

collected at the rate of \$1.50 per gallon or 40 cents per liter as applicable, until July 1, 1981.

Sec. 2. This act is effective July 1, 1979.

Approved May 31, 1979.

CHAPTER 298—H.F.No.1198

An act relating to wild animals; altering or eliminating certain provisions in regard to the taking, possessing, or transporting of game or fish; amending Minnesota Statutes 1978, Sections 98.45, Subdivision 1; 100.27, Subdivisions 4 and 6; 100.29, Subdivisions 7, 19, and 30; and 101.42, Subdivision 18, and by adding a subdivision.

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

Section 1. Minnesota Statutes 1978, Section 98.45, Subdivision 1, is amended to read:

98.45 **REQUIREMENT.** Subdivision 1. Except as specifically permitted in chapters 97 to 102, no person may take, buy, sell, transport, or possess any protected wild animals of this state or any aquatic plants without first procuring a license therefor as provided in section 98.46 or in section 98.48. Every license is issued for a year beginning on the first day of March and is void after the last day of the open season or the lawful time within that year during which the acts authorized may be performed. ~~No license to take beaver or otter may be issued to any person after the third day of the open season provided therefor for that year.~~ Except as provided in this section, no license to take deer with firearm or with bow and arrow may be issued after the day prior to the first day of the regular rifle season, and all license agents shall return all stubs and unsold license blanks to the county auditor on the first business day following the first day of such season. A resident who is discharged from the military or naval forces of the United States, or any active reserve or component thereof, during the regular season for taking deer by firearm or within ten days before its commencement, may be issued, at any time during the firearm deer season and upon a showing of his official discharge paper, a license to take deer with firearm. Only one license of each kind, except as authorized by order of the commissioner adopted pursuant to section 97.53 and except the non-resident short term angling license, may be issued to a person in any licensing year. No license may be transferred except as expressly authorized.

Sec. 2. Minnesota Statutes 1978, 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 the areas of the state, during the times between ~~November 1st~~ October 25th and April 30th of the following year and subject to any other restrictions which the commissioner shall prescribe. Beaver may be taken, by

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trapping only, in the areas of the state, during the times between ~~December 1st~~ October 25th and April 30th of the following year and subject to any other restrictions which the commissioner shall prescribe.

Sec. 3. Minnesota Statutes 1978, Section 100.27, Subdivision 6, is amended to read:

Subd. 6. All migratory game birds, excepting ~~mourning doves~~ Zenaida macroura, may be taken and possessed whenever and so long as the taking or possession is not prohibited by federal laws or regulations, subject, however, to all requirements of chapters 97 to 102, provided that it shall be unlawful to take any migratory game birds at any time in violation of any federal law or regulation. ~~Mourning doves~~ Zenaida macroura shall not be taken and possessed in the state.

Sec. 4. Minnesota Statutes 1978, Section 100.29, Subdivision 7, is amended to read:

Subd. 7. It shall be unlawful to hunt ~~deer during the bow and arrow season~~ big game with a bow and arrow while in possession of, or having under control, any firearm, or to hunt with any bow drawn, held, or released by a mechanical device, or to hunt ~~deer~~ with any poisoned arrow or arrow with explosive tip. Arrow heads for big game hunting must be made of all steel barbless design, the blade or blades of high carbon steel not less than one inch wide for single two edge blade and not less than three inch circumference for three or more blades, minimum weight of all types of 110 grain. Provided, that arrow heads with blades of mill tempered spring steel containing a plastic core or ferrule, conforming to the above dimensions, and with a minimum weight of 90 grain may be used. All arrow heads used for big game hunting shall be kept sharp.

Sec. 5. Minnesota Statutes 1978, Section 100.29, Subdivision 19, is amended to read:

Subd. 19. Any person may, and it shall be the duty of every conservation officer to, kill any dog pursuing or killing deer or moose, and no action for damages shall be maintained against the person for the killing. The owner of any dog which is found pursuing or killing deer, moose, or domestic livestock shall be guilty of a petty misdemeanor.

Sec. 6. Minnesota Statutes 1978, Section 100.29, Subdivision 30, is amended to read:

Subd. 30. It shall be unlawful to use a snowmobile or any type of all-terrain vehicle during the season open for the taking of beaver or otter and for two days thereafter, for the purpose of transporting or checking beaver or otter traps or transporting beaver or otter carcasses or pelts. However, the commissioner may issue a special permit to use a snowmobile or all-terrain vehicle to transport or check beaver or otter traps, or to transport beaver or otter carcasses or pelts, to any licensed trapper having any of the physical disabilities described in section 98.48, subdivision 12. The permit shall be issued in the same manner as provided in section 98.48, subdivision 12. In addition, the commissioner may by order authorize the use of a snowmobile or other type of all-terrain vehicle to transport or check beaver or otter traps, or to transport beaver or otter

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carcasses or pelts in Lake of the Woods County.

Sec. 7. Minnesota Statutes 1978, Section 101.42, Subdivision 18, is amended to read:

Subd. 18. Except as otherwise specifically permitted, it shall be unlawful to have in possession in an automobile or any vehicle or on their person, or at or near any waters, a spear, trap net, dip net, seine, or any other device capable of taking fish, ~~except dip nets~~ and except when acting under permit or contract to trap or seine from the division of fisheries, during the period of February 16 to the opening day for the taking of walleyed pike, April 30, inclusive and except that spears, dip nets, bows and arrows, and devices permitted in section 101.51 used for the taking of rough fish may be possessed between the hours of sunrise and sunset after April 30. This subdivision does not apply to nets used in the taking of trout and smelt in season or to seines or traps used for the taking of minnows for bait.

Sec. 8. Minnesota Statutes 1978, Section 101.42, is amended by adding a subdivision to read:

Subd. 18a. Dip nets shall not be used between one hour after sunset to one hour before sunrise, except for the taking of smelt in season and for landing game fish taken by angling.

Sec. 9. This act is effective the day following final enactment.

Approved May 31, 1979.

CHAPTER 299—H.F.No.1206

An act relating to energy; encouraging municipalities to make maximum utilization of diseased shade trees.

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

Section 1. **[18.024] DISEASED SHADE TREE UTILIZATION.** Subdivision 1. The department of agriculture, in cooperation with the Minnesota energy agency and the Minnesota shade tree advisory committee, shall draft recommendations for wood utilization or disposal systems as defined in Minnesota Statutes, Section 18.023. These recommendations shall encourage maximum utilization of diseased shade trees. In addition to insuring maximum utilization, the recommendations shall be designed to insure public safety and to assure compliance with approved disease control programs.

Subd. 2. A municipality operating a program of sanitation as defined in Minnesota Statutes, Section 18.023 and conforming to all regulations relating to shade tree disease control may, with due attention to the recommendations developed pursuant to subdivision 1, institute a program of wood utilization and disposal which will, to the

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