

no district shall be entitled to any portion of said fund that has not had at least *eight* months of school term, within the year, conducted pursuant to the provisions of this chapter.

Sec. 2. Who are entitled to apportionment.—That General Statutes 1923, Section 3023 be and the same is hereby amended to read as follows: “districts must have school *eight* months to be entitled to apportionment—the endowment fund shall be distributed semiannually by the State Board of Education to school districts whose schools have been in session at least *eight* months, in proportion to the number of scholars of school age who *shall have been in average daily attendance* during the preceding year, *such number to be determined by dividing the aggregate daily attendance in a school district by the total number of days in the school year of that district.*”

Approved April 24, 1935.

CHAPTER 291—H. F. No. 1420

An act to amend Mason's Minnesota Statutes of 1927, Section 5599, the first unnumbered paragraph thereof, subdivisions 1, 2, 3, and 8, thereof, as amended by Laws 1929, Chapter 404, and as amended by Laws 1933, Chapter 263, relating to commercial fishing in Lake Superior.

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

Section 1. Licenses for commercial fishing.—Mason's Minnesota Statutes of 1927, Section 5599, the first unnumbered paragraph thereof, as amended by Laws 1929, Chapter 404, and Laws 1933, Chapter 263, is hereby amended so as to read as follows:

“5599. (A). Herring, *except as hereinafter provided*, lake trout, ciscoes, and whitefish may be taken by residents of Minnesota, *who have been residents for at least one year and who are citizens of the United States, and who have resided at least 90 days in the county in which they desire to fish, prior to the date of making application for license, by means of gill nets of the sizes herein specified and by the aid of skiffs and power boats at any time as hereinafter provided in that part of Lake Superior under the jurisdiction of Minnesota; Provided a license to do so shall be first obtained from the director of game and fish. Residents of the States of Wisconsin and Michigan, who are citizens of the United States, may procure a commercial fishing license, upon payment of a*

fee of \$50.00, to take such fish as herein enumerated, according to law, in waters of Lake Superior lying within the jurisdiction of Minnesota; *Provided, however, that a non-resident commercial fishing license for the purpose of taking herring only, from November 5, to April 15, next following, may be issued upon payment of a fee of \$25.00.* Herring, *except as herein provided,* may not be taken hereunder between November 16th and November 30th, both inclusive, provided this restriction as to the taking of herring shall not apply until the State of Wisconsin shall by law provide for a similar restriction. Ciscoes may not be taken hereunder during the month of November. Lake trout may not be taken hereunder between October 1 and November 10 following, both inclusive. Lake trout may also be taken by set lines. Herring, lake trout or ciscoes, pickerel and whitefish so taken may be had in possession, bought, sold and transported within or without the state during open season and for a period of one week thereafter. This restriction shall not apply to fish in frozen, salted or smoked condition caught during the open season, or fish legally caught in waters outside the jurisdiction of the State of Minnesota; *Provided, however, that no skiff or power boat exceeding 35 feet in length measured from tip of stem to tip of stern shall be used in taking any fish authorized by the provisions of this act."*

Sec. 2. **Sizes of nets.**—Mason's Minnesota Statutes of 1927, Section 5599, Subdivision 1, as amended by Laws 1933, Chapter 263, Section 1, is hereby amended so as to read as follows:

"Subdivision 1. The size of mesh of nets shall be fixed as follows:

(a) Gill nets for taking herring of not less than $2\frac{3}{8}$ -inch mesh, extension measure, *when in possession and measured from center of knot to center of knot,* on and after July 1st, 1935.

(b) Gill nets for taking lake trout, pickerel and whitefish, not less than $4\frac{1}{2}$ inches mesh, extension measure, *when in possession, and measured from center of knot to center of knot.*

(c) Gill nets for taking ciscoes, not less than $2\frac{5}{8}$ inches mesh, extension measure, *when in possession and measured from center of knot to center of knot;* Providing, that whenever nets set for the purpose of taking ciscoes shall catch more than 10% of lake trout less than 17 inches in length, or whitefish less than 16 inches in length, such nets shall be

deemed illegally set and shall be moved from the waters in which they were set, upon notice from the director of game and fish or his representative: Nets for taking ciscoes shall be set in water not less than 50 fathoms in depth.

