

CHAPTER 149—S.F.No. 385

An act relating to game and fish; clarifying and making technical changes in the game and fish laws; recodifying establishment of the wild rice management account; defining enforcement officer; defining brown trout as a game fish; defining an unloaded firearm; allowing the commissioner to use the game and fish fund for activities of the enforcement division; designating notices to be placed on state park and wildlife management area boundaries; changing the expiration date for muskrat farm licenses; removing certain restrictions on the size of shooting preserves; prescribing violations of hunting while under the influence of alcohol or a controlled substance; providing when license must be in personal possession; allowing more than one license, except a big game license, to be issued in a license year; exempting big game licenses from certain types of license revocations; prescribing submission of annual reports for tanners, fur dealers, and taxidermists; providing a nonresident under age 16 may purchase a nonresident fishing license and take and possess fish; prescribing conditions for oath administration; eliminating certain requirements for wild animals that are gifts; allowing a person to transport more than one big game animal; eliminating certain restrictions on transporting big game animals; prohibiting a person from trespassing to retrieve wounded game after being notified; allowing a person to ship more than one fish with a permit; prescribing permission needed to take wild animals in certain areas; allowing possession of shotgun and certain shells in areas where deer may be taken; allowing persons to take raccoons with lights and firearms at night; clarifying that a small game license is not required to pursue and tree raccoons during the closed season; authorizing the commissioner to restrict the taking of pine marten and opossum; eliminating requirement for a license and seals to take beaver damaging property; prescribing when certain devices to take fish may be possessed; amending Minnesota Statutes 1986, sections 84.0894; 84.928, subdivision 7; 84.944, subdivisions 1, 2, and 3; 85.41, subdivision 2; 97A.015, subdivisions 18, 25, 43, 45, and 51; 97A.055, subdivision 1; 97A.065, subdivision 2; 97A.075, subdivision 1; 97A.085, subdivisions 5 and 7; 97A.111, subdivisions 2 and 7; 97A.121, subdivision 5; 97A.135, subdivision 1; 97A.201, subdivision 1; 97A.211, subdivisions 1 and 2; 97A.221, subdivision 1; 97A.255, subdivision 2; 97A.311, subdivision 4; 97A.315, subdivision 2; 97A.325, subdivision 1; 97A.331, subdivision 1; 97A.405, subdivision 2; 97A.415, subdivision 1; 97A.421, subdivision 1; 97A.425; 97A.445, subdivision 3; 97A.451, subdivisions 1 and 5; 97A.475, subdivision 7; 97A.481; 97A.505, subdivisions 4 and 5; 97A.535, subdivisions 3 and 4; 97A.545, subdivision 4; 97A.551, subdivision 3; 97B.001, subdivisions 3, 5, and 7; 97B.041; 97B.061; 97B.065; 97B.081, subdivision 1; 97B.601, subdivisions 4; 97B.605; 97B.635; 97B.655, subdivision 2; 97B.701, subdivision 2; 97C.345, subdivisions 2 and 3; 106A.085, subdivision 1; 106A.401, subdivision 1; 106A.615, subdivision 6; 144.95, subdivision 4; and 626.861, subdivision 4; repealing Minnesota Statutes 1986, sections 97A.065, subdivision 4; 97A.255, subdivision 3; 97A.505, subdivisions 1, 3, and 6; 97A.551, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 84.

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

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

ARTICLE 1

Section 1. [84.0911] WILD RICE MANAGEMENT ACCOUNT.

Subdivision 1. ESTABLISHMENT. The wild rice management account is established as an account in the state treasury.

Subd. 2. RECEIPTS. Money received from the sale of wild rice licenses issued by the commissioner under section 84.091, subdivision 3, clauses (1) and (3), shall be credited to the wild rice management account.

Subd. 3. USE OF MONEY IN ACCOUNT. (a) Money in the wild rice management account shall be used by the commissioner for management of designated public waters to improve natural wild rice production.

(b) Money that is not appropriated from the wild rice management account does not cancel but shall remain in the wild rice management account until appropriated.

Sec. 2. Minnesota Statutes 1986, section 97A.015, subdivision 18, is amended to read:

Subd. 18. **ENFORCEMENT OFFICER.** "Enforcement officer" means the commissioner, the director of the enforcement division, a conservation officer, or a game refuge manager.

