
CHAPTER 240—H.F.No.140

An act relating to natural resources; imposing limits on the issuance of licenses for commercial fishing on Lake Superior; providing maximum amounts of gill net to be licensed in Lake Superior; amending Minnesota Statutes 1976, Sections 98.46, Subdivision 12; and 102.28, Subdivision 4.

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

Section 1. Minnesota Statutes 1976, Section 98.46, Subdivision 12, is amended to read:

Subd. 12. **NATURAL RESOURCES; COMMERCIAL FISHING; LICENSES; LAKE SUPERIOR.** (a) Fees for the following licenses to fish commercially in Lake Superior, to be issued to residents only, shall be:

(1) For not to exceed 1,000 feet (305 m) of gill net of mesh size not less than 2.25 inch (5.75 cm) nor more than 2.75 inch (7 cm) extension measure, \$50 plus \$1 for each additional 1,000 feet (305 m);

(2) For not to exceed 1,000 feet (305 m) of gill net of mesh size not less than 4.5 inch (11.5 cm) mesh extension measure, \$50 plus \$1 for each additional 1,000 feet (305 m);

(3) For a pound or trap net, \$50 plus \$1 for each additional pound or trap net;

(4) For a helper's license, \$5.

(b) A license to fish commercially in Lake Superior shall be issued only to a resident who, except as herein provided:

(1) Possesses 5,000 feet of gill net of mesh sizes permitted in section 102.28 or two pound nets;

(2) Landed fish in the previous year with a value of at least \$1,500, except for those state waters from Duluth to Silver Bay upon the discretion of the commissioner; and

(3) Engaged in commercial fishing for at least 50 days of the previous year.

An applicant for a license in 1978 must have met the requirements of subdivision 12, clause (b) during two of the previous three years.

An applicant shall be issued a license without meeting the requirements of subdivision 12, clause (b) if the applicant is 65 or more years of age and has held a license continuously since 1947. An applicant may be issued a license, at the discretion of the commissioner, if his failure to meet the requirements of subdivision 12, clause (b) resulted

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from illness or other mitigating circumstances, or he has reached the age of 65 and has been licensed at least ten of the previous 15 years. Persons receiving licenses under the provisions for applicants 65 years of age or more must be in attendance at the setting and lifting of nets. The commissioner may issue multiple licenses to individuals who meet the requirements of subdivision 12, clause (b), and have held multiple licenses prior to 1978.

(c) A license may be issued to an applicant who has not fished commercially on Lake Superior before, if the applicant:

(1) Shows a bill of sale indicating the purchase of gear and facilities connected with an existing license; or

(2) Shows proof of inheritance of all the gear and facilities connected with an existing license; or

(3) Has served at least two years as a helper in a Minnesota Lake Superior licensed commercial fishing operation; and

(4) Has no record of conviction for violating chapters 97 to 102 in the preceding three years.

Sec. 2. Minnesota Statutes 1976, Section 102.28, Subdivision 4, is amended to read:

Subd. 4. Gill nets for taking herring and ciscoes shall not be less than 2 1/4 inch mesh and shall not exceed 2 3/4 inch mesh, extension measure.

The amount of gill net to be licensed in Minnesota waters of Lake Superior shall not exceed 300,000 feet for the taking of herring and 300,000 feet for the taking of ciscoes.

A licensee shall not be permitted to operate more than 6,000 feet of gill net for the taking of herring or 25,000 feet of gill net for the taking of ciscoes. The commissioner may authorize gill net footage in excess of the individual limits when he determines in any license year that all of the gill net footage permitted for Minnesota waters of Lake Superior would not otherwise be allocated. The commissioner must allocate this excess gill net footage equitably among those licensees who have applied for it.

Approved May 25, 1977.

CHAPTER 241—H.F.No.261

[Coded]

An act relating to veterans; permitting the commissioner of veterans affairs to act as guardian for minors or incompetents without posting bond; amending Minnesota Statutes 1976, Chapter 196, by adding a section.

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