

a municipality having such association who is not a member thereof, *nor any minor under the age of 18*, shall be deemed a fireman within the meaning of this chapter. No treasurer of any such association shall enter upon his duties until he shall have given to the association a good and sufficient bond for the faithful discharge of his duty according to law. All the financial books and accounts of such association and municipality shall be subject at all times to examination by the public examiner, and he is hereby authorized and empowered to make such examination when complaint is duly made to him that the money, or any part thereof, paid under the provisions of this chapter to the treasurer of any municipality or relief association, has been or is being expended for an unauthorized purpose, shall so report to the governor, upon whose direction to the auditor no further warrants shall be issued to such municipality until the money so expended has been replaced.

[69.055] Sec. 3. *Persons under the age of 18. It is unlawful to employ a minor under the age of 18 as a volunteer fireman or to permit him to serve with a volunteer fire department.*

Approved April 21, 1949.

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CHAPTER 546—H. F. N. 926

[Coded as Sections 88.641 to 88.649]

*An act revising, consolidating, codifying the laws relating to decorative trees and their cutting and transportation; repealing Minnesota Statutes 1945, Sections 88.64 to 88.72.*

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

[88.641] Section 1. **Definitions.** Subdivision 1. For the purposes of this act the following words, terms and phrases shall have the meanings herein given, unless otherwise specifically defined, or unless another intention clearly appears or the context otherwise requires.

Subd. 2. "Decorative Trees" means growing pines, spruce, balsam, cedar, evergreen or coniferous trees, bushes, saplings, seedlings, shrubs, boughs or branches, including the

tops cut from any of the foregoing, intended to be sold or used for decorative purposes. Nursery stock shall not be included in this definition.

Subd. 3. The term 'processed' means the treatment of any tree by a chemical bath, either through dipping or spraying, for the purpose of fixing, intensifying or changing the color thereof or to prevent the falling off of needles therefrom.

Subd. 4. The term "processed" means the treatment of any tree by a chemical bath, either through dipping or spraying, for the purpose of fixing, intensifying, or changing the color thereof or to prevent the falling off of needles therefrom.

Subd. 5. "Person" means any individual, corporation, firm, copartnership, company, association or legal entity.

[88.642] **Sec. 2. Decorative trees; cutting, removal of; transportation; prohibitions; exceptions.** No person shall cut, remove, or transport for decorative purposes or for sale in natural condition and untrimmed, any decorative tree as defined herein, without the written consent of the owner of the land on which the same are grown and whether such land be publicly or privately owned. Such written consent shall be on a form furnished and approved by the department of conservation, which form shall contain the legal description of the land where the decorative trees were cut, as well as the name of the legal owner, or his duly authorized agent or agents, thereof. Such written consent, or a copy thereof certified as a true copy by the person to whom such consent was given, or by the register of deeds of the county in which the land is situated, if recorded in his office, shall be carried by every person cutting, removing, or transporting any such decorative trees, untrimmed or in their natural condition, or in any way aiding therein, and shall be exhibited to any officer of the law, forest ranger, forest patrolman, game warden, or other officer of the department of conservation, at his request at any time. Any such officer shall have power to inspect any such decorative trees when being transported in any vehicle or other means of conveyance or by common carrier, and to make such investigation with reference thereto as may be necessary to determine whether or not the provisions of this act have been complied with, and to stop any vehicle or other means of conveyance found carrying any such decorative trees upon any public highways of this state, for the purpose of making

such inspection and investigation, and to seize and hold subject to the order of the court any such decorative trees found being cut, removed, or transported in violation of any provision of this act. No common carrier or agent thereof shall receive for shipment or transportation any such decorative trees unless the consignor, whose name and address shall be recorded, exhibits at the time of consignment the written consent or certified copy thereof herein provided for. Failure to so exhibit such written consent shall be prima facie evidence that no such consent was given or exists.

[88.643] **Sec. 3. Concentration; posting notice; penalties.** Any person who accumulates and concentrates decorative trees as hereinafter defined, at any geographical place for the purpose of shipment or transportation to market, shall post a notice at such place, which notice shall list the owner or owners of such decorative trees and shall contain a legal description of the lands from which they were cut. Failure to keep such place properly posted as herein provided, shall constitute a violation of this act and shall subject the decorative trees so accumulated and concentrated, to seizure and confiscation by the State as contraband, in addition to the other penalties provided in this Act for violation thereof.

[88.644] **Sec. 4. Permit required.** Before any person except a common carrier, shall transport any decorative trees as defined herein, on any public highway, such person shall obtain a transportation permit from the department of conservation. No such permit need be obtained by any person transporting not more than six decorative trees for his own use. Such permit may be revoked by the commissioner of conservation for the season for which it is issued upon conviction of the holder thereof of violation of any provision of this act.

Any person having in his possession decorative trees, and any person transporting the same, for sale or processing on any public highway in this state shall carry in his possession the written consent referred to in Section 2.

Such consent or an original duplicate or certified copy shall be kept in the possession of the vendee named therein until June 30th of the year following the date thereof and shall be open to inspection during reasonable hours to any officer of the department of conservation.

Failure to comply with any of the requirements of this section constitutes a violation of this act and subjects the decorative trees not covered by a transportation permit or such consent to seizure and confiscation by the State as contraband in addition to the other penalties provided for violation thereof.

The provisions of this section shall not apply to decorative trees in the possession of or being transported by any properly authorized federal, state, or local government official for a legitimate public purpose.

[88.645] **Sec. 5. Enforcement provisions; court; officers.** Subdivision 1. Any court or magistrate having authority to issue warrants in criminal cases may issue a search warrant, in the manner provided by law for issuing search warrants for stolen property, to search for and seize any trees alleged upon sufficient grounds to have been affected by or involved in any offense under Sections 1 to 7. The warrant may be directed to and executed by any officer authorized to make arrests and seizures by Sections 1 to 7.

Subd. 2. Any officer having knowledge of any offense under Sections 1 to 7 shall forthwith make complaint against the offender before a court or magistrate having jurisdiction of the offense and request the court or magistrate to issue a warrant of arrest in such case.

[88.646] **Sec. 6. Record of transportation permits.** Records shall be kept by the director and by every officer and agent authorized by him to issue transportation permits under Sections 1 to 7 by showing the dates of issuance of all such transportation permits, the persons to whom issued, the number issued and such other pertinent information as the director may prescribe. The director may require these reports from such officers and agents as he deems necessary. These records and reports shall be filed in the office of the director.

[88.647] **Sec. 7. Relation to existing laws.** Sections 1 to 7 shall not be deemed to supersede any existing provision of law relating to any matter within the scope thereof but shall be construed as supplementary thereto.

[88.648] **Sec. 8. False statement; gross misdemeanor; misdemeanor.** Any person who makes any false statement in

any application, form, or other statement for the purpose of obtaining any written consent or transportation permit as described in Sections 1 to 4 is guilty of a gross misdemeanor.

Except as otherwise provided in this subdivision, any person who violates any provision of Sections 1 to 7, is guilty of a misdemeanor.

[88.649] Sec. 9. **Permits granted by commissioner, temporary; license fee.** Any person engaged in the business of processing decorative Christmas trees or other coniferous trees, intended for use as Christmas trees, for decorations, or for other purposes, shall apply to the commissioner for a permit as dealer in such trees, which permit shall expire on December thirty-first of the year in which issued. At the time of applying for the permit the applicant shall give such information as to the proposed manner of conducting the business and the number, kind, and character of trees intended to be dealt in as may be required by the commissioner. With the application the applicant shall submit a fee of \$200, payable to the state treasurer, providing, however, that this section shall not apply to any person processing 1,000 Christmas trees or less.

Sec. 10. **Repealer.** Minnesota Statutes 1945, Sections 88.64 to 88.72 are hereby repealed.

Approved April 21, 1949.

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CHAPTER 547—H. F. No. 1045

*An act relating to the assessment of pipe lines; amending Minnesota Statutes 1945, Section 273.33.*

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

Section 1. Minnesota Statutes 1945, Section 273.33, is amended to read:

273.33. **Express; stages and transportation companies; pipe lines.** *Subdivision 1.* The personal property of express, stage and transportation companies, and of pipeline companies engaged in the business of transporting natural gas, gasoline or other petroleum products except as otherwise provided by law, shall be listed and assessed in the county, town or district where the same is usually kept.