

at law or in any action under the workmen's compensation act against any employer of such diseased person. The state department of health is authorized to investigate and to make recommendations for the elimination or prevention of occupational diseases which have been reported to it or which shall be reported to it in accordance with the provisions of this section. Said department is also authorized to study and provide advice in regard to conditions that may be suspected of causing occupational diseases, provided information obtained upon investigations made in accordance with the provisions of this section shall not be admissible as evidence in any action at law to recover damages for personal injury or in any action under the workmen's compensation act; provided further, that nothing herein contained shall be construed to interfere with or limit the powers of the department of labor and industry to make inspections of places of employment or issue orders for the protection of the health of the persons therein employed. Whenever upon investigation by the state board of health said board reaches a conclusion that a condition exists which is dangerous to the life and health of the workers in any industry or factory or other industrial institutions, it shall file a report thereon with the state department of labor and industry.

Approved April 20, 1939.

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#### CHAPTER 323—H. F. No. 773

*An act relating to the removal of rough fish and turtles from public waters and amending Mason's Minnesota Statutes of 1927, Section 5609-1.*

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

**Section 1. Removal of rough fish and turtles from public waters.**—Mason's Minnesota Statutes of 1927, Section 5609-1, is hereby amended to read as follows:

"5609-1. Whenever, after an investigation, by the Director of the Division of Game and Fish, he finds that any of the following conditions exist:

(1) That carp, buffalofish, perch, suckers, sheepshead, dogfish, eelpout, garfish, tullibees and turtles inhabit any of the public waters of this state in such numbers as to interfere with or prevent the natural propagation of game fish therein, or that such fish inhabit any of the public waters of this state

in such numbers as to destroy or substantially injure wild celery, wild rice or other aquatic plant life *growing* therein, or

(2) That the removal of the fish above designated and turtles will result in an improvement in the quality of such fish remaining therein and will increase the quantity thereof, or will prevent the destruction of wild celery, wild rice and other aquatic plant life in such waters; then, and in such case he may provide by contract, or by day labor, under his *supervision* or both, for the taking and removal of the fish designated and turtles, by means of seines, nets, or by any other devices, at any time.

Provided, however, that in all counties of this state lying southerly of the St. Croix river and tributary to the Mississippi river and having a population of 28,000 or over, according to the last federal census, respective boards of county commissioners shall have power to prohibit seining or fishing in any of the waters lying within the boundaries of their respective counties by a resolution adopted at their July meeting, and not otherwise. Waters so closed shall not be opened at any subsequent meeting of the board during the ensuing year. No county board shall enter into any contract for such fishing, or seining, nor shall the board or any member thereof solicit, or receive any *commission* or payment of money for that purpose and, provided further, that the game and fish *director* shall not conduct any operations in any body of water lying wholly within the corporate limits of any city of the fourth class, unless with the consent of the city council thereof. Contracts for the taking and removal of the designated fish and turtles shall be awarded to residents of the State of Minnesota by the *director*, and each resident applicant shall when submitting his application to the *director* for the taking of the designated fish and turtles file a sworn statement with the *director* giving his name and legal voting address, occupation, list of fishing equipment actually owned by him, value of such equipment and the nature and years of his experience in the taking and removal of the designated fish and turtles, and what particular knowledge he possesses of the body of water he desires to fish; and the *director* may award contracts for each body of water on the basis of the experience, qualifications and equipment of the several applicants. Each application shall be separately made for each body of water to be fished. No contract shall be entered into with any person who has been convicted of violating the laws of this state relating to wild animals within a period of one year, nor to any person who is not fully equipped and experienced to undertake successfully the taking and removal of the designated fish and

turtles. No contract shall be transferable nor shall any transfer or assignment thereof be valid. Based upon the size, quantity and quality of the designated fish and turtles to be taken and removed, size of lake or stream to be fished, depth of water therein, topography of bed, and kinds and sizes of nets which may be successfully used therein, the commissioner may award fishing contracts on a percentage basis, based on the gross proceeds received from the sale of the designated fish and turtles provided, however, that no more than 85 per cent of the gross proceeds from the sale of such fish shall be paid to any contractor covering any body of water."

Approved April 20, 1939.

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#### CHAPTER 324—H. F. No. 1017

*An act to provide relief for certain towns in this state in which the value of property, which is exempt from taxation because taxes thereon are being paid into the state treasury under the provisions of the gross earnings tax law, is equal to or greater than the taxable value of all other real and personal property exclusive of money and credits, in any such town and appropriating money to afford such relief.*

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

**Section 1. Certain towns to receive special relief.**—Whenever the value of the property within the boundaries of the corporate limits of any town in the state of Minnesota, which is exempt from local taxation because taxes thereon are paid into the state treasury under the provisions of the gross earnings tax law, is equal to or greater than the taxable value of all real and personal property, exclusive of money and credits within any such town, then such town shall be entitled to receive from the state treasury, in addition to all other taxes received thereby, such an amount as would be produced by computing a tax of one-third of the current tax rate for town purposes upon such property so exempt from local taxation, provided, that the amount which any such town shall receive shall not exceed \$1,500 in any year.

**Sec. 2. Shall make applications to State Auditor.**—Any such town desiring to take advantage of this act shall apply in writing therefor to the state auditor, and such application shall contain the following facts: