

CHAPTER 316—S. F. No. 430

An act relating to wild animals and to commercial fishing in boundary waters, amending Mason's Minnesota Statutes of 1927, Sections 5599-1 and 5599-2.

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

Section 1. **Law amended.**—That Mason's Minnesota Statutes of 1927, Section 5599-1, be amended to read as follows:

"5599-1. **Lake Superior fishing — herring — trout — open season.**—The Game and Fish *Director* of the State of Minnesota is hereby authorized to enter into negotiations with the proper authorities of the *States* of South Dakota or Iowa relative to commercial fishing in boundary waters between the State of Minnesota and the *States* of South Dakota or Iowa, and adopt such rules or make such contracts as may be found necessary governing the letting of contracts for commercial fishing and providing for the inspection and division of proceeds and for regulating all necessary matters relating to such commercial fishing in such boundary waters."

Sec. 2. That Mason's Minnesota Statutes of 1927, Section 5599-2, be amended to read as follows:

"5599-2. In the event that no agreement can be made or rules adopted between the Game and Fish *Director* of Minnesota and the proper authorities of South Dakota or Iowa relative to commercial fishing in boundary waters, then and in that event the Game and Fish *Director* of Minnesota may make contracts for commercial fishing on a percentage basis in such boundary waters and provide for the supervision, inspection and regulation thereof, and in such contract or regulation conform so far as may be deemed necessary with the contract or regulations observed in the *States* of South Dakota or Iowa relating to such boundary waters."

Approved April 19, 1941.

CHAPTER 317—S. F. No. 473

An act relating to wild animals and amending the Mason's Supplement, 1940, Section 5536-7.

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

Section 1. **Law amended.**—That the Mason's Supplement, 1940, Section 5536-7, be amended to read as follows:

"5536-7. County auditor to deposit money 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 *director of game and fish* 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 license, and the total amount received. He shall transmit to the *director of game and fish* with such report his warrant on the county treasurer in favor of the *director of game and fish*, 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 by direct sale to licensees and all of the moneys received by sale to agents. Thereupon the County Auditor shall be entitled to 10% of the fees derived from sale of licenses sold by him or his agents; or 2% of the fees for licenses sold for cash and resale, as hereinafter provided, as his compensation and may draw his warrant to himself upon the County Treasurer in payment thereof. The County Auditor shall pay his agents 5% of the value of the licenses sold by such agent, as his compensation. On or before the tenth of each month every agent of the *director of game and fish* shall make a written report to the *director of game and fish* 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 *director of game and fish* 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 *director of game and fish* 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 *director of game and fish* for license fees, either directly or through county auditors or agents, shall be promptly remitted by the *director of game and fish* 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 *director of game and fish*, as provided by law.

"Any resident of a county who shall apply to the county auditor of his county for hunting or fishing license blanks for resale may purchase such license blanks from such county auditor, and if such license blanks shall be purchased in

groups of not less than 10 non-resident license blanks and 25 resident license blanks which he is authorized to sell he shall be entitled to a discount of 8 per cent from the price established by law. All such license blanks shall be paid for at the time of purchase. In selling such licenses, such person shall be deemed to act in the capacity of agent of the county auditor, and shall at the end of each calendar month make a report of such county auditor stating the serial number of each license sold and the name and address of the purchaser thereof. Any such resident of a county who shall purchase for resale not less than 10 non-resident license blanks and 25 resident blanks may at any time within ninety days of the date of purchase but not later than December first of the same year return any such blanks to the county auditor, and shall thereupon be reimbursed for such unused license blanks at the price established by law, less 8 per cent. All moneys received by the county auditor where cash payment has been made in advance by such persons shall be deposited by the county auditor with the county treasurer and such treasurer shall deposit such amounts in a fund known as a "Game and Fish Reserve Fund." On or before the 15th day of each month the county auditor shall transfer from the "Game and Fish Reserve Fund" to the regular Game and Fish Fund, moneys sufficient to cover licenses sold by said agents during the preceding calendar month. The County Auditor may draw his warrant upon the County Treasurer in an amount or amounts necessary to reimburse any purchaser of licenses for resale, for all unsold license blanks returned to him in accordance with the provisions of this act. Said warrant or warrants shall be drawn upon the fund known as the Game and Fish Reserve Fund.

"Provided, further, that any license blanks delivered to county auditors which have not been returned to the director of game and fish on or before the expiration of 90 days from the close of the calendar year for which said licenses were prepared, shall be conclusively presumed to have been sold and the said county auditor shall be held strictly responsible for the net return due therefrom.

"Provided, however, the provisions of this act shall not be construed to in any way alter or repeal the provisions of Chapter 69, Laws of 1929, and Chapter 341, Laws of 1929 (s.s. 997-3, 997-4), nor any law now or hereafter enacted wherein provision is made that all fees collected by county officials in certain counties be paid into the county treasury."

Approved April 19, 1941.