

fare. The commissioner of public welfare may waive this authority to displace any present private individual concessionaire in any state-owned or rented building or property. With the consent of the governing body of a governmental subdivision of the state, the commissioner may establish and supervise vending stands and vending machines for the blind in any building or property exclusively owned or rented by the governmental subdivision.

Approved March 19, 1976.

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### CHAPTER 55—S.F.No.1493

*An act relating to natural resources; amending certain laws concerning minnows; amending Minnesota Statutes 1974, Sections 97.40, Subdivision 27; 97.45, Subdivision 15; 97.55, Subdivision 13; 98.46, Subdivision 17; 101.42, Subdivisions 5 and 6; and Minnesota Statutes, 1975 Supplement, Section 98.46, Subdivision 5.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1974, Section 97.40, Subdivision 27, is amended to read:

Subd. 27. **NATURAL RESOURCES; MINNOWS; DEALERS.** “~~Local Minnow dealer-retailer~~” includes any person who is engaged in taking, buying, or transporting minnows for sale, or in selling minnows, who has an established place of business, and who does not take or transport such minnows to or from any point more than 15 miles from such place of business—the business of selling minnows at retail from an established place of business, or transporting minnows in excess of 12 dozen from a place of wholesale purchase to his place of business. “~~Itinerant Minnow dealer~~” includes any ~~other~~ person engaged in taking, buying, or transporting minnows for sale, or in selling minnows, regardless of distance of transportation—taking minnows for sale, buying minnows for resale, selling minnows at wholesale, or transporting minnows for sale within the state.

Sec. 2. Minnesota Statutes 1974, Section 97.45, Subdivision 15, is amended to read:

Subd. 15. The following restrictions on the transportation of minnows apply only to quantities in excess of 12 dozen. The following restrictions do not apply to minnows being transported through the state pursuant to a permit issued by the commissioner under section 101.42, subdivision 6. No ~~minnow dealer-person~~ shall transport any minnows beyond the boundaries of the state, except fathead minnows, which may be transported without the state by any resident ~~itinerant~~ minnow dealer holding an exporting minnow dealers license. No person who is not a resident shall transport ~~or~~, be employed as a helper, or assist in

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transporting minnows ~~from this within the state to any point beyond the boundaries of this state~~. No motor vehicle which is not registered and licensed in this state ~~shall be used in transporting minnows from this state to any point beyond the boundaries of this state, and which is not licensed under section 98.46, subdivision 5, clause 11, shall contain minnows or be used to transport minnows in Minnesota.~~ It shall be unlawful for any ~~Minnesota minnow dealer or his helper-person~~ to assist any nonresident ~~minnow dealer or trucker~~ in transporting or ~~possessing more than 12 dozen~~ minnows within the boundaries of this state. A minnow retailer who transports minnows from a place of wholesale purchase to his place of business shall transport the minnows by the most convenient and direct route.

Sec. 3. Minnesota Statutes 1974, Section 97.55, Subdivision 13, is amended to read:

Subd. 13. Every ~~itinerant minnow dealer-person~~ who buys, sells, transports, or possesses minnows in violation of any provisions of chapters 97 to 102, or who violates any duly adopted order, rule, or regulation of the commissioner ; ~~or director~~ pertaining to the buying, selling, transporting, or possession of minnows shall be guilty of a misdemeanor.

Sec. 4. Minnesota Statutes, 1975 Supplement, Section 98.46, Subdivision 5, is amended to read:

Subd. 5. Fees for the following licenses, to be issued to residents only, shall be:

(1) To spear fish from a dark house, \$3;

(2) For any fish house or dark house used during the winter fishing season, \$3 for each fish house or dark house not rented or offered for hire, and \$6 for each fish house or dark house rented or offered for hire. Each such fish house or dark house shall have attached to the outside a metal tag at least two inches in diameter with a 3/16 inch hole in the center, which will be issued with a license. Each metal tag shall be stamped with a number to correspond with the fish house or dark house license and also shall be stamped with the year of issuance. The metal tag shall be attached to the fish house or dark house as designated by commissioner's order;

(3) To net whitefish, tullibees or herring from inland lakes or international waters, for domestic use only, for each net, \$1;

(4) To conduct a taxidermist business, \$2;

(5) To maintain fur and game farms, including deer, \$5;

(6) To take mussels or clams, \$5;

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(7) To take, transport, purchase and possess for sale unprocessed turtles and tortoises within the state, \$25;

(8) To prepare dressed game fish shipments for nonresidents as provided by section 97.45, subdivision 6, as amended, \$10;

(9) ~~Itinerant~~ Minnow dealer, \$15 plus \$10 for each vehicle;

(10) ~~Itinerant~~ Minnow dealer's helper, \$2.50 for each helper. ~~Itinerant~~ Minnow dealer's helpers' licenses shall be issued to the ~~itinerant~~ minnow dealer and are transferable by the dealer at will to his own helpers;

(11) Exporting minnow dealer, \$200, plus \$10 for one vehicle only. No licenses to transport fathead minnows beyond the boundaries of the state will be issued for 1961 calendar year after the effective date of Laws 1961, Chapter 477, and the number issued prior to the effective date of Laws 1961, Chapter 477 will not be exceeded in subsequent years. The renewal of such existing licenses will be reserved through April 1 of the following year; licenses not so renewed will not be made available until the total number has been reduced to below 35 licenses.

