

5597. **Netting in Mississippi River—license.**—Subdivision 1. Pound nets with leaders not exceeding 75 feet in length; seines not exceeding 300 feet in length, dip nets and set lines having not more than 300 hooks, may be used in the flowing waters of the Mississippi River, from the Falls of St. Anthony to a point 1,000 feet below the St. Croix River, and in the flowing waters of the Minnesota River from its mouth to Mankato, to take sheepshead, redhorse, dogfish, buffalofish, catfish, carp and suckers, except from April 15th to June 16th, both dates inclusive, provided a license shall be first procured for that purpose from the commissioner. Seines so used shall have meshes of not less than 2½ inches on the bar and not less than 5 inches when extended, and shall not be used within 500 feet of the mouth of any stream. The applicant shall make a written application to the commissioner stating (a) his name and residence and (b) the place where it is proposed to use nets or seines and shall pay a license fee of five dollars for each pound or dip net licensed to be used, the sum of ten dollars for each seine net licensed to be used, and the sum of one dollar for each set line so licensed. The licensee shall not change the location of his net or seine from the place specified in his application without notifying the commissioner to that effect. No person shall use more than one set line.

*Subdivision 2. Set lines having not more than 10 hooks may be used in the flowing waters of the Minnesota River from Mankato to its junction with the Mississippi only at such a place as shall be designated in the application for license therefor. The license fee shall be \$1.00 and no person shall use more than one such set line. Its location shall not be changed except upon notice to the commissioner and his approval or the approval of his agent. Such lines may be staked only at one end. No fish, except those listed in subdivision 1 hereof, shall be taken under such license.*

Approved April 22, 1943.

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CHAPTER 576—S. F. No. 1188.

(AMENDING SECTIONS 21.01, 21.02 AND 21.03 MINNESOTA STATUTES 1941.)

*An act relating to agricultural seeds; amending Mason's Minnesota Statutes of 1927, Section 3957-1; Mason's Supplement 1940, Section 3957-2, Subdivision 2; Mason's Supplement 1940, Section 3957-3, Subdivision 2, as amended by Laws 1941, Chapter 75; Ma-*

*son's Supplement 1940, Section 3957-3, Subdivision 3; repealing Mason's Supplement 1940, Section 3957-2, Subdivision 8; and adding new material.*

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

Section 1. **Law amended.**—Mason's Minnesota Statutes of 1927, Section 3957-1, is amended to read as follows:

3957-1. **Definitions.**—*Subdivision 1.* The term "agricultural seeds" or "agricultural seed" as used in this Act shall include the seeds of *field corn, wheat, oats, barley, rye, emmer, flax, hemp, sudan grass, sorghum, buckwheat, sweet clover, medium and mammoth red clover, alsike clover, white clover, alfalfa, soybeans, field peas, field beans, vetches, rape, lespedeza, mangel, sugar beet, timothy, bromus, redtop, blue grass, rye grass, sweet vernal grass, fescue, millet, oat grass, orchard grass, wheat grass, reed canary grass, bent grass,* and all other seeds used for planting or sowing for agricultural and lawn purposes.

*Subdivision 2.* The word "kind" shall mean variety, sort or species, indicating the commonly accepted name of such seed.

*Subdivision 3.* The word "approximate" when referring to amounts or percentages of *pure seeds, weed seeds, noxious weed seeds, inert matter and germination* shall mean within the range of tolerance as hereinafter shown under tolerance.

*Subdivision 4.* The word "person" shall be construed to import both the plural and the singular, as the case demands and shall include corporations, co-partnerships, companies, societies, firms and associations.

*Subdivision 5.* The word "Commissioner" means the Commissioner of Agriculture, Dairy and Wood of the State or any of his agents or assistants, authorized to act for him.

