

## CHAPTER 247—S. F. No. 626

*An act relating to intoxicating liquor and to amend Laws 1945, Chapter 8, Section 1, Subdivision 11.*

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

Section 1. Laws 1945, Chapter 8, Section 1, Subdivision 11, is amended to read as follows:

Subd. 11. **An off-sale license in cities of the first class for every 5,000 inhabitants.** The cities of the first class not more than one "Off sale" license shall be granted for every 5,000 inhabitants in any such city; provided, however, notwithstanding said limitation, any city of the first class in which "Off sale" licenses have heretofore been issued upon an estimated population computed on the increase in population in said city between the federal census of 1920 and the federal census of 1930, or where the 1940 federal census shows a decrease from the 1930 census and as a result of such computation "Off sale" licenses have been issued in excess of one for every 5,000 inhabitants as determined by the federal census of 1940, said city of the first class may continue to issue the number of "Off sale" licenses which said city issued for 1940. In such cities, such licenses shall be issued only to proprietors of drug stores, general food stores and exclusive liquor stores. In all other cities, villages and boroughs the number of "Off sale" licenses to be issued therein shall be determined by the local governing body. In all cities, villages and boroughs other than cities of the first class "Off sale" licenses shall be issued only to proprietors of drug stores and exclusive liquor stores. *In any city, village or borough of less than 1,000 population "Off sale" licenses may be issued to "On sale" licensees.*

Approved April 11, 1945.

## CHAPTER 248—S. F. No. 640

*An act relating to wild animals, revising, consolidating, codifying and adding new provisions to the laws of this state, relating to their preservation, protection and propagation, repealing Minnesota Statutes 1941, Sections 97.01 to 97.39 inclusive, 98.01 to 98.44 inclusive, 99.01 to 99.24 inclusive, 100.01 to 100.25 inclusive, 101.01 to 101.40 inclusive, 102.01 to 102.22 inclusive, and Laws 1943, Chapters 27, 39, 40, 42,*

57, 58, 61, 63, 109, 110, 119, 125, 136, 146, 150, 176, 206, 207, 229, 284, 336, 370, 392, 403, 528, 534, 539, 575, 581, 616, 621, and 634.

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

Section 1. Minnesota Statutes 1941, Chapter 97, shall, in lieu of the present provisions thereof, contain the following:

97.40. **Definitions.** Subdivision 1. Unless the language or context clearly indicates that a different meaning is intended, the following words, terms and phrases shall, for the purposes of Chapters 97 to 102, be given the meanings hereinafter subjoined to them.

Subd. 2. "Commissioner" means the commissioner of conservation of the state of Minnesota.

Subd. 3. "Division" means the division of game and fish of the department of conservation of the state of Minnesota.

Subd. 4. "Director" means the director of the division of game and fish.

Subd. 5. "Wild animals" means all living creatures, not human, wild by nature, endowed with sensation and power of voluntary motion, and includes quadrupeds, mammals, birds, fish, amphibians, reptiles, crustaceans and mollusks.

Subd. 6. "Protected wild animals" includes all wild animals which are accorded some measure of protection in the time or manner of taking, other than restrictions in the use of artificial lights or poison.

Subd. 7. "Fur bearing animals" includes all protected mammals, except deer, moose, elk and caribou.

Subd. 8. "Big game" includes deer, moose, elk and caribou.

Subd. 9. "Small game" includes all protected wild mammals and birds not included in "big game."

Subd. 10. Every provision relating to any wild animal shall be deemed to apply to any part thereof with the same force and effect as it applies to the whole.

Subd. 11. "Rough fish" includes carp, buffalofish, perch, suckers, redhorse, sheepshead, dogfish, eelpout, tullibeas, garfish, goldeyes, bullheads and turtles.

Subd. 12. "Minnows" includes chubs, shiners, suckers, dace, stonerollers, bullheads, mudminnows, redhorse, blunt-

nose, fat-head, and other small fish commonly used for bait, which have only one dorsal fin, and yellow perch.

Subd. 13. "Open season" means the period during which protected wild animals may be taken.

Subd. 14. "Closed season" means the period during which protected wild animals may not be taken.

Subd. 15. "Taking or hunting" includes pursuing, shooting, killing, capturing, trapping, snaring and netting wild animals, and all lesser acts such as disturbing, harrying or worrying or placing, setting, drawing or using any net, trap or other device used to take wild animals, and includes every attempt to take and every act of assistance to any other person in taking or attempting to take wild animals.

Subd. 16. "Possession" means both actual and constructive possession and any control of the things referred to.

Subd. 17. "Transport, transportation" means carrying or moving by any instrumentality, causing to be carried or moved by any instrumentality, attempting to do so, or accepting or receiving wild animals for transportation or shipment.

Subd. 18. "Sale, sell" includes barter, exchange for consideration, offer to sell, or possession with intent to sell.

Subd. 19. "Buy" includes barter, exchange for consideration, offer to buy, or attempt to buy.

Subd. 20. "Person" includes any individual, and except when used in reference to issuing licenses to take wild animals, any firm, copartnership, joint stock company, association, or municipal or private corporation.

Subd. 21. "Resident" means any citizen of the United States who has maintained a legal residence in the state of Minnesota for a period of six months immediately preceding the date of application for license, a domestic corporation, or a foreign corporation authorized to do business in the state which has conducted the business licensed at an established place within the state for a period of at least ten years.

Subd. 22. "Waters of this state" includes all boundary and inland waters.

Subd. 23. "Dark house" is a structure set on the ice and so darkened as to permit the discernment of fish in the water beneath such structure.

Subd. 24. "Contraband" means any wild animal taken, bought, sold, transported, or possessed in violation of Chapters 97 to 102, and all instrumentalities and devices used in taking wild animals in violation thereof as are subject to confiscation.

Subd. 25. "Undressed birds" means birds with heads and feet intact, but does not prohibit the removal of entrails or feathers, other than on the head.

Subd. 26. "Undressed fish" means fish with heads, tails, fins, scales and skins intact, but does not prohibit the removal of entrails and gills.

Subd. 27. "Itinerant minnow dealer" includes all persons engaged in transporting minnows for a distance of 15 miles or more for the purpose of sale. Any other person who catches or buys minnows for resale shall be known as a local minnow dealer.

Subd. 28. All dates specified in Chapters 97 to 102 and all periods prescribed as open season or for the doing of certain things shall be inclusive.

97.41. **Construction.** Subdivision 1. Any of the provisions of Chapters 97 to 102 inconsistent with the existing code of criminal procedure or of penal law shall be effective for the purposes of Chapters 97 to 102 only.

Subd. 2: All provisions of Chapters 97 to 102 shall be construed as subject to, and not changing or modifying the authority of the commissioner to delegate powers, duties and functions as conferred by Sections 84.083 and 84.088.

97.42. **State ownership of wild animals and aquatic vegetation.** The ownership of wild animals, and of all wild rice and other aquatic vegetation growing in the public waters of the state, insofar as they are capable of ownership, is in the state in its sovereign capacity for the benefit of all its people, and no person shall acquire any property therein, or destroy the same, except as authorized by Chapters 97 to 102 or Sections 84.09 to 84.15.

97.43. **General restrictions.** No person shall at any time, take, buy, sell, transport, or possess any protected wild animals except as permitted by Chapters 97 to 102. The legal title to all wild animals shall remain in the state, except where it has been lawfully acquired by permission of those chapters, and the title to any wild animals lawfully acquired shall revert to the state whenever any law relating to its sale, transportation or possession is violated.

97.44. **Possession restricted.** Subdivision 1. No person shall possess within this state any wild animal which has been unlawfully taken, bought, sold or possessed outside of the state, or unlawfully shipped therefrom into the state.

Subd. 2. No person shall possess within this state any protected wild animal except during the open season and for five days thereafter, without having obtained permission from the commissioner or his authorized agent so to do, in such form as the commissioner may prescribe, and when so permitted, they may be retained until June 30th, following the season in which they were taken, subject, however, to the exceptions contained in Section 100.27, Subdivision 6, and Section 102.23.

Subd. 3. Wild animals lawfully taken, bought, sold or possessed outside this state may be brought or shipped into this state, whether taken in or out of the period prescribed for the open season in Minnesota, and possessed during the periods prescribed in subdivision 2 upon obtaining the commissioner's permit.

Subd. 4. No person except the commissioner or his agents shall place or store or receive or accept for storage in a commercial cold storage warehouse, any protected wild animals except fish or furs lawfully taken. Protected wild animals lawfully taken and possessed may be stored in refrigerators or cooling rooms in butcher shops or in locker plants or other places not classified as commercial cold storage warehouses, but all packages of protected wild animals so stored shall be plainly marked in ink, showing the name and address of the owner, the number of license under which they were taken, and the number and species therein.

Subd. 5. Protected wild animals may be disposed of by gift, without consideration, and when so disposed of, may be possessed or transported without license, provided, if they are transported beyond the boundaries of the county in which the possessor lives, there shall be attached a tag marked in ink, showing the name and address of the owner and the number of the license under which they were taken, or in lieu thereof the possessor shall furnish an affidavit showing the name and address of the donor, but subject to all other restrictions and limitations on possession, transportation and sale imposed by Chapters 97 to 102.

Subd. 6. Mounted specimens of wild animals, deer horns, tanned hides, and dressed furs lawfully taken, are excepted from the provisions of this section.

Subd. 7. Licensed tanners, upon receipt of any raw beaver or muskrat hides or pelts, shall immediately procure a tag or seal, as prescribed by the commissioner, which tag or seal shall be attached to the hide or pelt and remain thereon during the entire process of tanning and dressing, and so long as retained in the possession of the tanner.

97.45. **Transportation restricted.** Subdivision 1. No person shall transport any wild animals taken, bought, sold or possessed in violation of Chapters 97 to 102.

Subd. 2. Any person may transport within the state, or from a point within to a point without, during the open season, any protected wild animals which may be lawfully sold, except as otherwise expressly prohibited.

Subd. 3. Any resident, except agents or employees of a common carrier while engaged in the performance of their duties, may carry with him in any vehicle or as baggage on a common carrier, to any place within the state, wild animals, including undressed game birds and dressed or undressed fish, lawfully in his possession and subject to all other applicable restrictions, and common carriers may transport such wild animals as baggage within the limits prescribed.

Subd. 4. Any licensed resident may transport by common carrier to any point in the county of his residence, consigned to himself only, not more than three separate shipments of undressed birds, each of which may contain all of the birds which could lawfully be taken within the state on any single day, but not to contain more than a single day's limit of any species. Such resident may transport one deer during any one open season, which has been lawfully taken and possessed, and may transport the head or hide of such deer for mounting or tanning purposes to a point within or without the state, provided that all such shipments shall be accompanied by shipping coupons to be detached from the licenses.

Subd. 5. A resident may transport by common carrier dressed or undressed fish lawfully taken and possessed by him during the open season for taking such fish, to any point within the state, consigned to himself only.