Each vehicle license shall cover a ~~specific truck, tractor-trailer, or semi-trailer,~~ specified vehicle. The serial number, license number, make, and model shall be specified on the license which must be conspicuously posted in the vehicle licensed. No vehicle shall be licensed if the maximum tank capacity exceeds 300 cubic feet, inside measurement, and unless it complies with reasonable regulations adopted pursuant to the provisions of section 101.42, subdivision 5.

The exporting minnow dealer's license and vehicle license are void upon the sale of the business or death of the licensee. Provided, however, a succeeding owner of the business upon meeting the required qualifications will be issued the required licenses upon application and payment therefor. In the event of the death of the licensee the administrator or executor of the estate may purchase such licenses and operate the business until the sale thereof. If there is no estate then the widow or a member of the immediate family, if qualified, will be issued the required licenses upon application and payment therefor.

Sec. 5. Minnesota Statutes 1974, Section 98.46, Subdivision 17, is amended to read:

Subd. 17. Fees for the following licenses, to be issued to either residents or nonresidents, shall be:

(1) To deal in live or engage in the business of preserving minnows; local minnow dealer-retailer, \$2.50 plus \$10 for each vehicle used to transport minnows.

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(2) To raise fish in a private hatchery, \$5.

(3) To take under state supervision sucker eggs from public waters, for private fish hatchery purposes:

(a) To take not to exceed 100 quarts, \$50;

(b) To take in excess of 100 quarts, \$1 per quart for such excess.

Sec. 6. Minnesota Statutes 1974, Section 101.42, Subdivision 5, is amended to read:

Subd. 5. Except as otherwise specifically permitted, it shall be unlawful to take minnows with a seine more than 25 feet in length or more than 148 meshes in depth of one fourth inch bar measure or more than 197 meshes in depth of 3/16 inch bar measure or more than four feet in depth if material of smaller than 3/16 inch bar measure is used; to take minnows from waters designated by the commissioner as trout lakes or trout streams without a special permit which the commissioner may issue when conditions warrant it; to possess or transport minnows for sale except with the use of equipment approved by regulations of the commissioner; or to take minnows from any waters from one hour after sunset to one hour before sunrise. Licensed ~~itinerant~~ minnow dealers may take minnows, except ~~in streams and designated trout lakes from waters designated by the commissioner as trout lakes or trout streams~~, with a seine not more than 50 feet in length or more than 222 meshes in depth of one fourth inch bar measure or more than 296 meshes in depth of 3/16 inch bar measure, or more than six feet in depth if material of smaller than 3/16 inch bar measure is used.

Sec. 7. Minnesota Statutes 1974, Section 101.42, Subdivision 6, is amended to read:

Subd. 6. Except as otherwise specifically permitted, it shall be unlawful to use game fish, gold fish, or carp minnows for bait purposes and no live minnows imported from other states or countries may be used for bait purposes, propagation purposes (except as to or ornamental use in home aquariums) or any other purpose which shall permit their being placed in any waters of the state, artificial ponds, stationary or mobile tanks or to possess or transport such minnows for sale or storage within the state or to transport live carp minnows for any purpose.

No minnows (except as to ornamentals) shall be transported from other states or countries into or through Minnesota, unless the possessor shall have first obtained a permit from the commissioner or his agent, showing the name and address of the owner, the number and kind of minnows to be transported, the point of entry into Minnesota, the destination, and the route to be followed through Minnesota, such permit shall be valid for not more than 12 hours after its date, and

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time of issuance.

Except for a licensed minnow exporter, a person exporting minnows from Minnesota shall similarly obtain a permit showing the name and address of the owner, the number and kind of minnows to be transported, the point of origin in Minnesota, the destination, and the route to be followed within Minnesota; such permit shall be valid for not more than 24 hours after its date and time of issuance.

Sec. 8. This act is effective January 1, 1977.

Approved March 19, 1976.

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## CHAPTER 56—S.F.No.1590

[Coded in Part]

*An act relating to elections; requiring the secretary of state to prescribe forms and uniform methods for the reporting of election returns; requiring certain information in returns and canvasses; and imposing certain duties on canvassing officers; amending Minnesota Statutes, 1975 Supplement, Sections 204A.46, by adding a subdivision; and 204A.51.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes, 1975 Supplement, Section 204A.46, is amended by adding a subdivision to read:

Subd. 5. ELECTIONS; REPORTING RETURNS. On or before July 1 of each year in which there is to be a statewide general election, the secretary of state shall prescribe the form and method by which election returns for the statewide primary and general elections will be canvassed by precinct, county and state election officials. Notwithstanding the provisions of sections 206.185, subdivision 5, and 206.21, subdivisions 1 and 2, precinct summary statements shall be submitted by the election judges in every precinct.

Sec. 2. Minnesota Statutes, 1975 Supplement, Section 204A.51, is amended to read:

**204A.51 COUNTY CANVASSING BOARD.** Subdivision 1. **MEMBERSHIP.** The county canvassing board shall consist of the county auditor, the clerk of the district court, two members of the county board to be selected by the board from among its members who are not candidates for nomination or election to any office, and the mayor or president of the most populous municipality in the county. If any of these persons fail or refuse to serve on the canvassing board and in the absence of any selection by the county board from among its own members, the county auditor shall appoint a qualified voter of the county

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