

Sec. 5. Minnesota Statutes 1953, Section 27.20, is amended to read:

27.20 Enforcement. The commissioner shall be charged with the enforcement of the provisions of sections 27.01 to 27.19 and of the rules and regulations made and published thereunder. Upon complaint made it shall be the duty of the county attorney to prosecute all cases arising in his county for violation of sections 27.01 to 27.19, or of the rules or regulations made and published thereunder. The commissioner and his duly authorized agents and inspectors appointed for the purpose of enforcing the provisions of sections 27.01 to 27.19 shall have the power of police officers in this enforcement.

Sec. 6. This act shall become effective on June 1, 1955.

Approved March 28, 1955.

CHAPTER 233—H. F. No. 509

An act relating to commission schedules, license fees, bonds and complaints as to wholesale produce dealers; amending Minnesota Statutes 1953, Sections 27.04, 27.05 and 27.06.

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

Section 1. Minnesota Statutes 1953, Section 27.04, is amended to read:

27.04 Licenses, fees, bonds. License to engage in the business of a dealer at wholesale within the state shall be issued by the commissioner to such reputable persons as apply therefor, pay the prescribed fee, and comply with the conditions herein specified.

The application shall be in writing, accompanied by the prescribed fee and under oath, and shall set forth the place or places where the applicant intends to carry on the business for which the license is desired, the estimated amount of business to be done monthly, the amount of business done during the preceding year, if any, the full names of the persons constituting the firm, in case the applicant is a copartnership, the names of the officers of the corporation and where incorporated, if a corporation, and a financial statement showing the value and character, in a general way, of the assets and the amount of liabilities of the applicant.

The applicant shall execute and file with the commission-

er a bond to the State of Minnesota with sureties to be approved by the commissioner, the amount and form thereof to be fixed by the commissioner, conditioned for the faithful performance of his duties as a dealer at wholesale; provided, that any and all bonds heretofore executed and filed with the commissioner by dealers at wholesale containing substantially the requirements of sections 27.04 and 27.05 are hereby confirmed and approved for the observance of all laws relating to the carrying on of the business of a dealer at wholesale, for the payment when due of the purchase price of produce purchased by him when notice of default is given the commissioner within 30 days after the due date; provided, that the bond shall not cover transactions wherein it appears to the commissioner that a voluntary extension of credit has been given on the produce by the seller to the licensee beyond the due date, for the prompt settlement and payment of all claims and charges due the state for services rendered or otherwise, for the prompt reporting of sales, as required by law, to all persons consigning produce to the licensee for sale on commission, and the prompt payment to the persons entitled thereto of the proceeds of such sales, less lawful charges, disbursements, and commissions. The bond shall cover all wholesale produce business transacted, in whole or in part, within the state, and the license, or a certified copy thereof, shall be kept posted in the office of the licensee at each place within the state where he transacts business. All licenses shall expire May 31 of each year. The fee for each license shall be \$12.50, and for each certified copy thereof \$1. When the licensee shall sell, dispose of, or discontinue his business during the lifetime of his license he shall, at the time such action is taken, notify the commissioner, in writing, and shall upon demand produce before the commissioner a full statement of all assets and liabilities as of the date of transfer or discontinuance of the business.

All moneys collected from license fees shall be deposited in the state treasury.

Sec. 2. Minnesota Statutes 1953, Section 27.05, is amended to read:

27.05 Additional bonds. The commissioner, when he is of the opinion that any bond theretofore given by any licensee is inadequate for the proper protection of the public, may require the licensee to give additional bonds in such amounts as from time to time he may determine and direct, with sureties to be approved by the commissioner, and conditioned as set forth in section 27.04. For the purpose of fixing or changing the amount of such bonds, the commissioner may require from a licensee verified statements of his business.

Failure of the licensee to furnish such information or to give a new or additional bond is cause for suspension of his license for as long as the failure continues, or revocation of the license, on ten days' notice to the licensee and opportunity to be heard. Where the public interest requires it the commissioner may suspend the license after such notice pending hearing and decision.

Sec. 3. Minnesota Statutes 1953, Section 27.06, is amended to read:

27.06. Complaints to commissioner. Any person claiming himself to be damaged by any breach of the conditions of a bond given by a licensee, as herein provided, may enter complaint thereof to the commissioner, which complaint shall be a written statement of the facts constituting the complaint. Upon filing the complaint in the manner herein provided, the commissioner shall investigate the charges made and, at his discretion, order a hearing before him, giving the party complained of notice of the filing of the complaint and the time and place of the hearing. At the conclusion of the hearing the commissioner shall report his findings and render his conclusions *and order*, upon the matter complained of, to the complainant and the respondent in each case, who shall have 15 days following in which to *comply with* the commissioner's order. If this order is not *complied with* within this time, either party, if aggrieved by any condition of the bond, may, upon first obtaining the approval of the commissioner *within 30 days after the time aforesaid*, commence and maintain an action against the principal and sureties on the bond of the party complained of as in any civil action, provided, no action against the bondsmen of a licensee shall in any instance be maintained without the *prior* written approval of the commissioner, which shall be attached to and made a part of the original complaint in the action. Upon commencing the action a copy thereof shall be filed in the office of the commissioner. The record of the hearing before the commissioner shall be competent evidence in any court having jurisdiction. If the licensee has become liable to more than one person by reason of breaches of the conditions of the bond and the amount of the bond is insufficient to pay the entire liability to all persons entitled to the protection of the bond, the penalty of the bond as against the sureties shall be apportioned among the several claimants. In all cases where the *order of the commissioner has not been complied with and no action against the bondsmen of such licensee be then pending*, the commissioner may commence an action for the recovery of the amounts claimed, and the surety or bondsman upon the bond shall be liable to the extent of the amount recovered, not exceeding the amount

of the bond, and when recovered such amount shall be deposited with the commissioner, who shall, in the same action, subject to the approval of the court, pass upon and allow or disallow all claims which may be presented to him for payment or apportioned thereunder.

Sec. 4. This act shall become effective on June 1, 1955.

Approved March 28, 1955.

CHAPTER 234—H. F. No. 341

An act relating to wild animals and to the taking of whitefish, tullibees, herring, and rough fish with nets; amending Minnesota Statutes 1953, Section 101.41, Subdivision 5.

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

Section 1. Minnesota Statutes 1953, Section 101.41, Subdivision 5, is amended to read:

Subd. 5. Whitefish, tullibees 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 at any point, measured from the lake bed to the top surface of the water or ice provided that in waters designated by the commissioner nets may be set so that portions thereof extend into deeper water, under such conditions as he shall prescribe for protection of game fish. At one end of each net there shall be 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.