Subd. 6. A licensed non-resident may transport by common carrier to a point within or without this state, in any one season, one shipment containing not more than fifteen pounds of undressed fish, or one fish of any size, which have been lawfully taken by him in this state. A coupon designed to carry out the purposes of this act may be issued for each non-resident fishing license, combination or otherwise, and such

shipping coupon shall be cancelled by the shipping clerk of the carrier to whom the shipment is first delivered, in a manner prescribed by the commissioner. Such non-resident is further authorized to carry with him in any vehicle or on a common carrier to any point within or without the state, the limit of undressed fish which he is authorized to possess within the state.

Subd. 7. Any non-resident, except agents and employees of common carriers while engaged in the performance of their duties, may transport by any means, consigned to himself only, to any point within or without this state, not to exceed the number of undressed game birds which he is entitled to possess at any one time, and one deer, lawfully taken and possessed within this state, provided they are accompanied by appropriate coupons to be detached from the non-resident hunting licenses. Common carriers are hereby permitted to carry such wild animals as baggage.

Subd. 8. Wild animals, lawfully taken and possessed in Canada, may be brought into the state if declared through the customs, and may be shipped from Minnesota to any point within or without the state by either residents or non-residents, by common carrier, provided all such shipments shall bear such shipping coupons as would be required if the shipment originated from the province where the animals were taken.

Subd. 9. Undressed game birds, lawfully taken and possessed in adjacent states, may be brought into the state, and may then be shipped by common carrier to any point within the state by residents of this state, or by non-residents to any point without the state, provided each such shipment shall be tagged or sealed by a state game warden in the manner prescribed by the commissioner, and shall be accompanied by a license coupon if such coupon would be required if the shipment originated in the state where the animals were taken. Licensed residents may ship game birds or one fish lawfully in their possession to any point within or without the state to any person upon procuring a permit so to do from the commissioner or his authorized agent under such regulations as the commissioner may prescribe.

Subd. 10. All wild animals, while in transit, or at their destination after shipment, shall be deemed in the possession of the shipper.

Subd. 11. No shipment of small or big game, under subdivisions 4 or 7, shall be accepted by any carrier until the agent thereof shall have examined the license of the shipper,

who shall sign his name in ink to each section of one of the coupons attached to his license, in the presence of the agent, who shall also sign his name in ink thereto. Coupons detached from the license when so presented shall be void.

Subd. 12. All shipments of protected wild animals by common carrier, or carried as baggage, shall have attached license coupon tags, properly filled out, when required by chapters 97 to 102, or when coupon tags are not required, a statement signed by the licensee showing his name, address and license number and the number and species of wild animals contained, and if fish are contained, the number of pounds thereof.

Subd. 13. No protected wild animals, taken in any other state or country, except big and small game, shall be transported through this state, except by common carrier, during the closed season for the taking of such animals in Minnesota, or in excess of the possession limit as prescribed by chapters 97 to 102, unless the same are tagged, sealed, or otherwise marked as prescribed by the commissioner.

Subd. 14. All wild animals being transported shall be made available to full inspection by any game warden upon his demand, and in the absence of the licensee, any receptacle or container may be opened by such warden by such means as is reasonably necessary for the purpose of inspection and counting. The way bill or receipt issued by any common carrier to a shipper shall specify the number and species of wild animals so shipped.

Subd. 15. No minnow dealer shall transport any minnows beyond the boundaries of the state.

97.46. **Confiscation of co-mingled.** Confiscation of any part of a shipment shall include the entire shipment, and when two or more wild animals of the same or different species are possessed or contained in the same package, bag, crate, box, automobile, airplane, vehicle, room, or other receptacle, or are in any other way mixed or co-mingled, and one or more thereof are contraband, then the whole shipment or parcel shall be deemed contraband.

97.47. **Wanton waste.** Except as expressly permitted, no person shall wantonly waste or destroy any usable part of any protected wild animal.

97.48. **General powers of commissioner.** Subdivision 1. The commissioner may extend protection to any species of wild animal in addition to that accorded by chapters 97 to 102, by further limiting or closing open seasons, areas of the



state, or by reducing limits with respect to any or all areas of the state, whenever he finds such action necessary to guard against undue depletion or extinction, or to promote the propagation and reproduction of such animals, provided he may shorten the season for taking game fish or any species thereof by angling or spearing through the ice, only so as to close at any given time not more than 50 per cent of the waters of any county.

Subd. 2. The commissioner is authorized to enter into contracts with North and South Dakota, Wisconsin and Iowa, relating to the removal of rough fish in boundary waters between Minnesota and those states, and providing for the letting of contracts to remove such fish, and for the inspection and division of proceeds of such work, and for regulating matters relating to such fishing in such boundary waters, provided, if no such agreement can be made, the commissioner may remove rough fish from such boundary waters in the same manner as he is authorized to remove them from any of the waters of this state.

Subd. 3. The commissioner is authorized and shall have the power to make any and all regulations for the taking of fish and mussels from any boundary waters between Minnesota and adjacent states, and from international waters.

Subd. 4. The commissioner is authorized to take rough fish and turtles from any of the waters of this state by means of day labor or contract through the use of seines, nets, or any other devices, under such rules, regulations and contracts as he shall prescribe. All rough fish and turtles so removed by the commissioner shall be disposed of in such form and in such manner as he, by regulation or contract, shall prescribe.

Subd. 5. The commissioner is authorized to close any areas of the state to mussel fishing and to prescribe any other rules, regulations or orders relating to the taking thereof, but not more than 50 per cent of the mussel producing waters of the state shall be closed during the open season at any one time.

Subd. 6. The commissioner is authorized to close any waters of the state to the taking of minnows for commercial purposes upon a finding that the minnows in such waters are necessary as forage for game fish.

Subd. 7. The commissioner shall be charged with the execution and the enforcement of all the laws of this state relating to wild animals.

Subd. 8. The commissioner shall have the power, and it shall be his duty, within the limits of funds provided therefor:

(1) To do all things deemed by him desirable in the preservation, protection and propagation in their natural state, and artificially, of all desirable species of wild animals;

(2) To dispose of or destroy, as he deems advisable, undesirable or predatory wild animals;

(3) To acquire by purchase, gift, exchange, or other arrangement, wild animals or their eggs, for breeding or stocking purposes;

(4) To set aside and reserve for any period he deems advisable, any waters of the state, in the aid of propagation and protection of any wild animals;

(5) To acquire by gift, lease, purchase, or condemnation in the manner prescribed under section 117.20, in the name of the state, any personal or real property required for game farms or hatcheries, and to construct, maintain, operate and alter suitable buildings or other works thereon;

(6) To acquire by gift, lease, purchase, or condemnation in the manner prescribed under section 117.20, in the name of the state, lands or any interest in lands suitable and desirable for establishing and maintaining public hunting grounds and game refuges, and to make all improvements thereon deemed by him advisable, provided that not more than one-third of each area so acquired shall be established as a refuge;

(7) To sell or dispose of any land acquired for public hunting grounds and found to be not necessary or suitable therefor, at a price not less than that for which they were purchased, or to exchange such lands for lands of equal value, which are suitable for rounding out, enlarging, filling in, or adding to areas upon which public shooting grounds have been established, providing all such sales or exchanges shall first receive the approval of the Executive Council;

(8) To acquire by gift, lease, purchase, or condemnation in the manner prescribed by section 117.20, in the name of the state, and to maintain from public hunting ground funds, parking or camping areas of not to exceed five acres, adjacent to public waters to which the public theretofore had no access and upon which the public has a right to hunt and fish, and such easements and rights of way as may be required to connect such areas with public highways, provided, no acquisition costing over \$1,000 shall be made without first ob-

taining the approval of the Executive Council, and provided further that the authority herein granted shall not extend to lakes completely surrounded by lands owned and maintained for the purpose of conducting an educational or religious institution, or to lakes which are unmeandered or which contain less than 200 acres within the meander lines;

(9) To rescue, transfer, or otherwise dispose of or sell fish found in waters, which by reason of their shallowness, will endanger such fish to smothering in winter, or by published order, or in cases of emergency by notice posted conspicuously around the shores upon any such waters, to authorize the taking of fish in any quantity and in any manner, except with the use of seines, hoop nets, fyke nets, or explosives, by residents of the state of Minnesota, for personal use only, but not for sale;

(10) To prohibit the taking of turtles during such period as he may deem necessary, from any waters of the state in which he is conducting operations in aid of the fish propagation program;

(11) To prescribe rules and regulations for the harvesting and possession of wild rice;

(12) To collect, compile, disseminate and publish statistics, bulletins and information germane to conservation;

(13) To adopt reasonable rules and regulations designed to encourage organizations of local sportsmen to engage in the propagation of game fish by use of rearing ponds; prescribe reasonable methods for the lawful acquisition of brood stock for such ponds from the public waters by seining; prescribe reasonable rules and regulations for the ownership and use by such sportsmen's organizations of seines and other equipment to be used for rearing pond propagation; and prescribe regulations for the planting of the young fish so produced in the public waters of the state, giving first consideration to the needs of the community in which the same are produced and the desires of the organizations operating such rearing ponds.

97.49. **Funds.** Subdivision 1. All unexpended balances and moneys hereafter received from licenses of any kind issued by the commissioner on behalf of the division, together with all receipts from fines, sale of contraband or property of any kind, including wild animals, under the control of the division, reimbursements of expenditures or contributions to the division and all other moneys accruing to the state by virtue of chapters 97 to 102, shall be credited by the state

treasurer to a special fund known as the game and fish fund, and all such moneys are hereby annually appropriated for the maintenance and conduct of the activities of the division, subject, however, to any special provisions which may be contained from time to time in appropriation acts.

Subd. 2. Not less than 60 per cent of all moneys received from resident fishing licenses shall be made available for the purpose of fish propagation, acquiring, creating, maintaining, improving and repairing state owned fish hatcheries and rearing ponds and appurtenant equipment, and for the purpose of making stream and lake surveys, scientific surveys relating to fishes, and improving the waters of this state as a habitat for fishes, but nothing in subdivisions 2, 3, and 4 shall preclude the commissioner from expending greater sums annually than the percentage of receipts therein dedicated to the purposes contemplated in those subdivisions.

Subd. 3. Not less than 50 per cent of the moneys received from the sale of licenses to take small and big game by hunting and trapping, together with all income received from the sale of timber, hay stumpage, right of way leases, home site and resort leases, or other special use permits of lands acquired for public hunting grounds and game refuges, shall be used for the acquisition and maintenance of public hunting grounds, game farms and game refuges, and the improvement of natural propagation and breeding grounds, provided, however, that a sum equal to 35 per cent of the gross receipts from all special use permits of those lands actually used for public hunting grounds and game refuges shall be distributed annually to the county in which the lands producing such income lie, to be distributed by the county treasurer among the various funds of the county, the respective towns and school districts wherein such grounds and refuges lie, on the same basis as if the payments were received as taxes on such lands, payable in the current year, but this provision shall not apply to state trust lands.

