

who present such qualifications of training and experience as meet the requirements of the Federal Board of Vocational Education or the special needs of the several vocational fields.

Approved April 29, 1935.

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CHAPTER 331—H. F. No. 648

*An act relating to the conservation of evergreen and coniferous trees, providing for the supervision and control of the traffic in such trees intended for use as Christmas trees or for other decorative purposes, and for the licensing of dealers in such evergreen and coniferous trees, and for the use thereon of tags issued by the director of the division of forestry, department of conservation, and providing fees therefor.*

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

**Section 1. Shipping of evergreens prohibited—Exceptions.**

—(a) Except as otherwise authorized by this act, no person shall remove, ship, transport, offer for sale, sell, purchase for re-sale, or have in possession for transportation or sale, and no common carrier shall transport or receive or have in possession for transportation any green pine, cedar, spruce, balsam, fir, hemlock or other evergreen or coniferous tree intended for use as a Christmas tree or for other decorative purposes unless the same has attached thereto an official tag issued by the director of the division of forestry, department of conservation, as provided by this act; provided, that the provisions of this act shall not apply to nursery stock nor to trees cut or transplanted from nursery stock, nor to trees cut or used by the state or by any agency or governmental subdivision thereof for any lawful public purpose; and provided, further, that any person may cut within the state or import from without the state and may transport and possess within the state for his or its own use not to exceed five such trees in a single lot in one year without having the same tagged as herein provided. Provided further, that licenses may be issued to dealers in such trees as provided in paragraph (b) of this section, in which case the provisions hereof, except those contained in said paragraph (b), shall not apply to such licensees or trees handled by them.

(b) Any person engaged in the business of cutting, processing, shipping or selling evergreen or other coniferous trees intended for use as Christmas trees or for other decora-

tive purposes may apply to the director of the division of forestry of the department of conservation for a license as dealer in such trees, which license shall expire on December 31st of the year in which issued. At the time of applying for such license the applicant shall give such information as to the proposed manner of conducting the business and the number, kind and character of trees intended to be dealt in as may be required by the director. With such application the applicant shall submit a license fee of \$100.00, payable to the state treasurer. In addition to the license fee required hereby, such licensed dealer shall be required to purchase tags and affix the same to all trees sold by them, except: (1) Trees shipped out of the state of Minnesota; (2) trees which are processed as such term is hereinafter defined. Such licensed dealer shall pay a fee of one cent for each tag so issued. The term "processed", as used herein, shall mean the treatment of any tree by a chemical bath, either through dipping or spraying for the purpose of fixing, intensifying or changing the color thereof and/or to prevent the falling off of needles therefrom. Each licensed dealer shall display on all vehicles used in the transportation of trees handled by him, from the place of cutting to the place where such trees are processed, a copy of his license as a dealer; he shall affix to each tree for which a tax is required hereunder such tag before such tree is sold or shipped by him.

Sec. 2. **What are trees.**—All tops cut from trees of the kinds aforesaid and all bushes, shrubs, saplings, and seedlings of such kinds, when wholly or partly untrimmed, shall be deemed to be trees within the meaning of the provisions of this act, but slashings or side branches cut from such trees shall not be so regarded. The fact that any such tree has been removed in a wholly or partly untrimmed condition from the immediate premises where cut shall be prima facie evidence that it is intended for transportation or sale and for use as a Christmas tree or for other decorative purposes, and the burden of proving the contrary shall be upon the defendant or other party so asserting in any criminal or civil action involving the provisions of this act.

Sec. 3. **Tags.**—Every such tag shall have printed thereon the words, "State of Minnesota, Director of the Division of Forestry, Department of Conservation, Evergreen Tree Tag," together with the year of its issue in prominent figures, and shall have space for the name and address of the person attaching the same, and may otherwise be in such form and may have printed thereon such appropriate statements or devices

as the director may prescribe, subject to the provisions of this act.

