

Sec. 2. **EFFECTIVE DATE.** This act is effective the day following final enactment.

Approved May 27, 1977.

**CHAPTER 310—S.F.No.381**

[Coded in Part]

*An act relating to game and fish; changing the commissioner's duties in the removal of beaver; authorizing seasons for taking bobcat, fisher, fox, and wild turkey; requiring the tagging of fisher; including the agent's fees within certain license fees; requiring the commissioner to issue sportsman's licenses; extending the season and eliminating the annual limit for taking beaver; changing the hours for taking trout; prohibiting the taking of pheasants between sunset and 9 a.m.; extending the surcharge on small game licenses; amending Minnesota Statutes 1976, Sections 97.56; 98.46, Subdivisions 2, 2a, 14, and 21; 98.50, Subdivision 5; 100.26, Subdivision 1; 100.27, Subdivisions 1, 3, 4, 5, and 7; 100.28, Subdivision 1; 100.29, Subdivision 1; 101.42, Subdivision 8; Chapter 98, by adding a section; and Laws 1961, Chapter 66, Section 1, as amended; repealing Minnesota Statutes 1976, Section 348.071.*

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

Section 1. Minnesota Statutes 1976, Section 97.56, is amended to read:

**97.56 GAME AND FISH; SEASONS AND LICENSES; REMOVAL OF BEAVER FROM STATE-OWNED LANDS.** In any county in the state where the board of county commissioners shall ~~have unanimously requested by resolution request~~ him to do so, the commissioner of natural resources shall may take necessary steps to remove beaver, at state expense, from state owned lands located in that county.

Sec. 2. Minnesota Statutes 1976, Section 98.46, Subdivision 2, is amended to read:

Subd. 2. Fees for the following licenses, to be issued to residents only, shall be:

- (1) To take small game, \$5;
- (2) To take deer or bear, or both, with firearms during the period in which the licensee may take deer, \$10;
- (3) To take deer or bear, or both, with bow and arrow during the period in which the licensee may take deer, \$10;
- (4) To take fish by angling, \$5;
- (5) Combination husband and wife, to take fish by angling, \$8;
- (6) To take moose, \$100 for an individual or for a party of not to exceed four

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persons;

(7) To take bear only, \$7.50;

(8) To take turkeys, \$10, in addition to a small game license.

Sec. 3. Minnesota Statutes 1976, Section 98.46, Subdivision 2a, is amended to read:

Subd. 2a. The commissioner of natural resources ~~may~~ shall issue Minnesota sportsman licenses ~~by March 1, 1978~~. The licenses shall be issued to residents only. The fee for licenses shall be ~~\$17~~ \$9 if the angling license is for one person and ~~\$19~~ \$12 if the angling license is a combination husband and wife license. These fees do not include the surcharge authorized pursuant to section 97.482.

The license shall authorize the licensee to:

(1) Take small game;

(2) Take fish by angling;

~~(3) Take deer or bear with firearms during the period in which the licensee may take deer; or take deer or bear with bow and arrow during the period in which the licensee may take deer~~ The game and fish subcommittee of the house of representatives and the fish and wildlife subcommittee of the senate shall study the feasibility of other combinations for sportsman's licenses prior to January 1, 1978.

Sec. 4. Minnesota Statutes 1976, Section 98.46, Subdivision 14, is amended to read:

Subd. 14. Fees for the following licenses, to be issued to nonresidents, shall be:

(1) To take small game and unprotected quadrupeds with firearms and bow and arrows, \$25;

(2) To take deer and bear during the period in which the licensee may take deer, and unprotected quadrupeds with firearms and bow and arrows, \$60;

(3) To take deer and bear during the period in which the licensee may take deer, and unprotected quadrupeds with a bow and arrows only, \$25;

(4) To take bear, \$25.25;

(5) To take turkeys, \$30, in addition to a small game license.

Sec. 5. Minnesota Statutes 1976, Section 98.46, Subdivision 21, is amended to read:

Subd. 21. The commissioner may by order require every licensee to tag at the place where trapped, beaver fisher or otter. The tag will be of a type prescribed by the commissioner and bearing the license number of the owner and the year of its issue. Tags

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will be issued with the license at no additional cost. During the calendar years 1977 and 1978 the commissioner shall require the tagging of fisher in the manner designated in this subdivision.