Subd. 4. All moneys received from the sale of fish and turtles taken under rough fish removal operations shall be continuously available for continuing the work of rough fish removal.

Subd. 5. All fines collected for violation of any law relating to wild animals shall be paid to the treasurer of the county where the conviction was had. One-half of such fines shall be transmitted by that officer to the commissioner, who shall pay the same into the state treasury to be credited to the game and fish fund. The remaining half shall be credited

to the general revenue fund of the county, but the board of county commissioners of any county may, by resolution, direct the payment of all such funds to the state, and where such county action has been taken, the cost of keeping and maintaining prisoners for violating any law relating to wild animals shall be reimbursed to the county from the game and fish fund upon monthly itemized statements certified by the county auditor to the commissioner.

**97.50. Police powers.** Subdivision 1. The commissioner, director, game refuge patrolmen, and game wardens are hereby authorized and empowered:

(1) To execute and serve all warrants and processes issued by any justice of the peace or magistrate or by any court having jurisdiction under any law relating to wild animals, in the same manner as any constable or sheriff may do so, and to arrest, without a warrant, any person detected in the actual violation of any provisions of chapters 97 to 102, and to take such person before any court in the county in which the offense was committed and make proper complaint;

(2) To enter upon any lands within the state for the purpose of carrying out the duties and functions of the division, or to make investigations of any violations of the game and fish laws, and in aid thereof to take affidavits upon oath administered by them, and to cause proceedings to be instituted if proofs at hand warrant it;

(3) To enter and inspect any commercial cold storage warehouse and any hotel, restaurant, ice house, locker plant, butcher shop or other plant or building used for the storage of dressed meats, game or fish, for the purpose of determining whether wild animals are kept or stored therein in violation of chapters 97 to 102; to examine and inspect the books and records of all persons, firms or corporations which they have reason to believe have violated the laws relating to wild animals; and to open, enter and examine all camps, vessels, boats, wagons, automobiles, airplanes, or other vehicles, cars, stages, tents, suitcases, valises, packages, crates, boxes and other receptacles and places where they have reason to believe wild animals unlawfully taken, or possessed, are to be found;

(4) To enter and inspect at all reasonable times the premises whereon is being conducted any business or activity requiring a license under chapters 97 to 102;

(5) To seize and confiscate in the name of the state, any wild animals taken, bought, sold, transported or possessed, in violation of chapters 97 to 102, and to seize, confiscate and

dispose of all guns, firearms, nets, boats, lines, rods, poles, fishing tackle, lights, lanterns, snares, traps, spears or dark houses used, by the owner or any other with his knowledge, in unlawfully taking or transporting such wild animals. Articles which have no lawful use may be summarily destroyed. All other articles may be retained for use of the division, or sold at the highest price obtainable, in the manner prescribed by the commissioner.

Subd. 2. The commissioner, director, game refuge patrolmen and game wardens shall seize all motor vehicles, trailers, and airplanes, used in violation of section 100.29, subdivision 1, (10) and (11), and all boats, motors and motor boats used or possessed in violation of sections 98.46, subdivision 1, (19) and (20) or 102.26, or any order of the commissioner relating thereto, and hold them, subject to the order of the district court of the county in which the offense was committed. Such equipment so held shall be confiscated after conviction of the person from whom they were seized, upon compliance with the following procedure: the commissioner, director, or his agents, shall file with the court a separate complaint against the property, describing the same and charging its use in violation of the provisions of section 100.29, subdivision 1, (10) or (11), or 98.46, subdivision 1, (19) or (20), or 102.26, and specifying substantially the time and place of the unlawful use. A copy of the complaint shall be served upon the defendant or person in charge of the property at the time of seizure, if any. If the person so arrested shall be acquitted, the court shall dismiss the complaint against the property and order the same returned to the persons legally entitled thereto. Upon conviction of the person arrested, the court shall issue an order directed to any person known or believed to have any right or title or interest in, or lien upon, any of such property, and to persons unknown claiming any such right, title, interest or lien, describing the property and stating that the same was seized and that a complaint against the same, charging violation of the provisions of sections 98.46, subdivision 1, (19) or (20), or 102.26, or section 100.29, subdivision 1, (10) or (11), as the case may be, has been filed with the court, and requiring such persons to file with the clerk of the court their answer to the complaint, setting forth any claim they may have to any right or title to, interest in, or lien upon any such property, within ten days after the service of such order as herein provided, and notifying them in substance that if they fail to so file their answer within that time, the property will be ordered sold by the commissioner or his agents. The court shall cause the order to be served upon any person known or believed to

have any right, title, interest or lien as in the case of a summons in a civil action; and upon unknown persons by publication, as provided for service of summons in a civil action. If no answer is filed as and within the time prescribed, the court shall, upon affidavit by the clerk of the court, setting forth such fact, order the property sold by the commissioner or his agents, and the proceeds of the sale, after deducting the expense of keeping the property and fees and costs of sale, paid into the state treasury, to be credited to the game and fish fund. If answer is filed as and within the time herein provided, the court shall fix a time for hearing, which shall be not less than ten nor more than 30 days after the time for filing answer expires. At the time so fixed for hearing, unless continued for cause, the matter shall be heard and determined by the court, without a jury, as in other civil actions. If the court shall find that the property, or any part thereof, was used in violation of the provisions of sections 98.46, subdivision 1, (19) or (20), or 102.26, or section 100.29, subdivision 1, (10) or (11), as the case may be, he shall order the property so unlawfully used, sold as herein provided, unless the owner shall show to the satisfaction of the court that he had no notice or knowledge or reason to believe that the property was used or intended to be used in violation of sections 98.46, subdivision 1, (19) or (20), or 102.26, or section 100.29, subdivision 1, (10) or (11), as the case may be. The officer making any such sale after deducting the expense of keeping the property, the fee for seizure, and the costs of the sale, shall pay all liens according to their priority, which are established at the hearing as being bona fide and as existing without the lienor having any notice or knowledge that such property was being used or was intended to be used for or in connection with any violation of sections 98.46, subdivision 1, (19) or (20), or 102.26, or section 100.29, subdivision 1, (10) or (11), and shall pay the balance of the proceeds into the state treasury to the credit of the game and fish fund. Any sale under the provisions of this section shall operate to free the property sold from any and all liens thereon, and appeal from such order of the district court will lie to the supreme court as in other civil actions. At any time after seizure of the articles specified in this subdivision, and before the hearing herein provided for, the property shall be returned to the owner or person having a legal right to possession thereof, upon execution by him of a good and valid bond to the State of Minnesota, with corporate surety, in the sum of not less than \$100 and not more than double the value of the property seized, to be approved by the court in which the case is triable, or a judgment thereof, conditioned to abide any order and the judg-

ment of the court, and to pay the full value of the property at the time of seizure.

Subd. 3. Upon complaint made to any magistrate, who has authority to issue warrants in criminal cases, by any person that he knows or has good reason to believe that any wild animal taken, bought, sold, transported or possessed contrary to the provisions of chapters 97 to 102, or any article declared contraband therein, is concealed or illegally kept in any home, building or other receptacle, not otherwise authorized herein to be entered, inspected and searched, such magistrate shall issue a search warrant and cause a search to be made of such place, and may cause any such home, building or other receptacle to be entered, broken open and examined. Property seized under such warrant shall be safely kept under the direction of the court or magistrate so long as necessary for the purpose of being used as evidence on any trial, and thereafter disposed of as otherwise provided.

Subd. 4. Courts in counties contiguous to boundary waters, and law enforcement officers of the division, shall have jurisdiction over the entire boundary waters. Concurrent jurisdiction of the courts and administrative officers of North Dakota, South Dakota, Iowa, Wisconsin, and Michigan, over all such boundary waters, is hereby recognized.

97.51. **Rewards.** Rewards may be paid by the commissioner to others than salaried game wardens or peace officers, for information leading to the arrest and conviction of any person for violating provisions relating to moose, in the sum of \$50.00; for violating provisions relating to deer, \$25.00; for violating provisions relating to other wild animals, \$10.00.

97.52. **Assistance to and obstruction of commissioner.** Subdivision 1. County attorneys, constables and all other peace officers are hereby required, and it is made their duty, to enforce the provisions of chapters 97 to 102.

Subd. 2. No person shall wilfully hinder, resist, or obstruct the commissioner, director, game wardens, agents or other employees of the division in the performance of their official duties, or refuse to submit any wild animals and licenses in his possession to inspection.

Subd. 3. In addition to criminal prosecution, a civil action in the name of the state to recover damages resulting from violation of subdivision 2, and to enjoin the continuance thereof, may be instituted against any person violating that subdivision, by the attorney general, on the request of the commissioner.



**97.53. Publication of orders and laws.** Subdivision 1. As soon as practicable after each legislative session, the commissioner, under the direction of the attorney general, shall make a compilation of the laws relating to wild animals, brought up to date and properly indexed. This compilation shall be printed in pamphlet form of pocket size, and 50 copies distributed to each senator, 25 copies to each representative, and ten copies to each county auditor. Not more than 10,000 copies in addition shall be printed for general distribution. The commissioner shall also prepare syllabi of the laws and deliver to county auditors a sufficient supply to furnish one copy to each person procuring a hunting, fishing, or trapping license.

Subd. 2. All orders and all rules and regulations promulgated by the commissioner or the director which affect matters in more than three counties, shall be published once in a qualified legal newspaper in Minneapolis, St. Paul and Duluth. All such orders, rules and regulations not affecting more than three counties shall be published once in a qualified legal newspaper in each county affected. No order, rule or regulation shall be effective until seven days after such publication, and when so executed and published, shall have the force and effect of law, and violation shall entail the same penalties as though such order, rule or regulation had been duly adopted by the legislature.

**97.54. Prosecutions and burden of proof.** Subdivision 1. No prosecution under chapters 97 to 102 shall be commenced more than three years after commission of the offense complained of.

Subd. 2. In any prosecution, under the provisions of chapters 97 to 102, the burden of establishing the fact that animals alleged to have been unlawfully taken, bought, sold, transported or possessed, were domesticated or were reared in a private preserve, raised in a private fish hatchery, taken for scientific purposes, or lawfully taken without this state, shall rest upon the defendant.

Subd. 3. Possession of wild animals more than five days after the close of the season, or in excess of the limits prescribed herein, shall be presumptive evidence that the same were unlawfully taken, except as to those tagged, sealed or identified as provided by chapters 97 to 102.

