taken under a trapping license only with lawful traps. Fish may be trapped under an angling license only by angling.

Sec. 3. Issuance of licenses.—Licenses shall be issued as follows:

Hunting or trapping licenses for residents of the state, by the county auditor of the county in which the applicant resides, or by any agent of such auditor.

Hunting licenses for non-residents of the state, by the commissioner or any agent of the commissioner outside of the state, or by any county auditor in the state, or his agent.

Angling licenses for residents of the state, by the county auditor of the county in which the applicant resides, or by any agent of such auditor.

Angling licenses for non-residents of the state, by the commissioner or any agent of the commissioner outside the state, or by any county auditor of the state, or his agent.

The commissioner may appoint agents to issue non-resident licenses of any kind outside the state. Such appointments shall be in writing and a record thereof shall be kept by the commissioner. The commissioner may revoke any such appointment at any time. The commissioner may require any agent appointed by him to furnish a bond to the state, to be approved by the commissioner and filed in his office, in such sum as the commissioner may prescribe, at least equal to the total estimated amount of license fees and unsold licenses which will be in the hands of such agent at any one time, conditioned to secure the accounting by such agent for all license blanks furnished to and licenses issued by him and the payment by him according to law of all moneys received by him as fees for such licenses and the compliance by him with all the provisions of law relating to the issuance of

such licenses. The commissioner may require a like bond of any county auditor if, in the opinion of the commissioner, his official bond is not sufficient for the purposes hereinbefore specified.

Every county auditor may appoint agents to issue within his county such licenses as such agents are authorized to issue. He shall appoint at least one such agent in every city and village of his county outside of the county seat and at any other place in the county which may be designated by the commissioner, and may appoint such other agents anywhere in the county as he deems necessary for the convenience of the public in obtaining licenses. Such appointments shall be in writing and a record thereof shall be kept by the auditor. Upon making any such appointment the auditor shall forthwith notify the commissioner of the name and address of the appointee. The auditor may revoke any such appointment at any time, and shall revoke any such appointment upon his own motion or when demanded by the game and fish commissioner whenever such agent shall violate any provision of the laws relating to the issuance of such licenses, or shall fail to give proper attention to the issuance thereof, or shall fail to account promptly for unsold licenses or license fees. The county auditor shall be responsible for all license blanks issued to and license fees received by his agents, and such agents shall be responsible to the auditor therefor. The auditor may require any such agent to furnish a bond to the auditor, in such sum as the auditor may prescribe, to be approved by the auditor and filed in his office, conditioned in like manner as the bonds to be furnished by agents of the commissioner as hereinbefore provided. All license fees received by such agents shall be deemed public moneys of the state, and such agents shall be amenable to all the penalties provided by law relating to such moneys or to the issuance of such licenses.

Sec. 4. Commissioner to furnish licenses and application.—The form of all licenses and applications therefor shall be determined and blanks therefor shall be prepared by the commissioner, who shall furnish a sufficient supply thereof to all officers and agents of the commissioner authorized to issue licenses. County auditors shall in turn furnish the same to their agents. Licenses shall have attached thereto such coupons or stubs, with proper markings and designations, as may be necessary to carry out the provisions of law relating thereto. All licenses shall be serially numbered.

Sec. 5. Application—who may make.—Applications for licenses shall be made on oath in writing, stating the name, age, post office address, and legal residence of the applicant,

the place where he last voted, or, if he has not voted, where he intends to vote, and whether a citizen of the United States or of any other country. Any officer or agent authorized to issue licenses shall have authority to administer oaths upon such applications and to certify the same. Any person who shall make a false statement under oath in such application shall be guilty of a perjury. No person shall be deemed a resident of this state within the meaning of this chapter who has not resided in this state for the period of at least six months immediately preceding the date upon which he makes application for a license.

Sec. 6. Persons issuing licenses to keep record.—Every officer and agent issuing licenses, including agents appointed by county auditors, shall keep such records thereof as the commissioner may prescribe. Such records shall be open to inspection by the commissioner or his authorized representative at any time.