Sec. 6. Minnesota Statutes 1976, Section 98.50, Subdivision 5, is amended to read:

*Subd. 5. Any resident desiring to sell the licenses referred to in subdivision 1 may either purchase for cash or obtain on consignment license blanks from a county auditor in groups of not less than five non-resident, and ten resident license blanks. In addition to the basic license fee, he shall collect a fee for issuing each license in the amount of 75 cents for the license to take deer and for the sportsman license authorized in section 98.46, subdivision 2a, and 50 cents for all other licenses. In selling 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 100 percent of the surcharge imposed by section 97.482 plus 96 percent of the price to the licensee, exclusively of said surcharge and the issuing fee, for each license sold or consigned by him and subsequently sold to a licensee during the accounting period. The county auditor shall retain as his commission four percent of all license fees, excluding issuing fees for licenses consigned to subagents. In addition, for licenses sold for cash directly to the licensee, the auditor shall collect the same issuing fee as a subagent. 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. The commissioner shall collect the same issuing fee as a subagent for licenses sold directly through a license distribution center operated by the department of natural resources. The issuing fees so collected by the commissioner shall be credited to the game and fish fund.

Sec. 7. Minnesota Statutes 1976, Chapter 98, is amended by adding a section to read:

**[98.50] AGENTS FEE.** The basic license fee for each license referred to in section 98.50, subdivision 1, shall be increased by the amount of the seller's fee permitted by section 98.50, subdivision 5, for that particular license. The seller shall collect his fee by retaining the permitted fee from the purchase price of a license. Each license shall contain an explanation of the amount of the license fee which is retained by the seller of the license as his fee.

Sec. 8. Minnesota Statutes 1976, Section 100.26, Subdivision 1, is amended to read:

**100.26 UNPROTECTED ANIMALS.** Subdivision 1. Weasel, ~~bobcat,~~ coyote (brush wolf), ~~fox,~~ gopher, porcupine, badger, and all other quadrupeds for which no closed

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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, except in the manner authorized by ~~sections 18.021 to 18.035~~ section 18.022. It shall be unlawful to intentionally drive, chase, run over or kill with any motor propelled vehicle any unprotected animals. ~~The taking of any species of bear may be permitted by order of the commissioner without a license therefor in such areas of the state and during such periods as he may deem necessary, upon a determination that the predation of bear represents a threat to livestock or other property. No fox may be removed from a den or trapped within 300 feet of a fox den during the period beginning April 1 and ending August 31 of each year. No person may sell live fox without a permit from the commissioner authorizing the sale of fox.~~

Sec. 9. Minnesota Statutes 1976, Section 100.27, Subdivision 1, is amended to read:

100.27 SEASONS. Subdivision 1. Except as otherwise specifically provided, there shall be no open season on elk, caribou, antelope, marten, ~~fisher, or wolverine, or wild turkeys.~~

Sec. 10. Minnesota Statutes 1976, Section 100.27, Subdivision 3, is amended to read:

Subd. 3. The commissioner shall prescribe by order the areas within the state and any other restrictions under which the following animals may be taken and possessed, subject to all other provisions of chapters 97 to 102, between the dates, if any, set opposite the species:

(1) Grey and fox squirrels, October 15 and December 31 statewide; and during such any other times, within such any areas, and subject to such any other restrictions as the commissioner by order may prescribe;

(2) Jack rabbits, cottontail rabbits and varying hare or snowshoe rabbits, September 16 and March 1;

(3) Raccoon may be taken and possessed, subject to the provisions of chapters 97 to 102 and the restrictions imposed by order of the commissioner between, October 15 and December 31 statewide. Notwithstanding the restrictions imposed by this subdivision, raccoon may be treed without being taken by the use of dogs at any time during the year, except for those restrictions found in section 100.29, subdivision 20;

(4) Lynx, or bobcat with the length of the season, if any, for either species determined by the commissioner based upon population estimates of ~~lynx either species~~ within the state;

(5) Fox, provided that no fox may be removed from a den or trapped within 300 feet of a fox den during the period from April 1 and ending August 31 of each year;

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## (6) Fisher.