**97.55. Violations, penalties.** Subdivision 1. **Misdemeanors.** (1) Unless a different penalty or punishment is specifically prescribed, a person who takes, buys, sells, transports or possesses any wild animal in violation of any pro-

visions of chapters 97 to 102, or who aids, or assists in such violation, or knowingly shares in the proceeds thereof, or who fails to perform any duty or comply with any of the requirements or provisions imposed by chapters 97 to 102, or who violates any duly adopted order, rule or regulation of the commissioner or director, or who attempts to do so, is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than \$10.00 nor more than \$100 for the first offense, not less than \$25.00 nor more than \$100 for subsequent offenses, committed within three years of the former, or by imprisonment in the county jail for not less than 30 days nor more than 90 days. Each wild animal taken, bought, sold, transported or possessed in violation of law shall constitute a separate and distinct offense, provided that an acquittal in any case shall constitute a bar to any subsequent prosecution upon a charge of a like offense based upon another animal involved in the same transaction.

(2) The punishment for violating any of the provisions of law or commissioner's order, relating to commercial fishing, shall be a fine of not less than \$50.00 nor more than \$100, or imprisonment in the county jail for not less than 60 days nor more than 90 days.

(3) Except where it becomes a gross misdemeanor under subdivision 2, a person who takes, transports, or possesses deer in violation of any of the provisions of chapters 97 to 102, shall be punished by a fine of not less than \$25.00 nor more than \$100, or by imprisonment in the county jail for not less than 30 days nor more than 90 days.

(4) Violation of any provision relating to game and fur farms, to unlawfully taking or possessing wild animals on state parks, to hunting deer with bow and arrows, to hunting with prohibited types of guns or ammunition, or of section 101.42, subdivision 3, (9) and (10) relating to certain prohibited methods of fishing, shall be punishable by a fine of not less than \$50.00 nor more than \$100, or by imprisonment in a county jail for not less than 30 days nor more than 90 days.

**Subd. 2. Gross misdemeanors.** (1) Any person convicted of violating any provisions of chapters 97 to 102, which are defined as gross misdemeanors, shall be punished by a fine of not less than \$100 nor more than \$1,000, or by imprisonment in the county jail for not less than 90 days nor more than one year, or by both such fine and imprisonment.

(2) The following shall be guilty of a gross misdemeanor:

(a) Every person who shall falsely impersonate a game warden or a game refuge patrolman or other officer acting by or under authority of laws relating to wild animals, or who shall falsely claim to have special authority under those laws to perform any act affecting the rights or interests of another, or who, without authority, shall assume any uniform or badge by which such an officer or person is lawfully distinguished, and in such assumed character shall do an act purporting to be official whereby another is injured or defrauded;

(b) Every person who violates any provision relating to set guns or swivel guns;

(c) Every person who shall unlawfully take, buy, sell, transport or possess beaver, marten, otter, fisher, moose, elk or caribou;

(d) Every person violating the provisions of section 100.29, subdivision 1, (10) or (11), relating to using an artificial light to locate wild animals, while in possession of a fire-arm capable of killing big game animals, or knowingly transporting a big game animal illegally killed, or provisions relating to buying or selling deer;

(e) Every person violating the provisions of section 100.29, subdivision 1, (6), relating to hunting while visibly intoxicated, under the influence of narcotics, or who is an habitual user of narcotics.

**Subd. 3. Felonies.** (1) Any person making a false statement under oath in any affidavit given in connection with a game law violation, or in any application for any license authorized to be issued under chapters 97 to 102 shall be guilty of perjury.

(2) Any person who shall at any time alter in any material manner any license issued under the provisions of chapters 97 to 102 shall be guilty of a forgery.

Section 2. Minnesota Statutes 1941, Chapter 98, shall, in lieu of the present provisions thereof, contain the following:

**98.45. Requirement of licenses.** Subdivision 1. Except as specifically permitted in chapters 97 to 102, no person shall take, buy, sell, transport or possess any protected wild animals of this state, or aquatic plants, without first having procured a license as provided therefor in section 98.46 or 98.48. Every license shall be issued for the calendar year and shall be void after the last day of the open season or the lawful time within that calendar year during which the acts authorized may be

performed. No license to take deer with a firearm, or beaver, shall be issued to any person after the third day of the open season provided therefor for that year. Only one license of each kind shall be issued to any one person in any calendar year, and no license shall be transferable except as expressly authorized.

Subd. 2. Every person to whom a license has been issued shall have the same upon his person while doing any act for which the license is required and while traveling to and from the grounds upon which such acts are performed, and shall exhibit the same to any game warden or peace officer upon his request at any time. No receipt for license fees or copy of any license or other evidence purporting to show the issuance of a license, except the license itself, shall be valid to entitle the holder to exercise the rights or privileges conferred by the license.

Subd. 3. No person shall at any time lend or transfer to another, or borrow or solicit from another, any license, coupon, or seal attached thereto or issued therewith, or use any license, coupon, or seal not issued to him, unless otherwise expressly authorized.

Subd. 4. Any person, whether a resident or not, who is not a citizen of the United States, may take, buy, sell, transport, or possess wild animals in this state, only as a non-resident. Any firearm in possession of such alien for any purpose, other than hunting as a non-resident, is contraband and subject to confiscation.

Subd. 5. When provision is not made for a license for non-residents to engage in activities requiring a license of residents, non-residents may not engage in such activities.

98.46. Licenses, fees. Subdivision 1. Subject to all applicable provisions of chapters 97 to 102, the following licenses shall be issued to residents only, upon payment of the fees herein specified:

- (1) To take small game, \$1.00;
- (2) To take deer with firearms and bow and arrows, \$2.25;
- (3) To trap fur bearing animals, except beaver, \$1.00;
- (4) To take fish, \$1.00;
- (5) Sportsmen's license, to include all the privileges granted by licenses issued under (1), (2), (3) and (4), \$5.00,

plus any additional fee the licensee, at his option, desires to pay;

- (6) Combination husband and wife, to take fish, \$1.50;
- (7) Individual or family license to harvest wild rice, \$1.00. Identification cards shall be issued without fee to each member of the immediate family of the purchaser of a license to harvest wild rice. The term "immediate family" shall include husband and wife and minor children having their abode and domicile with the parent or legal guardian;
- (8) To engage in the business of buying or selling raw furs at a definitely established place of business, \$5.00;
- (9) To engage in the business of buying or selling raw furs anywhere within the state, \$10.00;
- (10) To trap beaver during an open season or by permit when doing damage, \$2.50;
- (11) To take moose, \$5.25;
- (12) To spear fish from a dark house, or angle from a fish house, or a shelter, \$1.00;
- (13) To net whitefish, tullibeas or herring from inland lakes or international waters, for domestic use only, for each net, \$1.00;
- (14) To conduct a taxidermist business, \$2.00;
- (15) To maintain fur and game farms, including deer, \$5.00;
- (16) To net for commercial purposes in the boundary waters between Wisconsin and Minnesota from Lake St. Croix to the Iowa border:
  - (a) For each 100 feet of seine not exceeding 500 feet, \$1.00;
  - (b) For each 100 feet of seine in excess of 500 feet, but not over 1,000 feet, \$2.00;
  - (c) For each 100 feet of seine in excess of 1,000 feet, but not over 1,500 feet, \$3.00;
  - (d) For each 100 feet of seine in excess of 1,500 feet, but not over 2,000 feet, \$4.00;
  - (e) For each 100 feet of seine in excess of 2,000 feet, but not over 2,500 feet, \$5.00;

(f) For each 100 feet of seine in excess of 2,500 feet, but not over 4,000 feet, \$6.00;

(g) For each gill net not exceeding 500 feet in length, \$2.50;

(h) For each gill net exceeding 500 feet, but not over 1,000 feet, \$5.00;

(i) For each fyke net or hoop net, \$5.00;

(j) For each bait or turtle net, \$1.00;

(k) For each set line, \$5.00.

(17) To take mussels or clams, \$5.00;

(18) To take rough fish with set lines, or seines, in the Mississippi River from the St. Croix River Junction to St. Anthony Falls:

(a) For each seine, \$10.00;

(b) For each set line, \$5.00;

(19) To take rough fish with one set line, containing not more than ten hooks in the Minnesota River from Mankato to its junction with the Mississippi River, and in the Mississippi River from St. Anthony Falls to the St. Croix junction, for domestic use, \$1.00;

(20) To net fish in Lake of the Woods, \$20.00 for restocking the lake, and

(a) For each pound net or trap net, \$35.00;

(b) For each fyke net, with both wings or lead, four feet or less, \$5.00;

(c) For each fyke net with either wings or lead, over four feet, an additional \$5.00 for each additional two feet or fraction thereof;

(d) For each 100 feet of gill net, \$1.50;

(e) For helpers' license, \$1.00;

(21) To net fish in Rainy Lake:

(a) For each pound net, \$35.00;

(b) For each 100 feet of gill net, \$1.50;

(c) For helper's license, \$1.00;

(22) To fish commercially in Lake Superior:

- (a) From a boat 18 feet or less in length, \$10.00;
- (b) From a boat over 18 feet, but not more than 24 feet in length, \$25.00;
- (c) From a boat over 24 feet in length, but not more than 35 feet in length, \$50.00;
- (23) To fish commercially in Namekan Lake:
  - (a) For each 100 feet of gill net, \$1.50.
  - (b) For helper's license, \$1.00.

Subd. 2. Subject to all applicable provisions of chapters 97 to 102, the following licenses shall be issued to non-residents upon payment of the fees herein specified:

- (1) To take small game and unprotected quadrupeds, except by trapping, \$25.00;
- (2) To take deer with firearms and bow and arrows, \$50.25;
- (3) To take deer with a bow and arrows only, \$10.25;
- (4) To take moose in the Northwest Angle, \$50.25;
- (5) To take fish, \$3.00;
- (6) Combination husband and wife, to take fish, \$4.50;
- (7) To engage in the business of buying or selling raw furs, \$200.

Subd. 3. Subject to all applicable provisions of chapters 97 to 102, the following licenses shall be issued to either residents or non-residents upon payment of the fees herein specified:

- (1) To sell live minnows:
  - (a) Local minnow dealer, \$2.50;
  - (b) Itinerant minnow dealer, \$25.00;
- (2) To raise fish in a private hatchery, \$5.00;
- (3) To buy wild rice for the purpose of resale from a person who has harvested the same, \$1.00, if the amount purchased in a single year does not exceed 1,000 pounds; in excess of 1,000 pounds, \$25.00;
- (4) To buy fish from licensed commercial fishermen on Lake Superior for the purpose of resale, \$25.00;

(5) To handle or buy fish taken by commercial fishermen licensed under this act on Lake of the Woods, Namekan, or Rainy Lake;

(a) Wholesale fish buyer's license, \$100;

(b) Resident fish buyer's license to ship from one place to another on international waters only, \$10.00;

(c) Fish peddler's license to peddle fish with the use of a motor vehicle, within the state only, \$5.00;

(6) To tan or dress raw furs, \$2.00.

Subd. 4. Coupons, tags, or seals may be obtained upon payment of the following fees:

(1) One non-resident shipping coupon for each individual or combination non-resident fishing license, \$1.00;

(2) Beaver or otter seals, \$1.00;

(3) Tags or seals to be attached to each net as required by section 101.42, subdivision 3, (10), 25 cents.