(d) All nets permitted to be used under the provisions of this chapter, shall, when set for fishing purposes, be properly marked at the ends of such nets with proper buoys, and the licensee's number shall be plainly marked on any buoy indicating the location of any net set for taking of fish. All nets set in Lake Superior waters under the jurisdiction of this state having a mesh less than permitted by this chapter and all nets having a mesh less than permitted by this chapter found on or within premises commonly used for the receiving and marketing of fish from Lake Superior waters, and including fish receiving stations, sheds, warehouses and docks, are hereby declared illegal and subject to confiscation by the director of game and fish or his representative and may summarily be destroyed."

Sec. 3. Licenses to be procured from the director of game and fish.—Mason's Minnesota Statutes of 1927, Section 5599, Subdivision 2, as amended by Laws 1933, Chapter 263, Section 1, is hereby amended so as to read as follows:

"Subdivision 2. Such license shall be procured from the director of game and fish. The applicant shall make a verified written application to the director of game and fish on a form prepared by him, stating: (a) His name and residence; (b) The period of time the applicant has resided in the county in which he desires to fish, and whether a citizen of the United States. Such license shall be designated as a "Master's License" and for which he shall pay the sum of \$2.50. Every person assisting the holder of a "Master's License" in going to and from the fishing locations or who assists in the setting and lifting of nets or in the removal of fish from such nets, shall have a license so to do which license shall be designated as a "Helper's License", which shall be procured by the holder of a "Master's License" and for which there shall be paid the sum of \$2.50; such licenses may be transferable; and shall be transferred upon application made by the holder of a "Master's License" without any additional charge. Application for "Helper's License" shall be made to the director of game and fish and shall give: (a) The name and residence of the applicant; (b) Name of person holding "Master's License" employing him; (c) Whether a resident of Minnesota and (d) Whether a citizen of the United States. "Master's Licenses" shall not be transferable and shall be issued for one fishing season only, and provided that aliens who have duly declared

their intention of becoming citizens of the United States and who have not failed to qualify as citizens within the length of time in which they may legally do so, shall be entitled to "Helper's Licenses"; *Provided, however, that no person shall be entitled to receive a "Master's License" unless such person has been a bona fide resident of the State of Minnesota for at least one year and a resident of the county where he desires to fish for at least 90 days. The holder of a "Master's License" shall be entitled to fish in any waters under the jurisdiction of the State of Minnesota.*"

Sec. 4. **Licensee's name to be on packages.**—Mason's Minnesota Statutes of 1927, Section 5599, Subdivision 3, is hereby amended so as to read as follows:

"Subdivision 3. The name and license number of the person licensed to take fish under this section shall be legibly marked by stencil or otherwise, on each package of fresh or salted fish caught by such license. It shall be unlawful to ship, sell or offer for sale any spoiled or unwholesome fish. Any package containing spoiled or unwholesome fish shall be contraband and the same may be confiscated; *Provided, however, that all frozen herring shall be packed and shipped in boxes only, and all herring sold for any purposes other than human consumption shall be cut or broken into approximately equal parts.*"

Sec. 5. **Dealers must have licenses.**—Mason's Minnesota Statutes of 1927, Section 5599, Subdivision 8, as amended by Laws 1933, Chapter 263, Section 1, Subdivision 8, is hereby amended so as to read as follows:

"Subdivision 8. No person, company or corporation shall engage in the business of buying fish taken under commercial fishing licenses in Lake Superior water under the jurisdiction of this state, for the purpose of *resale*, until he, or it as the case may be, shall have procured a license to do so from the director of game and fish. Fees payable to the director of game and fish for such license shall be \$25.00, and the licensee shall, upon demand by the director of game and fish or any of his representatives, produce evidence of the legality of the fish *purchased for resale* by him, such evidence to include invoices or memoranda showing pounds and kinds of fish *purchased for resale* and from whom purchased. Such invoices or memoranda shall be signed by the selling licensee; *Provided, however, that no license nor the payment of any license fee shall be required, by persons buying or selling fish or roadside fish stands.*"

Approved April 24, 1935.