Sec. 7. Moneys to be deposited with County Treasurer.—Every county auditor shall promptly deposit with the county treasurer all moneys received by the auditor either directly or through his agents for license fees, and the treasurer shall make a record thereof and keep the same as other public funds. On or before the fifteenth of each month the county auditor shall make a written report to the commissioner for the preceding calendar month, stating the total number and the serial numbers of each kind of licenses sold, the amount of fees received for each kind of licenses, and the total amount received. He shall transmit to the commissioner with such report his warrant on the county treasurer in favor of the commissioner, or the county treasurer's check in payment of such warrant, for 90 per cent of all license fees received during such preceding calendar month. Thereupon the county auditor shall be entitled to the remaining ten per cent of such fees as his compensation, and may draw his warrant to himself upon the county treasurer in payment thereof. Every agent of any county auditor shall account to him for all licenses and transmit to him all license fees received at least at the end of each calendar month and at such other times as the auditor may direct. The county auditor shall fix and pay the compensation of his agents. On or before the tenth of each month every agent of the commissioner shall make a written report to the commissioner for the preceding calendar month, containing the same information as hereinbefore prescribed for reports by county auditors, and shall with such report transmit to the commissioner 90 per cent of all license fees received during the preceding calendar month, whereupon such agent shall be entitled to retain the remaining ten per

cent of such fees as his compensation. The commissioner may also require any agent appointed by him to account to him for licenses and license fees at such other times as he shall direct. All moneys received by the commissioner for license fees, either directly or through county auditors or agents, shall be promptly remitted by the commissioner to the state treasurer, who shall credit the same to a special fund known as the game and fish fund, and all of said moneys are hereby appropriated for the maintenance and conduct of the activities of the office of commissioner of game and fish, as provided by law.

Sec. 8. Penalties for violation.—Upon conviction of any person for any violation of any provision of law relating to any license issued to such person or relating to the wild animals covered by such license, such license shall immediately become null and void and no license of the same kind shall be issued to such person for a period of one year after the date of commission of the offense. Upon conviction of any person for hunting, fishing, or trapping without a license or doing without a license any other act for which a license is required as hereinbefore provided, no license of the kind required for the doing of such act shall be issued to such person for one year after the date of commission of the offense, providing the penalty hereintofore mentioned shall not apply to residents of the State who may be guilty of angling without a license. Provided that this section shall not revoke any resident fishing license.

Sec. 9. Duplicate licenses.—Whenever any such license is lost or destroyed, the person to whom the same was issued may present to the commissioner an affidavit proving such loss or destruction, stating the number and date of issuance of the license, by whom issued, and the manner in which lost or destroyed, and that the affiant has not been convicted of any violation of law which would operate to nullify his license, whereupon the commissioner may authorize the issuance of a duplicate license to such person.

Sec. 10. Licensees must carry license.—Every person to whom a license has been issued shall have such license on his person while hunting, fishing, trapping, or doing any other act for which such license is required, and while afield for any of said purposes and while going to and from the hunting or trapping grounds or fishing waters, and shall exhibit the same for inspection to any game warden or peace officer requesting to see the same at any time. No receipt for license fees or copy of any license or other evidence purporting to show the issuance of a license except the license itself shall

be valid to entitle the holder to exercise the rights or privileges conferred by his license.

Sec. 11. Licenses non-transferable.—No person shall at any time lend or transfer to another, or borrow or solicit from another any license or any coupon attached thereto, or use any license or coupon not issued to him. Any person who shall at any time alter in any material manner any license shall be guilty of a forgery.

Sec. 12. Reports to Game and Fish Commissioner.—For the purpose of enabling the commissioner to prepare statistics relating to the number of wild animals in the state, every person who has taken any protected wild quadruped or game bird, whether with or without a license, shall, on or before the last day of January in each year, mail or deliver to the commissioner a written report on a form prepared by the commissioner and furnished on application made to the commissioner or to any game warden, county auditor, or agent of the commissioner authorized to issue licenses, stating the number of each kind of protected quadrupeds and game birds taken by such person during the preceding calendar year. No person who is required to make such a report shall be entitled to hunt, trap, or take any wild quadruped or game bird until such report has been made. No person to whom a hunting or trapping license has been issued or who wilfully fails or neglects to make such a report shall be granted a license of the same kind for the year succeeding the year for which his license was issued, and if a new license of the same kind has been issued to such person it shall be null and void and shall be surrendered upon demand to the commissioner or to any game warden. As soon as practicable in each year the commissioner shall furnish to each county auditor, game warden, and agent authorized to issue licenses a list of the names of all persons to whom licenses were issued by or within the county or territory of such auditor, game warden, or agent during the preceding year and who have failed to make the report hereby required. No such county auditor, game warden, or agent shall issue a license of the same kind for the current year to any person whose name appears upon such list as delinquent in this regard.

Sec. 13. Inconsistent acts repealed.—All acts and parts of acts inconsistent herewith are hereby repealed.

Approved April 25, 1927.

CHAPTER 439—H. F. No. 1334.

An act to appropriate money for expenses of the state government and for other purposes and prescribing present and future