Subd. 5. Within the time designated by the commissioner, not exceeding ten days after the close of a beaver or otter trapping season, or the expiration of a beaver trapping permit, every licensee or permittee having taken beaver or otter, shall present each skin and such other portions of every such beaver or otter as may be required by the commissioner, to the inspection of a state game warden, who shall affix to each skin a metal locking seal, in the presence of the licensee or permittee.

Subd. 6. No deer taken in this state shall be transported or possessed unless a metal locking seal bearing the license number of the owner and the year of its issue has been affixed to its carcass between the tendon and the bone and around the bone of the leg so that such seal cannot be removed without breaking the lock. The seal must be so placed and locked at the time the deer is brought into any hunting camp, dwelling, farm yard, or other place of abode of any kind occupied overnight, or in the event such deer is brought out to a road, then before the same is placed upon or in any vehicle of any kind.

Subd. 7. All applicants for licenses to buy raw furs shall, at the time of application for a license, furnish a corporate surety bond in favor of the state in the sum of \$1,000, conditioned upon the observance of all laws of this state relating to wild animals.



98.47. **Exceptions to license requirements.** Subdivision 1. Residents under the age of 18 years may fish without procuring a license, and residents under the age of 16 may hunt without procuring a license. Non-residents under the age of 16 years may take fish without procuring a license, if accompanied by a parent or legal guardian who has obtained a non-resident fishing license.

Subd. 2. Any resident in the military or naval forces of the United States, or in any reserve or component thereof, either now or hereafter organized, who is stationed outside of the state and is within the state upon regularly granted leave or furlough, may hunt and fish at such times without having procured the regular license so to do, provided he or she carries on his person his official leave or furlough papers in lieu of the license required of other residents, and provided further such hunting and fishing be in conformity with all other provisions of Chapters 97 to 102, and he obtains the seals, tags, or coupons required of other licensees, to be furnished without charge.

Subd. 3. A resident license for taking fish or small game may be issued, in the discretion of the commissioner, to any person in the military or naval forces of the United States, or any reserve or component thereof, now or hereafter organized, who has been officially transferred to, and is stationed within the state.

Subd. 4. A courtesy non-resident license for taking fish or game may be issued in the discretion of the commissioner, without charge, to any person officially employed in the game and fish or conservation department of another state or of the United States, who is within the state to assist or consult or cooperate with the commissioner, or to the officials of other states, the United States, or Canada, who are in the State of Minnesota as guests of the Governor or commissioner.

Subd. 5. A license to take fish or small game in or upon Big Stone Lake, Lakes Hendricks and Traverse, and Lake Superior may be issued to residents of South Dakota or Wisconsin upon the same terms and conditions as are granted to residents of this state by South Dakota and Wisconsin, respectively.

Subd. 6. Except as otherwise expressly provided, the license to take small game shall be required of all persons taking the same, and the license to trap fur bearing animals shall be required in addition where traps are used. The license to take fish shall be required of all persons taking the same, but spearing and netting licenses shall be required in addition where those means are used.

Subd. 7. No license to trap beaver shall be issued to any person to whom a fur buyer's license shall have been issued and in force, and no license to take fish commercially in international waters extending from Pigeon Point West to the North Dakota boundary line shall be issued to any person or member of his household, or employee, engaged in the business of conducting a summer resort.

Subd. 8. A license to take fish shall be issued to any citizen of Minnesota receiving old age assistance, or who is blind, without charge.

Subd. 9. Helpers' licenses shall be issued under Section 98.46, Subdivision 1 (20) (e), (21) (c), and (23) (b), to the holder of a master's license, and shall be transferable upon his application. Every person assisting the holder of a master's license, in going to and from fishing locations, or in setting or lifting nets, or removing fish from nets, shall have a helper's license, unless he be the holder of a master's license.

Subd. 10. The resident owner or lessee of any lands occupied by himself as a permanent abode, and any member of such person's immediate family residing with him, may take small game by hunting upon such lands without procuring a license, in any manner and at any time not otherwise prohibited by law.

98.48. **Special permits.** The commissioner may, in his discretion, issue special permits under such rules and regulations and in such form as may be prescribed by him, but without fee, except as authorized in (4) and (6), as follows:

(1) To collect specimens of eggs, nests, or wild animals for scientific or exhibition purposes, to any municipal corporation, incorporated society of natural history, high school, college or university, maintaining a zoological collection;

(2) To hold field dog trials by any responsible association organized for that purpose;

(3) To take, possess and transport protected wild animals for scientific, educational or exhibition purposes, or for use as pets, provided no wild or native deer may be taken or possessed for propagation, exhibition or pet purposes, except those now lawfully possessed for such purposes. All animals possessed under authority of this provision, as well as deer now contained on game farms, private and public parks and zoos, and their progeny, or possessed as pets, may be disposed of only as prescribed by the commissioner;

(4) To take any unprotected wild animals or fur bearing animals from game refuges or state parks in accordance with rules, regulations or fees as prescribed by the commissioner;

(5) To take any protected wild animals which are doing damage to private or public property, except that as to beaver the regular license and seal provisions shall apply;

(6) To take muskrats from shallow marshes or sloughs when in danger of freezing out or starving in the winter, in accordance with rules, regulations or fees as prescribed by the commissioner;

(7) To keep and possess a raccoon and to use the same for the purpose of training dogs for hunting raccoons;

(8) To establish and conduct rifle ranges or trap shooting premises by duly organized gun clubs of ten or more members on lands owned or leased for that purpose by such clubs within two miles of any city of the first class;

(9) To gather or harvest any aquatic plants or bulbs other than wild rice from public waters of the state, to transplant the same into other public waters, or to destroy any aquatic vegetation or plants in public waters;

(10) To take animals on which the state pays a bounty from an airplane.

98.49. Forms. Subdivision 1. The form of all licenses and applications therefor shall be determined, and blanks shall be furnished to all agents authorized to issue licenses, by the commissioner. Coupons or stubs with proper markings and designations, as may be necessary to carry out the provisions of law relating thereto, shall be attached to the license blanks.

Subd. 2. Applications for all licenses shall be made on oath in writing, and all information required by the form, as prescribed by the commissioner, shall be furnished. Any officer or agent authorized to issue licenses shall have authority to administer oaths upon such application, and no licenses shall be issued by any agent without actually administering the oath.

98.50. Issuance of licenses. Subdivision 1. County auditors are hereby appointed agents of the commissioner for the sale of licenses to take big and small game and fish, and to trap fur-bearing animals, to residents of their respective counties, and to take big and small game and fish, to non-residents of the state. Each county auditor may appoint sub-agents within his county to sell such licenses, and upon such appointment, the auditor shall notify the commissioner forthwith of

the name and address of the sub-agent. Such appointments may be revoked by the auditor at any time and he may require such security of the agent as he deems advisable, and he shall revoke any agency upon demand of the commissioner. The county auditor shall be responsible for all license blanks issued to, and license fees received by, his agents.

Subd. 2. The commissioner may require county auditors to furnish such additional corporate surety bonds as in his opinion may be required to secure the state, in addition to the auditor's official bond. The commissioner shall prescribe rules and regulations setting up such accounting and procedural requirements as he may deem necessary to assure the efficient handling of licenses and license fees, and all county auditors and other agents shall strictly comply therewith.

Subd. 3. The commissioner may appoint agents to issue non-resident licenses of any kind outside of the state, require adequate security to insure a proper accounting therefor, and revoke such appointments at any time.

Subd. 4. The commissioner may appoint agents throughout the state to sell resident licenses to take fish, large or small game, or trap fur bearing animals, to residents of the state living in counties other than the county in which the agent is appointed. Before any such license shall be sold, the agent shall require the submission of documentary evidence positively identifying the applicant as a resident of the state. Such agent shall pay cash to the commissioner for all books of licenses obtained by him and may deduct eight per cent from the price established by law as his commission.

Subd. 5. Any resident desiring to sell the licenses referred to in subdivision 1 may purchase blanks from the county auditor in groups of not less than five non-resident, and ten resident-license blanks, for cash, and he shall be entitled to a discount of eight per cent from the price established by law. In reselling such licenses, he shall be deemed an agent of the county auditor and the commissioner, and he shall observe all rules and regulations promulgated by the commissioner for the accounting for and handling of such licenses.

The county auditor shall promptly deposit all moneys received from the sale of licenses with the county treasurer, and shall promptly transmit such reports as may be required by the commissioner, together with his warrant on the county treasurer for 90 per cent of all license fees received during the accounting period. The other ten per cent shall be the agent's commission, the county auditor retaining two per cent of the

fees for licenses sold for cash and resale, and five per cent of licenses not sold for cash. Unsold license blanks in the hands of any agent shall be redeemed by the commissioner if presented for redemption within the time prescribed by the commissioner therefor. Any license blanks not presented for redemption within the period prescribed shall be conclusively presumed to have been sold, and the agent possessing the same or to whom they are charged shall be accountable therefor.

Subd. 6. The commissioner shall prescribe rules and regulations for the issuance of duplicate licenses to persons whose licenses have been lost or destroyed, but no such duplicate license shall be issued until the applicant has taken oath covering the facts of loss or destruction of the license.

Subd. 7. In addition to other penalties, any agent to sell licenses, who violates any provision of law or regulation of the commissioner relating to the sale, handling or accounting for such licenses, shall forfeit his agency or his right to sell or handle licenses for a period of one year.

**98.51. Reports and records.** Subdivision 1. Every person who has taken any protected quadruped or bird shall on or before the last day of January each year, mail or deliver to the commissioner a written report on a form furnished him, stating the number and kind of each protected quadruped or bird taken during the preceding calendar year. The commissioner shall mail to each person making a report under a big game license a receipt 30 days prior to the succeeding hunting season. Persons not presenting such a receipt upon applying for a big game license shall pay an additional amount equal to the prescribed license fee as a penalty, except that a receipt shall not be required when persons not licensed during the preceding year shall so state in their application. No other penalty shall be imposed for failure to make any report.

Subd. 2. Every person who is required by Chapters 97 to 102 to obtain a license to engage in the business of buying or selling any wild animals, tanning or dressing raw furs, or mounting specimens of wild animals, shall keep a correct and complete book record in the English language of all transactions in the buying and selling, and handling of the wild animals as carried on by the licensee. Such records shall and must show from whom obtained and to whom disposed of, giving the post-office addresses, together with the date of receipt, shipping or sale of such animals, a detailed account as to the number and kinds thereof contained in each shipment, purchase, or sale, and the serial number of each seal, tag, or permit, where such seal, tag, or permit is required to be affixed to the wild animals

handled. Provided a licensed fur dealer, buying for one employer only, at his established place of business, need not keep a separate book record if the employer shall first notify the commissioner in writing of the fact of such employment and his agreement to identify in his own records each transaction of the employee so excepted. All records required hereby shall be open for inspection by the commissioner, director, or their agents at all reasonable hours. They shall be kept intact for a period of two years after the expiration of any license issued.