*Subdivision 6.* The words "weed seed" shall be construed to mean the seeds and the bulblets of any and all weeds designated in *Laws 1925, Chapter 377, Section 2, as amended,* and such other annual, biennial and perennial plants that grow with crops raised in the field, the garden, the lawn and waste areas throughout this state, causing either damage to crops or interference with travel or other public inconvenience or injurious to public health.

*Subdivision 7.* The word "sell" shall be construed *when applying to agricultural seed and screenings or samples thereof* as including (a) *the act of selling or transferring ownership,* (b) *the offering or exposing for sale, exchange, distribution, giving away or transportation in this state,* (c) *the having in possession with intent to sell, exchange, distribute or give away the same,* (d) *the*

storing, carrying or handling in aid of traffic therein, whether done in person or through an agent, employee or others, and (e) receiving, accepting or holding on consignment for sale.

*To sell seed or screenings in original or unopened containers fully, partially or not labeled shall in no manner except any such articles from necessity of full compliance with the provisions of this act.*

*Subdivision 8.* The word "germination" shall mean a seed showing growth of a plumule (stem) or a radicle (root) or both these growths which are commonly accepted as evidence that under normal environment would produce a mature plant.

*Subdivision 9.* The word "Gothic caps" means the type of copy with letters the size and character as the following "TYPE."

*Subdivision 10.* The word "pure seed" shall mean agricultural seed exclusive of inert matter and all other seeds not of the kind of seed being considered.

*Subdivision 11.* The word "mixture" or "mixtures" shall mean two or more agricultural seeds intermingled in the same container, when each is in excess of five per cent by weight of the whole. Except that in the case of lawn grass the exact percentage by weight of each shall be given.

*Subdivision 12.* The word "screenings" shall mean chaff, sterile florets, immature seeds, weed seeds, inert matter and any other material removed in any way from any seeds in any kind of cleaning or processing, from weedy fields or obtained from any other source which contains less than 25 per cent of live agricultural seeds.

Sec. 2. **Law amended.**—Mason's Supplement 1940, Section 3957-2, Subdivision 2, is amended to read as follows:

**Subdivision 2. Powers of Commissioner—complaints or violations—hearings.**—For the purpose of enforcing the provisions of this act, the commissioner shall have the authority either on his initiative or upon complaint being filed with him for any alleged violation of the provisions of this act or any rule or regulation issued thereunder, or upon information furnished by an inspector of the department of agriculture, to hold hearings and conduct such investigations as he may deem advisable. He shall have and is hereby granted full authority to issue subpoenas requiring the attendance of witnesses before him and the production of books, papers and other documents, articles or instruments and to compel the disclosure by such witnesses of all facts known to them relative to the matter under investigation. He shall have full authority to administer oaths and to take testimony; and may make a

report thereon, which shall be prima facie evidence of the matters therein contained. All parties disobeying the orders or subpoenas issued hereunder by the commissioner shall be guilty of contempt as in proceedings in district courts of the state and may be punished in like manner. *Neither the commissioner, the state nor any subdivision thereof shall be responsible in any manner whatsoever for any costs, expenses or fees incurred in any manner by any person appearing at any such hearing except members of the commissioner's staff and others specifically authorized by the commissioner to collect such costs, expenses or fees.*

Sec. 3. **Law repealed.**—Mason's Supplement 1940, Section 3957-2, Subdivision 8, is hereby repealed.

Sec. 4. **Law amended.**—Mason's Supplement 1940, Section 3957-3, Subdivision 1, is amended to read as follows:

Subdivision 1. **Labels for packages—contents—weed, seed tolerance.**—The owner or person in possession of each and every package, parcel or lot of agricultural seed as herein defined, which contains one pound or more of such agricultural seed, whether in package or in bulk, shall affix thereto in a conspicuous place on the exterior of the container of such agricultural seed a written or printed label in the English language in legible type or copy not smaller than eight point heavy Gothic caps; such label shall contain a statement specifying:

(a) The commonly accepted name of the kind or kinds of such agricultural seed; if the name of a special variety or strain of such seed is used, it must be the true name of such special variety or strain.