**Sec. 4. Issuance of tags.**—Such tags shall be issued by the director of the division of forestry, department of conservation, or by any officer or agent authorized by him, to any person required or entitled to obtain and use the same as herein provided, upon written application made by such person or by his authorized agent as hereinafter provided, and upon payment of a fee of two cents per tag, provided, however, that the provisions of this section shall not apply to any licensed dealer as defined in sub-division (b) and section 1 of this act. Such application shall be in such form as the director may prescribe, subject to the provisions hereof. It shall state the name and address of the applicant and the number and kind of trees to be tagged, and shall state generally how and where the same are to be disposed of. In the case of trees cut or to be cut within the state, the application shall set forth a description of the premises whereon the trees are located and the name of the owner thereof. In the case of trees cut without the state, the application shall state the place from which the trees were shipped or transported into this state and the name and address of the person from whom obtained. The application shall give such other pertinent information as the director may require. The applicant shall submit with the application proof that he is the lawful owner of the trees therein referred to and has lawful authority to dispose of the same as proposed and that all the provisions of the laws of this state relating thereto have been complied with, and, in the case of imported trees, that all the provisions of the laws of the state or country wherefrom the same were obtained relating thereto have been complied with. The director or authorized officer or agent receiving the application may make such further investigation as he deems necessary for the purpose of verifying the statements of the application and determining the sufficiency of the proof submitted therewith. The applicant may be required to verify upon oath the statements of the application or accompanying proof, or any part thereof. If the director or authorized officer or agent receiving the application is satisfied that the facts therein stated are true and that the proof submitted therewith is sufficient and that the applicant is entitled to receive the tags applied for under the provisions of this act, he shall issue to the applicant the tags applied for, upon payment of the fee hereinbefore prescribed.

**Sec. 5. Owner to affix tags.**—(a) Before any such tree cut within the state is removed from the premises where cut,

whether intended for transportation, sale, or use within or without the state, it shall be the duty of the owner of such tree to affix or cause to be affixed one of such tags thereto, and to have his name and address plainly written, printed or stamped upon such tag.

(b) Before any such tree imported from without the state is shipped or transported within the state after arrival at its initial destination whereto it was imported or is separated from the original lot shipment or consignment in which it was imported, or is offered for sale, or is used, the owner shall affix or cause to be affixed one of such tags thereto; provided, that by written permission of the director or of any officer or agent authorized to issue tags hereunder, any unbroken lot, shipment, or consignment of imported trees may be re-shipped or transported from its initial destination to any other point within the state without tags, which permission shall be granted without charge upon like application and showing as herein provided for the issuance of tags, but such permission shall not relieve the owner from the obligation to tag such trees as herein provided after the termination of such reshipment or transportation.

(c) No tags shall be required on any such trees while in transit in interstate commerce except as herein provided. No tag shall be required to be affixed to any tree that has been processed as defined in section 1 (b) hereof.

(d) Each tag shall be affixed as herein provided by securely fastening the same to the trunk or stem of the tree with wire at a point above the lowest branch of branches, unless some other method shall be prescribed by the director of the division of forestry by instructions printed upon the tag, in which case the method so prescribed shall be followed.

(e) No person shall remove any such tag from any tree until such tree has actually been placed in use by the ultimate purchaser or user thereof, or until it is no longer required or available for such use, or, in the case of a tree shipped or transported out of the state, until it has left the state.

**Sec. 6. Powers and duties of directors, forest rangers, etc.**  
—In addition to other powers and duties herein prescribed, the director, and any forest ranger, forest patrolman, game warden, or other officer of the department of conservation, and any peace officer shall have the following powers and duties hereunder:

(a) To arrest, with or without a warrant, any person who is discovered to have committed any offense under this act or who is believed upon reasonable grounds to have committed any such offense;

(b) To inspect any such trees, wherever found, and to make such investigation with reference thereto as may be necessary for the purpose of determining whether the provisions of this act or of any other law relating to such trees have been complied with;

(c) To enter with or without a warrant for the purpose aforesaid any premises whereon such trees are being or have been cut or wherein such trees are kept for transportation or sale, including the premises, cars, or other transportation facilities of common carriers, and to stop any vehicle or other means of conveyance found carrying any such trees upon any public highway of this state, and to seize and hold subject to the order of the court having jurisdiction of the matter any such trees affected by or involved in any offense under this act.

**Sec. 7. May issue search warrants.**—Any court or magistrate having authority to issue warrants in criminal cases may issue a search warrant in like manner as provided by law for search warrants for stolen property to search for and seize any trees alleged upon sufficient grounds to have been affected by or involved in any offense under this act. Such warrant may be directed to and may be executed by any officer herein authorized to make arrests and seizures.

