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**CHAPTER 794-H.F.No.669**

*An act relating to natural resources; modifying certain trespass laws; requiring permission to enter agricultural lands owned by another person; prohibiting the taking of wild animals within certain distances of buildings or livestock; providing penalties; amending Minnesota Statutes 1976, Sections 97.53, Subdivision 1; and 100.273; repealing Minnesota Statutes 1976, Section 100.29, Subdivisions 21 and 22.*

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

Section 1. Minnesota Statutes 1976, Section 97.53, Subdivision 1, is amended to read:

**97.53 PUBLICATION OF ORDERS AND LAWS.** Subdivision 1. As soon as practicable after each legislative session, the commissioner, under the direction of the attorney general, shall make a compilation of the laws relating to wild animals, brought up to date and properly indexed. This compilation shall be printed in pamphlet form of pocket size, and 50 copies distributed to each senator, 25 copies to each representative, and ten copies to each county auditor. Not more than 10,000 copies in addition shall be printed for general distribution. The commissioner shall also prepare syllabi of the laws and deliver to county auditors a sufficient supply to furnish one copy to each person procuring a hunting, fishing, or trapping license. At the beginning of these syllabi, under the heading "Trespass", the commissioner shall summarize the text of section 100.273.

Sec. 2. Minnesota Statutes 1976, Section 100.273, is amended to read:

**100.273 TRESPASS.** Subdivision 1. For purposes of this section, "agricultural lands" mean lands being used to raise agricultural products or lands enclosing domestic livestock, except lands within 66 feet of the water's edge of streams or lakes.

Subd. 2. During the seasons for taking small game or big game No person shall enter upon the agricultural lands of another which are being used to raise agricultural products or upon land enclosing domestic stock of any kind for the any recreational purpose of hunting the above mentioned game as defined by section 87.021 unless and until the permission of the owner, occupant, or lessee is obtained. Wooded areas other than tree farms shall in no case be construed to be agricultural lands within the meaning of this statute.

Subd. 3. No person shall enter upon any land not his own regardless if it is agricultural land with intent to take any wild animals after being notified not to do so, either orally by the owner, occupant or lessee, or by signs erected pursuant to subdivision 6.

Subd. 4. No person while engaged in hunting small game or big game any recreational purpose as defined by section 87.021 shall enter or leave the lands of another, or pass from one portion of another person's land, through a closed gate without

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returning the gate to its original position, nor shall any person destroy, cut or tear down any fence, building, grain, crops, any sign erected pursuant to subdivision 6 or live trees, or wound or kill any domestic livestock animals.

Subd. 5. No person shall take any wild animal with a firearm without the written permission of the owner or occupant of the premises on any private agricultural land not his own or any public right-of-way within 500 feet of any building occupied by a human being or by livestock, or within 500 feet of any stockade or corral containing livestock, nor shall any person take any wild animal with a firearm within 200 feet of any building occupied by a human being on any land other than agricultural land without the oral permission of the owner or occupant of the premises, or within 500 feet of any burning area.

Subd. 6. No person shall erect "no hunting", "no trapping", "no fishing", "no trespassing", or other signs prohibiting trespass upon any lands or waters in which he has no right, title, interests, or license. The owner, occupant, or lessee of any private land, or a duly constituted legal authority of public land, may erect signs prohibiting trespassing, hunting, trapping, or fishing if the signs bear letters not less than two inches high, are signed by the owner, occupant, or lessee, and are posted at intervals of not more than 1000 feet upon the boundaries of the area so protected.

Subd. 7. In taking raccoon, when treed on private land with the aid of dogs, a person while on foot may, without permission of the landowner, enter such private land to retrieve any dogs and then shall immediately leave the premises.

Subd. 3 8. All conservation and peace officers shall enforce the provisions of this section.

Subd. 4 9. Violation of any provision of this section is a misdemeanor. Upon a person's first conviction for violating any provision of this section, any license issued to him pursuant to chapter 98, or any registration pursuant to section 84.82, under which he was exercising or attempting to exercise a privilege while violating this section shall immediately become null and void. Except as otherwise provided in this subdivision, if a person is convicted of a second or subsequent offense prohibited by any provision of this section, any license issued to him pursuant to chapter 98, or any registration pursuant to section 84.82, under which he was exercising or attempting to exercise a privilege while violating this section, shall immediately become null and void and he shall forfeit his right to secure any license for that purpose authorized in chapter 98 or any registration pursuant to section 84.82 for a period of three years from the date of the conviction. If a person is exercising or attempting to exercise a privilege under a license issued pursuant to chapter 98 when arrested for a second violation of this section and the purpose of the license is different from the purpose of the license under which he was exercising or attempting to exercise a privilege when arrested for the first offense, the license involved in the second violation shall immediately become null and void.

Sec. 3. Minnesota Statutes 1976, Section 100.29, Subdivisions 21 and 22, are repealed.

Approved April 7, 1978.

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