(b) The approximate percentage germination test made of such agricultural seed together with the date of said test of germination.

(c) The approximate total percentage by weight of weed seeds of all species and the name and approximate number per pound of agricultural seeds of each of the kinds of weed seeds hereinafter specified, whenever the total number of any or all of such kinds exceeds ten per pound of agricultural seeds: Quack grass, (*Agropyron repens*), Canada Thistle (*Carduus arvensis*), Perennial Sow Thistle (*Sonchus arvensis*), Dodders (*euscuta spp.*), Ox Eye Daisy (*Chrysanthemum leucanthemum*), Buckhorn Plantain (*Plantago lanceolata*), *Frenchweed (thlaspi arvense)* and *Hoary Alyssum (Berteroa incana)*; provided, that whenever such weed seeds are found in number not exceeding ten of all kinds in the aggregate per pound of agricultural seeds, the word "trace" together with the name of each and every kind of weed seeds so found shall appear on the label.

(d) The approximate percentage by weight of the agricultural seed exclusive of inert matter, weed seeds and of other agricultural seeds, which are distinguishable by their appearances.

(e) *The name of the state and in the case of corn, except hybrid corn, the name of the county, or the country in which the seed was grown, and in the case of clovers and alfalfa seeds such seeds shall bear the coloring designated by the "federal seed act" and rules and regulations thereunder.*

(f) The full name and address of the seedsman, importer, dealer or agent or other person selling, offering or exposing for sale said agricultural seed. It shall be unlawful for any person to expose seed for sale or any sample representing seed for sale for which ownership or responsibility is not acknowledged.

Sec. 5. **Law amended.**—Mason's Supplement 1940, Section 3957-3, Subdivision 2, as amended by Laws 1941, Chapter 75, is amended to read as follows:

Subdivision 2. **Weed, seed tolerance.**—It shall be unlawful for any person to sell, or to plant in this state any agricultural seed when such agricultural seed contains or the label thereon shows a weed seed content in excess of the following limits per pound of such agricultural seeds:

(1) Ten seeds of Quack Grass (*Agropyron repens*), Canada Thistle (*Carduus arvensis*), Perennial Sow Thistle (*Sonchus arvensis*), singly or collectively or 25 seeds of Dodders (*Cuscuta spp.*), Ox Eye Daisy (*Chrysanthemum leucanthemum*), Buckhorn Plantain (*Plantago lanceolata*), Frenchweed (*Thalaspis arvense*) and Hoary Alyssum (*Berteroa incana*), singly or collectively.

(2) Two per cent by weight of all weed seeds.

(3) No seeds of Creeping Jennie (*Convolvulus arvensis L.*) or Leafy Spurge (*Euphorbia esula*), Perennial Pepper Grass (*Lepidium draba*), Horse Nettle (*Solanum carolinense*), or Austrian Field Cress (*Roripa* or *Radicula austriaca*).

(4) Any person engaged in the purchase and sale of agricultural seeds who comes into possession of seeds or samples of seeds containing seeds of weeds named in paragraph 3 of this section shall report to the State Department of Agriculture, Dairy and Food the name and address of the person from whom such seeds or seed samples were received.

Sec. 6. **Weed, seed tolerance.**—*The following tolerances as provided by the Federal Seed Act shall be allowed between the percentages or rates of occurrence found by analysis, test or examination of the seed, and percentages or rates of occurrence al-*

lowed by this act. *Purity Tolerance*—To determine the tolerance of percentage of pure seed, weed seeds and inert matter, the sample shall be considered as made up of two parts (a) the percentage of the component (Pure Seed, weed seeds or inert matter) being considered, and (b) the difference between that percentage and 100. The resulting number is then multiplied by 0.2 (2/10) and the result—product added to 0.2 or 0.6 as follows:

$$\text{Pure seed tolerance} = 0.6 + (0.2 \times \frac{a \times b}{100})$$

$$\text{Weed seed and inert matter tolerance} = 0.2 + (0.2 \times \frac{a \times b}{100})$$