Subd. 3. Every person who is required to keep the records provided for in subdivision 2 shall furnish the commissioner such reports as he may require for statistical purposes, on blanks to be furnished by the division for that purpose.

98.52. **Loss and revocation of licenses.** Subdivision 1. Except as otherwise provided herein, the license of any person who is convicted of violating any provisions of Chapters 97 to 102, or any order or regulation duly prescribed by the commissioner under authority thereof, relating to the license or to the wild animals covered thereby, shall immediately become null and void, and no license of the same kind shall be issued to such person for one year after the date of conviction. Every person convicted of doing anything without a license for which Chapters 97 to 102 require a license, shall forfeit his right to secure such a license for a period of one year from conviction.

Subd. 2. The provisions of subdivision 1 shall apply to licenses to take small game or to take fish by angling or by spearing, only upon a second conviction within a period of three years.

Subd. 3. Where, in his opinion, the public welfare will not be injured, the commissioner may reinstate the following types of licenses which have become null and void by operation of subdivision 1, provided such authority to reinstate shall not extend to persons who have been so convicted during the preceding three year period:

- (1) To maintain and operate fur and game farms or private fish hatcheries;
- (2) To take fish commercially in Lake of the Woods, Rainy Lake, Namekan Lake, or Lake Superior;
- (3) To buy fish from licensed commercial fishermen in Lake of the Woods, Rainy Lake, Namekan Lake, or Lake Superior.

Subd. 4. Any person convicted of violating the provisions of Section 100.29, Subdivision 1, (6), shall not be licensed to

hunt with a firearm or bow and arrows for five years from date of conviction.

Subd. 5. The hunting or trapping license of any person failing to wear the red as required by Section 100.29, Subdivision 1, (8), shall be cancelled, and no such licenses shall be issued to any person found violating those provisions, for one year from the date of violation. Any officer authorized to inspect licenses shall take the licenses of any offender of that provision into his possession, mark them void, together with the date of the offense, and turn them in to the director. No other penalty shall be imposed.

Sec. 3. Minnesota Statutes 1941, Chapter 99, shall in lieu of the present provisions thereof, contain the following:

99.25. **Game refuges; establishment and vacation.** Subdivision 1. All state parks are hereby designated as state game refuges.

Subd. 2. The commissioner may designate by order any land or water areas, more than 50 per cent of which are in public ownership, as state game refuges.

Subd. 3. All lands, or any part thereof, described in a petition which is subscribed by either the owner, the lessee, or the person in possession of each tract in the area, may be designated as a state game refuge by order of the commissioner, provided the certificate of the treasurer of the county where the lands are situated stating that the persons named in the petition are all of the owners, lessees or persons in possession of the land described, according to the records of the county, and his information, shall accompany said petition.

Subd. 4. All lands, or any part thereof, described in a petition, subscribed by 50 or more residents of the county or counties wherein the lands are situated, may be declared a state game refuge by order of the commissioner, after he has held a public hearing upon the petition and has found that by reason of the depletion of protected wild animals the same are in danger of extermination or that the public interest will be best served by the establishment of the refuge. Such public hearing shall be held at a time and place designated in notices posted in five of the most conspicuous places within the proposed game refuge at least 15 days in advance of the hearing, and published at least once in a legal newspaper in each county in which the lands are situated at least seven days in advance of the hearing.

Subd. 5. No game refuge of less than 640 acres of contiguous lands and water shall be established under any of the provisions of subdivisions 2, 3, and 4.

Subd. 6. All refuges established under this section shall include all public waters, all state, federal or public lands, railroad lines, railroad rights of way, and public highways within the boundaries thereof, and may include adjacent public waters, state, federal or public lands, in the discretion of the commissioner.

Subd. 7. No state game refuge shall become effective as such until the boundaries thereof have been posted with notices consisting of black letters upon a white background at least 12 inches in diameter. Such signs shall proclaim the area as a state park, or state game refuge, as the case may be, and shall be posted at intervals of not more than 30 rods around the boundaries, as well as at all public road entrances to such areas. The certificate of the director, stating the completion of such posting, shall be prima facie evidence thereof.

Subd. 8. Any state game refuge created under subdivisions 2, 3, or 4 shall expire at a time designated in the order establishing it, and may be vacated, or modified as to boundary, by order of the commissioner, upon observance of the same formalities as are required for its establishment.

99.26. Game refuges, protection on. Subdivision 1. Except as otherwise permitted by Chapters 97 to 102, no person shall take any wild animal, except fish, upon any state game refuge, nor carry any firearm thereon for the purpose of taking any wild animal.

Subd. 2. Whenever the commissioner shall find that any species of protected wild animal on any refuge, including state parks, has attained an abundance in excess of the capacity of such refuge to support it, or causing substantial damage to agricultural crops in the vicinity, or is threatening the well-being and continued production of that species or of other protected wild animals, he may include such refuge or any part thereof in the open territory prescribed for the taking of such species, during the succeeding regular open season, and may prescribe any reasonable regulations for the hunting or trapping thereof.

Subd. 3. Removal or defacement of any state park or state game refuge sign, except under the authority of the commissioner, is prohibited.

99.27. Game and fur farms. Subdivision 1. Breeding and propagating fur bearing animals, game birds or deer, shall



be authorized under license only upon privately owned or leased lands and waters. "Private waters," as used herein, includes all bodies of waters or streams, whether meandered or not, of a shallow, swampy, marshy, or boggy nature, not navigable in fact, and of no substantial beneficial use to the general public. The owner or lessee, applying for the license, shall have first enclosed the area, in the manner approved by the commissioner, sufficiently to confine the respective birds or animals to be raised thereon. Licenses shall be granted only in cases where the commissioner finds the application is made in good faith with intention to actually carry on the business described in the application and where the facilities, in his judgment, are adequate therefor.

Subd. 2. Upon issuance of a license, the licensee of a game or fur farm shall be deemed the owner of all wild animals and their progeny, of the kinds specified in the license, which are within the enclosure, except wild game birds.

Subd. 3. Any such license, shall be transferable with the title or leasehold of the lands used for the purposes of the license, provided a verified written report thereof is made to the commissioner, accompanied by a copy of any deed, assignment, lease or other instrument transferring the corresponding title or leasehold in the premises. No transfer of less than the whole interest in the license shall be valid. Every bona fide partner or associate in the ownership or operation of the farm or ranch shall obtain a separate license. When a portion of the title or leasehold of the land or water is transferred and such portion complies with the original requirements for obtaining the license, the entire license may be transferred by complying with all the provisions hereof.

Subd. 4. Every application for license, and every report of transfer, shall be filed with the commissioner.

Subd. 5. No foxes or mink shall be bought or sold by any licensee for breeding or propagating purposes that have not been pen-bred for two successive generations. No live beaver shall be transported, except under special permit from the commissioner, to be issued in accordance with rules and regulations prescribed by him.

Subd. 6. No sale or contract for sale of any live animals raised or contained on any licensed fur or game farm shall be valid unless such animals are actually delivered to the purchaser, or if not delivered, unless and until they are segregated, identified, and kept separately, subject to the rights of the purchaser under the sale or contract for sale, which sale or

contract must be in writing. After such segregation and identification, the animals sold, and their offspring, shall be assessed as personal property of the purchaser. The licensee must notify such purchaser within 30 days of the death of any animal, and must notify him of the number of increase before July 20th of each year.

Subd. 7. The pelts and products of all wild animals raised on fur or game farms may be sold or transported only in such manner and with such tags or seals affixed thereto as shall be prescribed by the commissioner. Failure to comply with any of the provisions of this section shall subject to confiscation all wild animals owned by the licensee which are found upon the premises of such game or fur farm.

Sec. 4. Minnesota Statutes 1941, Chapter 100, shall, in lieu of the present provisions thereof, contain the following:

100.26. **Unprotected animals.** Subdivision 1. Weasel, wild cat, lynx, wolves, foxes, bears, gophers, porcupines, and all other quadrupeds for which no closed season or other protection is accorded by Chapters 97 to 102, are unprotected animals and may be taken either in the daytime or at night, and in any manner, except with the aid of artificial lights, and possessed, bought, sold or transported in any quantity, provided that for the safety of humans and domestic stock, poison may not be used in the taking thereof, and steel traps may not be used in the taking of bear, except when and in the manner prescribed by the commissioner. The taking of bear may be prohibited by order of the commissioner in such areas of the state and during such periods as he may deem necessary.

Subd. 2. The English sparrow, blackbird, crow, starling, magpie, cormorant, goshawk, Coopers hawk, sharp-shinned hawk, and the great horned owl are unprotected wild animals, but all other birds, including their nests and eggs, shall be taken only as authorized by Chapters 97 to 102.

100.27. **Seasons.** Subdivision 1. Except as otherwise specifically provided, there shall be no open season on moose, elk, caribou, marten, fisher, Canada spruce grouse, or wild turkeys.

Subd. 2. Deer and moose may be taken in such areas of the state, under such restrictions and on such dates within the periods hereafter prescribed as the commissioner may, by order, provide:

(1) Deer, by bow and arrows only, from October 16th to November 1st;

(2) Deer, by legal firearms and with bow and arrows, for not more than nine days, between November 10th and December 1st;

(3) One antlered moose or one deer, or both, in the Northwest Angle only, between October 10th and October 20th, or one antlered moose in an area not to exceed three miles wide paralleling the Canadian Border to be designated by the commissioner, but at the same time as the season for taking deer.

Subd. 3. The following animals may be taken and possessed, subject to all other provisions of Chapters 97 to 102, between the dates set opposite the species:

(1) Grey and fox squirrels, October 15th and December 31st;

(2) Raccoon, October 20th and December 1st;

(3) Skunk and badger, October 20th and March 1st;

(4) Cottontail rabbits and varying hare or snowshoe rabbits, September 16th and March 1st.

Subd. 4. Muskrats may be taken for a period not exceeding 30 days in the aggregate for the area, beaver or otter for a period not exceeding 15 days, only by trapping, and mink for a period not exceeding 90 days, in such areas of the state and during such times and subject to such regulations as the commissioner shall prescribe, between November 1st and April 30th following.

Subd. 5. Quail, partridges or ruffed grouse, pheasants, prairie chicken or pinnated grouse, white breasted or sharp tailed grouse, Hungarian partridge or chukkar partridge, may be taken and possessed, subject to all other provisions of Chapters 97 to 102, only in such areas of the state and during such times between September 16th and November 30th, as the commissioner shall prescribe.

Subd. 6. All migratory game birds may be taken and possessed whenever and so long as the taking or possession is not prohibited by federal laws or regulations, subject, however, to all requirements of Chapters 97 to 102, and to all other restrictions imposed by any federal law or duly authorized regulation.

Subd. 7. Skunk, badger, mink, squirrels, rabbits, hares, or beaver may be taken in any manner, except by poison, or artificial lights in closed season, by the actual occupant or owner of any land whereon the animals so killed are causing

any damage or injury. Upon so killing any such animal, the entire carcass, including the hide, shall be turned over and surrendered to the nearest warden or employee of the division within 24 hours of the time such animal was killed.