**Sec. 8. Officers may make complaints.**—Any officer discovering or having knowledge of offense under this act shall forthwith make complaint against the offender before a court or magistrate having jurisdiction to issue warrants of arrest in such cases, and shall submit to the jurisdiction of such court or magistrate or of such other court or magistrate as may take cognizance of the case any trees affected by or involved in the offense and seized as herein provided. If it shall appear that such trees are required for use as evidence in the case, the court shall, if necessary, provide by order for the detention thereof in the custody of the officer seizing the same or of some other proper officer, subject to the jurisdiction of the court. When such trees are no longer required for use as evidence in the case, the court shall order the same returned to the person who was in possession thereof when seized, unless some other persons shall theretofore have appeared and claimed the same and shall have commenced the proper legal proceedings to determine the disposition thereof, in which case the court

shall order such trees to be released subject to such proceedings; provided, that no such tree which has not been tagged as herein provided shall be returned or released to any person unless such person shall obtain and affix a tag thereto in like manner as herein provided for tagging trees in other cases. Tags shall be issued to such person for such purpose upon application as in other cases, except that such tags shall be distinguished by such appropriate means as the director may prescribe from tags otherwise issued hereunder, and shall bear the name and address of the person affixing the same.

**Sec. 9. Records.**—Records shall be kept by the director and by every officer and agent authorized by him to issue tags under this act, by showing the dates of issuance of all such tags, the persons to whom issued, the number issued, the amount of fees received, and such other pertinent information as the director may prescribe. The director may require such reports from such officers and agents as he deems necessary. Such records and reports shall be filed in the office of the director.

**Sec. 10. Fees to be paid into State Treasury.**—All fees received from the issuance of such tags and the sale of dealers' licenses shall be promptly transmitted through the director to the state treasurer. All such fees are hereby appropriated to the director for salaries and other expenses incurred in connection with the enforcement of this act, subject to the provisions of Laws 1925, Chapter 426, and acts amendatory thereof.

**Sec. 11. False statements a gross misdemeanor.**—(a) Any person who shall make any false statement in any application or other statement for the purpose of obtaining any such tag shall be guilty of a gross misdemeanor.

(b) Any person who shall affix any such tag to any such tree other than a tree covered by the application upon which the tag was issued, or who shall remove, ship, transport, offer for sale, sell, purchase for re-sale, or have in possession for transportation or sale any such tree bearing any such tag other than a tag issued upon an application covering such tree, knowing that such tag was not issued upon such an application, shall be guilty of a gross misdemeanor.

(c) Any person who shall without lawful authority place upon any such tag any name being or purporting to be the name of a person authorized to receive and affix such tag as herein provided, or who shall place upon any such tag any false, forged, or fictitious name purporting to be the name of

a person authorized to receive and affix such tag as herein provided, shall be guilty of a gross misdemeanor.

(d) Any person who, with intent that the same shall be affixed to any tree required to be tagged as herein provided, shall forge or counterfeit any tag issued hereunder, or make any tag substantially simulating in whole or in part any tag issued hereunder, and any person who shall affix to any such tree any such forged, counterfeit, or simulated tag, knowing such tag to be forged, counterfeit, or simulated, or who shall remove, ship, transport, offer for sale, sell, purchase for resale, or have in possession for transportation or sale any such tree bearing any such forged, counterfeit, or simulated tag, knowing such tag to be forged, counterfeit, or simulated, shall be guilty of a gross misdemeanor.

(e) Except as otherwise herein provided, any person who shall violate any provision of this act or who shall fail to perform any duty required by this act shall be guilty of a misdemeanor.

**Sec. 12. Definitions.**—The term “person” as used herein shall include a co-partnership, corporation, or association, wherever appropriate.

**Sec. 13. Inconsistent act superseded and modified.**—All acts and parts of acts inconsistent herewith are hereby superseded, modified, or amended so far as may be necessary to give full force and effect to the provisions of this act. Otherwise this act shall not be deemed to supersede any existing provision of law relating to any matter within the scope of this act, but shall be construed as supplementary to any such existing provision. Any offense which is punishable both under this act and under some other provision of law may be prosecuted and punished under either, at the election of the prosecuting attorney, but not under both.

**Sec. 14. Provisions separable.**—The provisions of this act shall be separable, and if any provision hereof shall be declared invalid, it shall not affect any other provision.

Approved April 29, 1935.

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CHAPTER 332—H. F. No. 643

*An act to amend Mason's Minnesota Statutes of 1927, Section 4031-14b, as amended by Laws 1929, Chapter 220, and Laws 1933, Chapter 302, authorizing the director of the*