Grasses of *Poa*, *Agrostis* and *Festuca* species shall be allowed additional tolerances as provided by the Federal Seed Act. Germination and germination plus hard seed tolerances shall be:

5% for seed testing 96% or more      8% for seed testing 70 to 79%  
 6% for seed testing 90 to 95%      9% for seed testing 60 to 69%  
 7% for seed testing 80 to 89%      10% for seed testing less than 60%  
 Tolerances of noxious weed seeds shall be as given in the Federal Seed Act except no tolerance shall be allowed for Creeping Jennie and Leafy Spurge.

**Sec. 7. Sale of screenings unlawful—exceptions.**—It shall be unlawful for any person to sell to the consumer or to feed any screenings of any name or nature from threshing machines, haulers, seed cleaners, weedy fields or from any other source that have not been devitalized by grinding sufficiently fine to destroy all weed seeds or otherwise devitalize them or scatter on the ground any such screenings, except that dealers who are not equipped with the necessary machinery and facilities to thoroughly devitalize screenings, may sell screenings to consumers unground and undeitalized for feeding purposes upon written permit from the Commissioner of Agriculture, Dairy and Food, provided the consumer has the necessary machinery and facilities to thoroughly devitalize said screenings before feeding.

**Sec. 8. Law amended.**—Mason's Supplement 1940, Section 3957-3, Subdivision 3, is amended to read as follows:

**Subdivision 3. Commissioner to fix weed, seed content allowance.**—The commissioner may fix by permit in writing the weed seed content allowable for each individual case of any agricultural seeds, when in his judgment the character of such seeds preclude the removal of certain weed seeds to be named by the commissioner, by reasonably well equipped and properly operated seed cleaning machinery to the weed seed limits as herein defined.

Whenever such permit is issued by the commissioner the label of any such seed shall bear in addition to the actual amount of

*weed seed contained therein, a statement in eight point Gothic or larger type that such seed contains weed seed in excess of the legal limit by special permit of the Commissioner of Agriculture, Dairy and Food giving the date thereof.*

Approved April 22, 1943.

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CHAPTER 577—S. F. No. 1268.

*An act to amend Laws of 1933, Chapter 215, Section 1, as amended, relating to the salary emoluments, assistants and assistance, etc., of a morgue keeper in counties having a population of 400,000 inhabitants or more.*

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

Section 1. **Law amended.**—That Laws 1933, Chapter 215, Section 1, as amended by Laws 1937, Chapter 389, be amended to read as follows:

“Section 1. **Salary of morgue keeper and assistant in certain counties.**—In addition to such deputies, secretary *and clerk* as are authorized by law, the county coroner of any county now having or which may hereafter have a population of 400,000 inhabitants or over shall appoint and employ one morgue keeper, who shall be paid the sum of \$2,400.00 per annum and who shall also be furnished free light, heat, gas and water necessary therefor and with the free use of suitable heated and lighted living quarters for himself and his family in the morgue building; *two assistant morgue keepers who shall be paid the sum of \$1,800.00 per annum*; and the coroner may also employ such *further* assistance to the said morgue keeper as he may deem necessary at an aggregate expense of not exceeding \$1500.00 per annum. The said morgue keeper, *assistant morgue keeper*, assistance and upkeep of living quarters shall be paid out of any moneys in the county treasury not otherwise appropriated, except the upkeep of living quarters, semi-monthly in the same manner as county officials are now paid, and the same shall be in full compensation for all services rendered by said officers respectively in their several capacities. The said upkeep of living quarters and such light, heat, gas and water shall be paid for in such manner as the upkeep of other county buildings is paid for.”

Approved April 22, 1943.