100.28. **Limits.** Subdivision 1. Not more than one deer or ten beaver shall be taken by any licensee during any one year.

Subd. 2. Unless the numbers are reduced by order of the commissioner, no person shall take in any one day, or shall have in possession at any one time, a greater number of any species than prescribed by the following table:

Species	Daily	Possession
Grey and fox squirrels	7	14
Quail	10	15
Partridge (ruffed grouse), prairie chicken (pinnated grouse), pheasant, white breasted grouse (sharp tailed grouse); Hungarian partridge or chukkar partridge	5	10

provided that not more than one hen pheasant shall be taken in any one day, nor more than two had in possession.

100.29. **Restrictions and prohibitions.** Subdivision.1. It shall be unlawful:

(1) To take protected wild animals, except raccoon, with the use of a gun or bow and arrows between sunset and one-half hour before sunrise;

(2) To take protected wild animals with a gun larger in bore than a 10 gauge or not fired from the shoulder;

(3) To have in possession out of doors, unless unloaded and contained in a gun case, or unloaded and broken down, any rifle, or shotgun with slugs, in any territory wherein there is an open season for taking deer with firearms, for a period of ten days preceding and five days succeeding such season;

(4) To use, own or possess any type of silencer for a firearm, or to possess any firearm equipped to have a silencer attached;

(5) To take any wild animal or discharge any firearm thereat from a motor vehicle or airplane, or to transport any firearm except a pistol or revolver in a motor vehicle or airplane, unless the same is unloaded in both barrels and magazine and taken apart or contained in a gun case;

(6) To hunt protected wild animals with a firearm or bow and arrows while visibly intoxicated, under the influence of narcotics, or if an habitual user of narcotics;

(7) To hunt deer during the bow and arrow season while in possession of, or having under control, any firearm, or with any bow drawn, held or released by a mechanical device, or to hunt deer with any poisoned arrow or arrow with explosive tip or with an arrow other than a sharpened steel, broad head blade, not less than seven-eighths inches nor more than one and one-half inches in width;

(8) To hunt or trap, or assist therein, in any territory open for the taking of deer with the use of firearms, during such open season, unless at least 50 per cent of the visible portion of the hunting cap, and at least 50 per cent of the jacket, excluding the sleeves, shall be red or covered with red;

(9) To take deer or any other wild animal during deer season in open deer hunting territory with a rifle or firearm which discharges a projectile, the diameter of which is less than twenty-three hundredths of an inch, or to use any cartridge less than one and three-fourths inches in length, and not containing a soft point or expanding bullet, the measurement to include the cartridge or shell and the bullet seated in the usual manner, provided cartridges of 35 caliber or larger may be used, regardless of length, or to use shells containing buckshot, or fine shot except for game birds;

(10) To throw or cast the rays of a spotlight, headlight, or other artificial light on any highway, or in any field, woodland, or forest, for the purpose of spotting, locating or taking any wild animal, except raccoons when treed, with the aid of dogs, while having in possession or under control, either singly or as one of a group of persons, any firearm or other implement whereby big game could be killed, unless the same is unloaded in both barrels and magazine and properly encased or broken down;

(11) To knowingly transport, either singly or as one of a group of persons, any big game animal taken in violation of Chapters 97 to 102;

(12) To take deer with the aid of any snare, trap, set gun or swivel gun;

(13) To snare for wolves or other wild animals in any runway used by deer, or to use any snare with a greater maximum diameter than 12 inches, or with the top of the loop higher than 24 inches above the ground, or to use a spring pole with any snare;

(14) To take deer from any artificial scaffold, platform, or other construction higher than six feet above the ground, or with the aid of dogs or horses;

(15) To take any raccoon in any manner in a den or hollow tree or cut down any tree inhabited or occupied by raccoon; or to set any trap for raccoon in or under water or in any muskrat runway; or to set fire to any tree or use smoke to take raccoons or squirrels;

(16) To trap, net or snare any protected birds, or to use any bird line, swivel or set gun, for taking such birds; to flush protected birds by dragging a rope, wire, or other instrumentality across a field inhabited by them;

(17) To take migratory waterfowl and rails in open water when the hunter is not within a natural growth of weeds, rushes, flags or other vegetation sufficient to partially conceal the hunter or boat, or from a permanent artificial blind or sink box built in public waters, provided pursuing or shooting wounded birds in open water in a boat or canoe is permitted;

(18) To place decoys or erect blinds in public waters more than one hour before the open season for waterfowl.

Subd. 2. (1) Any person may, and it shall be the duty of every game warden to, kill any dog pursuing or killing deer or moose, and no action for damages shall be maintained against the person for the killing.

(2) Hunting dogs may not be taken afield for the purpose of training between April 16th and July 14th, and no person taking a dog afield for training purposes except in open season for game birds, who carries any firearm, shall have any cartridges or shells, except blanks, on his person.

Subd. 3. No person shall enter any growing or standing grain not his own, with intent to take any wild animal, or permit any dog with which he shall be hunting to do so, without permission of the owner or person in charge thereof. No person shall at any time enter upon any land not his own with intent to take any wild animals after being notified, either orally or by printed notices, by the owner, occupant, or lessee, not to do so. No person, while hunting, fishing or trapping wild animals, shall enter or leave the lands of another, or pass from one portion of such lands to another portion, through a closed gate, without returning said gate to its original position, nor shall any person cut any wire or tear down or destroy any fence. Where printed notices are used, they shall bear letters not less than two inches high and shall be signed by the owner,

occupant, or lessee, and shall be posted at intervals of not more than 30 rods upon the boundaries of the area so protected.

100.30. Possession, sale and transportation. The skins of all fur bearing animals, the hides of deer or moose, and the flesh of beaver, muskrat, raccoon, rabbits and hares, legally taken and bearing such seals or tags as may be required by Chapters 97 to 102, may be bought, sold and transported at any time, provided the flesh of animals enumerated herein, except muskrats, shall not be transported outside of the state of Minnesota.

Sec. 5. Minnesota Statutes 1941, Chapter 101, shall, in lieu of the present provisions thereof, contain the following:

101.41. Seasons and limits. Subdivision 1. Rock or lake sturgeon, shovelnose sturgeon or hackleback, spoonbill, or paddlefish, may not be taken, bought, sold, transported or possessed at any time except as may be specifically provided by order of the commissioner for boundary waters.

Subd. 2. Except as otherwise provided, the following fish may be taken only by angling with a single line, transported and possessed, subject to all other provisions of Chapters 97 to 102, between the dates set opposite each species, and the number which may be taken each day or which may be possessed at any one time, subject to the aggregate limits imposed by subdivision 3, shall be as prescribed in the following table:

Species	Dates	Daily	Possession
Large and small mouthed black bass	June 20th and Nov. 30th	6	12
Trout (except lake trout) and suckers in trout streams	May 1st and Sept. 30th	15	25
Lake trout (land-locked salmon)	May 1st and Sept. 15th	5	10
Wall-eyed pike	May 15th and Feb. 15th	8	12
Saugers (sand pike)	May 15th and Feb. 15th	8	12
Great northern pike or pickerel	May 15th and Feb. 15th	8	12
Muskellunge	May 15th and Feb. 15th	2	2

Species	Dates	Daily Possession	
Rock bass and white bass	May 15th and Feb. 15th	15	30
Crappies	May 15th and Feb. 15th	15	25
Sunfish or blue gill	May 15th and Feb. 15th	15	30
Catfish	May 15th and Feb. 15th	10	15
Bullheads	May 15th and Feb. 15th	50	50
Carp, dogfish, redhorse, sheepshead, suckers, ell- pout, garfish, perch, whitefish, tullibeas, buf- falofish	May 15th and Feb. 15th		no limit

Subd. 3. No person shall take more than 15 game fish of all kinds in any one day, or have in possession more than 20 game fish of all kinds at any time, except that where the possession limit of a single species exceeds 20 and the bag is not mixed, such greater possession limit is permitted. Game fish shall include all fish except rough fish, whitefish and minnows.

Subd. 4. Subject to the limits prescribed in subdivision 2, all rough fish, catfish, whitefish, and northern pike or pickerel may be taken by spearing from dark houses through the ice, and rough fish may be taken by spearing, with or without dark houses, through the ice, between December 1st and February 15th, following. Minnows may be taken at any time by any means not prohibited; and all rough fish, except tullibeas, and minnows legally taken and possessed may be bought and sold at any time.

Subd. 5. Whitefish, tullibeas and herring may be taken, under the license provided therefor, from such inland waters or international waters of the state and at such times between October 15th and December 31st as the commissioner shall declare open by order, and possessed without limit, but neither bought nor sold, subject, however, to the following restrictions:

(1) No licensee may use more than two nets or any net exceeding 100 feet in length or three feet in width.



(2) The size of mesh of whitefish or tullibee nets shall not be less than three and one-half inches, extension measure, and of herring nets not less than one and three-fourths inches, extension measure.

(3) No net shall be set in water deeper than six feet and one end thereof shall have a pole or stake projecting at least two feet above the surface of the water or ice.

(4) No net shall be set within 50 feet of another net.

**101.42. Restrictions and prohibitions.** Subdivision 1. Except where a size limit is provided, all fish taken, regardless of size, may be possessed subject to all provisions of chapters 97 to 102.

Subd. 2. No line used in angling shall contain more than one hook, except that three artificial flies may be used in angling for large and small mouthed bass, trout, crappies, sunfish, or rock bass, and except that a single artificial bait or trolling spoon may contain more than one hook.