Sec. 11. Minnesota Statutes 1976, Section 100.27, Subdivision 4, is amended to read:

Subd. 4. Muskrats may be taken for a period not exceeding 60 days in the aggregate for the area, otter for a period not exceeding 15 days, only by trapping, and mink for a period not exceeding 90 days, in ~~such the~~ areas of the state ~~and~~, during ~~such the~~ times ~~between November 1st and April 30th of the following year~~ and subject to ~~such regulations as any other restrictions which~~ the commissioner shall prescribe, ~~between November 1 and April 30 following; and~~. Beaver may be taken, by trapping only, for a period; or periods; not exceeding a total of 45 days; in ~~such the~~ areas of the state ~~and~~, during ~~such the~~ times ~~between December 1st and April 30th of the following year~~ and subject to ~~such regulations as any other restrictions which~~ the commissioner shall prescribe; ~~between November 1 and May 31 following; provided that during the calendar year 1975 there shall be no season open for the taking of beaver in that portion of the state lying northerly and easterly of a line commencing at the intersection of state trunk highway numbered 71 and the Canadian border and running southerly along state trunk highway numbered 71 to its intersection with state trunk highway numbered 6; thence southerly along state trunk highway numbered 6 to its intersection with state trunk highway numbered 18; thence easterly along state trunk highway numbered 18 to its intersection with state highway numbered 23; thence northeasterly along state trunk highway numbered 23 to Duluth except Pine county; provided further that in the portion of the state lying northerly and easterly of the line previously described that beaver may be taken in the calendar year 1976 and following; in the manner and subject to regulations described above, but only for a period; or periods; not exceeding a total of 45 days between November 1 and May 31 following.~~

Sec. 12. Minnesota Statutes 1976, Section 100.27, Subdivision 5, is amended to read:

Subd. 5. Except as otherwise expressly provided, quail, partridges or ruffed grouse, Canada spruce grouse, pheasants, prairie chicken or pinnated grouse, white breasted or sharp tailed grouse, Hungarian partridge ~~or~~, chukar partridge, ~~or~~ turkeys (meleagris gallopavo) may be taken and possessed, subject to all other provisions of chapters 97 to 102, only in ~~such the~~ areas of the state and during ~~such the~~ times between September 16 and December 31, ~~as which~~ the commissioner shall prescribe. ~~The commissioner may by order prescribe an additional period for the taking of turkeys in the spring.~~

Sec. 13. Minnesota Statutes 1976, Section 100.27, Subdivision 7, is amended to read:

Subd. 7. ~~Badger;~~ Mink, squirrels, rabbits, hares, raccoon, lynx, bobcat, fox, 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, ~~other than squirrels, rabbits, and hares,~~ the entire carcass, including the hide, shall be turned over and surrendered to the nearest conservation officer or employee of the division within 24 hours of the time ~~such~~

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the animal was killed.

Sec. 14. Minnesota Statutes 1976, Section 100.28, Subdivision 1, is amended to read:

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

Sec. 15. Minnesota Statutes 1976, Section 100.29, Subdivision 1, is amended to read:

100.29 RESTRICTIONS AND PROHIBITIONS. Subdivision 1. It shall be unlawful 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. It shall be unlawful to take pheasants between sunset and 9 a.m.

Sec. 16. Minnesota Statutes 1976, Section 101.42, Subdivision 8, is amended to read:

Subd. 8. Except as otherwise specifically permitted, it shall be unlawful to take trout, except lake trout, ~~on the opening day of the season prior to the hour of 10:00 A.M., Central Standard Time; or on any other day of the open season; between 11:00 P.M., Central Standard Time; 11 p.m.~~ and one hour before sunrise.

Sec. 17. Laws 1961, Chapter 66, Section 1, as amended by Laws 1971, Chapter 867, Section 1, is amended to read:

Section 1. **GAME AND FISH; SMALL GAME HUNTING LICENSES; WILDLIFE DEVELOPMENT, EXTENSION OF PROGRAM.** The provisions of Laws 1957, Chapter 644, Sections 1 to 4 appearing in Minnesota Statutes ~~1969~~ 1976 as Sections 97.481 to 97.484 inclusive, shall continue in effect until ~~December 31, 1978~~ February 28, 1985, notwithstanding any provision of Laws 1957, Chapter 644, Section 5, to the contrary.

Sec. 18. Minnesota Statutes 1976, Section 348.071, is repealed.

Sec. 19. Sections 1 and 16 are effective the day following final enactment. Section 7 is effective March 1, 1978.

Approved May 27, 1977.

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CHAPTER 311—S.F.No.448

[Coded in Part]

*An act relating to public safety; telephone companies; providing for local emergency telephone service; appropriating money.*

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