Subd. 3. Except as otherwise specifically permitted, it shall be unlawful:

(1) To take fish of any kind in any manner, by the use or with the aid of artificial lights of any kind;

(2) To take fish with the use of any snagline or snag-pole; snaghook or cluster of fish hooks, designed to be placed in or drawn through the water for the purpose of catching such hooks into the body of fish;

(3) To take minnows with a seine more than 25 feet in length or more than four feet in depth, or from waters inhabited by trout; to possess or transport minnows for sale except with the use of equipment approved by regulations of the commissioner; to take minnows from any lake containing game fish from one hour after sunset to one-half hour before sunrise;

(4) To use game fish, gold fish or carp minnows, or any live minnows imported from other states for bait purposes, or to possess or transport the same for sale;

(5) To buy or sell any fish taken from the waters of this state, except rough fish and minnows, fish raised in a private hatchery when tagged or labeled as prescribed by the commissioner, fish taken under licensed commercial fishing operations, or lawfully taken and subject to sale from other states or countries; provided, black bass, rock bass, muskellunge,

crappies, sturgeon and sunfish may not be bought or sold in this state;

(6) To take trout, except lake trout, between 9:00 o'clock P. M., Central Standard Time, and one hour before sunrise;

(7) To take fish of any variety from any stream designated by order of the commissioner as a trout stream, except during the open season for taking trout;

(8) To place carp of any size in any public waters of the state, or to return carp to any such waters after they are caught;

(9) To take fish by means of explosives, drugs, poisons, lime, medicated bait, fish berries, or other deleterious substances, or by nets, traps, tip-ups, trot lines, set lines, wires, springs, ropes or cables, except as expressly authorized. Possession of any such substances or contrivances by any persons on any waters of this state, their shores or islands, shall be presumptive evidence that the same are possessed in violation of this provision; provided, a line with a single hook, used for angling through the ice, shall not be deemed a set line if the owner of the line is within sight of the line;

(10) To possess any fish net, except minnow nets, landing nets, dip nets, or nets held in stock for sale by dealers, unless there is attached a tag or seal issued by the commissioner for the current year, in accordance with regulations to be prescribed by him. Nets so tagged or sealed may not be loaned to, transferred to, or possessed by another, except upon written permission from the commissioner;

(11) To construct or maintain any dam in any public stream or river without complying with all written directions of the commissioner concerning the construction or modification of any fishway around or over such dam;

(12) To take any fish within 50 feet of any fishway;

(13) To take fish from any waters designated or marked as spawning beds or fish preserves, or to remove or mutilate any such posted notices, except under the direction of the commissioner;

(14) To use a dark house or fish house without the number of the dark house or fish house license, and the name of the owner of the house, plainly marked on its exterior; or to permit such house to remain on the ice more than ten days after the close of the season. Houses so remaining shall be summarily destroyed by any state game warden.

(15) To throw or allow to run into any of the waters of this state any refuse, sawdust, shavings, tan bark, lime, or other deleterious or poisonous substances or chemicals in quantities injurious to fish life therein, or injurious to the propagation of fish therein. Each day during which an act or operation in violation of this provision occurs shall constitute a separate and distinct offense. Recurrent violations shall be deemed a public nuisance and an action may be brought by the attorney general on the request of the commissioner to enjoin and abate such nuisance.

101.43. **Fish screens.** No person, except with the permission of the commissioner, shall obstruct any creek, stream, or river, thereby preventing the passage of fish, by means of any rack or screen, and any obstructions in any such creek, stream or river shall be removed forthwith upon order of the commissioner, by the person erecting the same, or by the owner of the land upon which it is located.

101.44. **Frogs, season and regulations.** Except as otherwise permitted, frogs may not be taken or possessed during the months of April and the first 15 days of May. During the open season, frogs not exceeding six inches in length, measured from tip of nose to tip of hind toes, legs fully extended, may be possessed in any numbers, bought, sold, and transported for angling purposes only. Not to exceed 150 frogs over six inches in length may be possessed in or transported through the state, except by common carrier, but frogs or parts thereof, lawfully taken outside of the state, may be imported into this state by common carrier and may be possessed in any quantity and sold during the open season. It shall be unlawful to use cloth screens or other similar contrivances in catching frogs. Provided, the taking of frogs may be prohibited in such areas of the state and during such periods as the commissioner may by order prescribe. Provided, further, that no person shall be permitted to take or possess frogs unless legally entitled to take fish within the state.

101.45. **Turtles and tortoises.** Except as otherwise prohibited, turtles and tortoises may be taken, possessed, bought, sold and transported in any manner at any time, provided, that every net, trap or other device used in the taking of turtles or tortoises in any of the public waters of this state shall be so constructed as freely to permit the escape of fishes through openings having at least a diameter of not less than three and one-half inches, or, in case of a net, having a mesh of not less than three and one-half inches bar measure, or seven inches extension measure; provided, further, that any

fish which may be caught in any such net, trap, or other device shall be promptly released and returned to the water unharmed.

**101.46. Dead fish disposal.** It shall be the duty of the commissioner to remove, bury or otherwise dispose of dead fish which have accumulated in any public waters or upon their shores in such quantities as to constitute a public nuisance or to be detrimental to game fish in the waters.

Section 6. Minnesota Statutes 1941, Chapter 102, shall, in lieu of the present provisions thereof, contain the following:

**102.23. Possession, sale and transportation.** Subject to all applicable provisions of chapters 97 to 102, mussels and clams and all fish taken under commercial fishing licenses may be possessed in any quantity, bought, sold or transported during any open seasons provided for such fishing, and for seven days thereafter. Such fish may be frozen or cured during the open season, and when so cured, may be transported, bought and sold at any time.

**102.24. Mussels and clams.** Subdivision 1. Except as changed from time to time by order of the commissioner, under authority of section 97.48, subdivision 5, mussels of not less than one and three-fourths inches in greatest dimensions, including the pearly fresh water mussel, or clam, or Naiad, and the shells thereof, may be taken at any time except between March 1st and May 15th, subject to all other provisions of chapters 97 to 102.

Subd. 2. Except as otherwise authorized, not more than one boat or rig may be used for taking mussels by any licensee, and an additional boat for towing may be used when no mussel-taking apparatus is attached thereto. Not more than four crow-foot bars or bars having hooks attached thereto, such bars to be not more than 20 feet in length, shall be possessed by any licensee while taking mussels at any one time, and not more than two such bars shall be placed in the water by a licensee at any one time. Not more than one dredging apparatus shall be used, and no dredge, the openings of which are more than three feet in length, or the prongs or forks of which are more than four inches, shall be used, provided pitch-forks may be used in gathering clam shells. All under-sized mussels, except pig-toes, shall be returned to the water without injury.

**102.25. Inland, Mississippi and Minnesota River fishing.** Subdivision 1. Licenses, to take rough fish from the Missis-

issippi River from the St. Croix River junction to St. Anthony Falls, shall be restricted to the use of the following equipment and methods:

(1) Seines may be used not exceeding 300 feet in length and having meshes of not less than two and one-half inches on the bar, or not less than five inches when extended;

(2) Set lines may be used having not more than 100 hooks, but no licensee may operate more than one set line;

(3) Operations shall be conducted only in the flowing waters of the river;

(4) No nets shall be used within 500 feet of the mouth of any tributary stream;

(5) The location of any net or seine shall not be changed from the place specified in the application for a license, without first notifying the commissioner of the proposed change;

(6) No net shall be raised, laid out, or landed, between sunset and sunrise the following morning;

(7) Seines shall be hauled to a landing immediately after being placed, and no two seines shall be joined together in the water.

Subd. 2. Licensed set lines to take rough fish, containing not more than ten hooks, in the Minnesota River from Mankato to its junction with the Mississippi River, and in the Mississippi River from St. Anthony Falls to the St. Croix River junction, shall be set in the flowing waters of the river only, staked only at one end, and the location thereof shall not be changed from the place designated in the application for license except after notice to the commissioner and his approval thereof. No person shall use more than one such set line.

**102.26. Lake of the Woods and Rainy Lake fishing.** Subdivision 1. Unless otherwise changed by order of the commissioner under authority of section 97.48, subdivision 3, the following regulations and restrictions shall apply to all commercial fishing operations conducted in Lake of the Woods and Rainy Lake:

(1) Any variety of fish, except black bass, rock bass, muskellunge, crappies, sturgeon and sunfish, may be taken subject to all other restrictions contained in chapters 97 to 102.

(2) Pound nets shall be of not less than one and one-half inches bar measure or three inches stretch measure in the pound.

(3) Gill nets for taking pickerel, wall-eyed pike, saugers, sand pike and perch shall be not less than four inches stretch measure, and for taking whitefish, not less than five inches stretch measure, but no such net in Lake of the Woods shall be greater in width than nine feet after January 1, 1946, or 50 meshes prior thereto.

(4) Fyke nets or trap nets shall be of not less than two inches extension measure and the hoop shall be not more than six feet in height. The wings leading from the hoop shall be not more than 100 feet in length. A single lead may be used in addition to the wings, but shall not be more than 400 feet in length.

Subd. 2. No licensee shall be permitted to operate more than six pound nets or more than 4,000 feet of gill nets, or more than ten fyke nets or trap nets, and no person licensed to use one type of net in Lake of the Woods may be granted a license to use another type. No licensee shall operate more than one pound net station. Each licensee shall devote his personal attention to fishing under such license, and no net of any kind shall be set except at a place consented to by the commissioner.

Subd. 3. The maximum amount of nets permitted to be licensed shall be as follows:

(1) In Lake of the Woods, 60 pound nets, 90,000 feet of gill nets, 100 fyke and trap nets;

(2) In Rainy Lake, 20 pound nets, and 20,000 feet of gill nets;

(3) When any licensee has lost or surrendered his license for any reason, the commissioner shall not be required to issue licenses for the amount of netting previously authorized under such license;

(4) At any time when commercial fishing is prohibited in any of the international waters by Canadian authorities, such fishing may be prohibited in the Minnesota portions of such waters.

Subd. 4. The commissioner may require any person licensed to take fish for commercial purposes in the waters covered by this section, when it can be done in connection with the licensed commercial fishing, to take eggs for propagation purposes under such regulations as he shall prescribe.

Subd. 5. Possession of any net or equipment declared illegal under the provisions of this act or under any order of the commissioner issued by authority of section 97.48, subdivision 3, at any place within ten miles of any portion of Lake of the Woods or Rainy Lake, shall be unlawful, and such nets or equipment shall be confiscated whenever found.

102.27. **Namekan Lake fishing.** Subdivision 1. Unless otherwise changed by order of the commissioner, under authority of section 97.48, subdivision 3, whitefish, and rough fish may be taken by licensed commercial fishermen from Namekan Lake.

Subd. 2. The maximum amount of nets permitted to be licensed shall be 7,000 feet of gill net, with a mesh not less than four inches stretch measure, only.

102.28. **Lake Superior fishing.** Subdivision 1. Herring, lake trout, ciscoes, northern pike or pickerel and whitefish may be taken by licensed commercial fishermen from Lake Superior at such times and under such regulations and restrictions as shall be prescribed by the commissioner, by authority conferred in section 97.48, subdivision 3.

Subd. 2. Bait nets for taking chubs and live bait may be used under such regulations and restrictions as shall be prescribed by the commissioner.

Subd. 3. No boat in excess of 35 feet in length shall be used.

102.29. **Interference with commercial fishing.** No person shall knowingly place or maintain any obstruction which will hinder, prevent, or interfere with any licensed commercial fishing operation, or take or remove any fish from nets licensed under chapters 97 to 102, or knowingly injure, disturb, or interfere with such nets.

Section 7. Minnesota Statutes 1941, Sections 97.01 to 97.39 inclusive, 98.01 to 98.44 inclusive, 99.01 to 99.24 inclusive, 100.01 to 100.25 inclusive, 101.01 to 101.40 inclusive, 102.01 to 102.22 inclusive, and Laws 1943, chapters 27, 39, 40, 42, 57, 58, 61, 63, 109, 110, 119, 125, 136, 146, 150, 176, 206, 207, 229, 284, 336, 370, 392, 403, 528, 534, 539, 575, 581, 616, 621, and 634 are hereby in all things repealed.

Approved April 11, 1945.