Sec. 3. Minnesota Statutes 1986, section 97A.015, subdivision 25, is amended to read:

Subd. 25. **GAME FISH.** "Game fish" means walleye, sauger, yellow perch, channel catfish, flathead catfish; members of the pike family, Esocidae, including muskellunge and northern pike; members of the sunfish family, Centrarchidae, including largemouth bass, smallmouth bass, sunfish, rock bass, white crappie, black crappie, members of the temperate bass family, Percichthyidae, including white bass and yellow bass; members of the salmon and trout subfamily, Salmoninae, including Atlantic salmon, chinook salmon, coho salmon, pink salmon, kokanee salmon, lake trout, brook trout, brown trout, rainbow (steelhead) trout, and splake; members of the paddlefish family, Polyodontidae; members of the sturgeon family, Acipenseridae, including lake sturgeon, and shovelnose sturgeon. "Game fish" includes hybrids of game fish.

Sec. 4. Minnesota Statutes 1986, section 97A.015, subdivision 43, is amended to read:

Subd. 43. **ROUGH FISH.** "Rough fish" means carp, buffalo, sucker, sheephead, bowfin, burbot, ~~eiseee~~ cisco, gar, goldeye, and bullhead.

Sec. 5. Minnesota Statutes 1986, section 97A.015, subdivision 45, is amended to read:

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Subd. 45. **SMALL GAME.** "Small game" means game birds, gray squirrel, fox squirrel, cottontail rabbit, snowshoe hare, jack rabbit, raccoon, lynx, bobcat, red fox and gray fox, fisher, pine marten, ~~opossum~~ opossum, badger, cougar, wolverine, muskrat, mink, otter, and beaver.

Sec. 6. Minnesota Statutes 1986, section 97A.015, subdivision 51, is amended to read:

Subd. 51. **UNLOADED.** "Unloaded" means, with reference to a firearm, without ammunition in the barrels and magazine, if the magazine is in the firearm. A muzzle loading firearm with a flintlock ignition is unloaded if it does not have priming powder in a pan. A muzzle loading firearm with percussion ignition is unloaded if it does not have a percussion cap on a nipple.

Sec. 7. Minnesota Statutes 1986, section 97A.055, subdivision 1, is amended to read:

Subdivision 1. **ESTABLISHMENT; PURPOSES.** The game and fish fund is established as a fund in the state treasury. The money in the fund is annually appropriated to the commissioner for the activities of the division of fish and wildlife and the division of enforcement.

Sec. 8. Minnesota Statutes 1986, section 97A.065, subdivision 2, is amended to read:

Subd. 2. **FINES AND FORFEITED BAIL.** (a) Fines and forfeited bail collected from prosecutions of violations of the game and fish laws, sections 84.09 to 84.15, and 84.81 to 84.88, chapter ~~34B~~ 348, and any other law relating to wild animals, and aquatic vegetation must be paid to the treasurer of the county where the violation is prosecuted. The county treasurer shall submit one-half of the receipts to the commissioner and credit the balance to the county general revenue fund except as provided in paragraph (b).

(b) The commissioner must reimburse a county, from the game and fish fund, for the cost of keeping prisoners prosecuted for violations under this section if the county board, by resolution, directs: (1) the county treasurer to submit all fines and forfeited bail to the commissioner; and (2) the county auditor to certify and submit monthly itemized statements to the commissioner.

Sec. 9. Minnesota Statutes 1986, section 97A.075, subdivision 1, is amended to read:

Subdivision 1. **DEER AND BEAR LICENSES.** (a) For purposes of this subdivision, "deer license" means a license issued under section 97A.475, subdivision 2, clauses (4) and (5) and subdivision 3, clauses (2) and (3).

(b) At least \$2 from each deer license shall be used for deer habitat improvement.

(c) At least \$1 from each resident deer license and each resident bear license

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shall be used for deer and bear management programs, including a computerized licensing system.

Sec. 10. Minnesota Statutes 1986, section 97A.085, subdivision 5, is amended to read:

Subd. 5. **SPECIES GAME REFUGE FOR SPECIFIED GAME.** The commissioner may, by order, designate a species game refuge for only specified species. The game refuge must be posted accordingly.

Sec. 11. Minnesota Statutes 1986, section 97A.085, subdivision 7, is amended to read:

Subd. 7. **GAME REFUGE BOUNDARY POSTING.** (a) The designation of a state game refuge is not effective until the boundary has been posted with notices that measure at least 12 inches. ~~The notices posted on state park boundaries must have black letters on a yellow background stating that the area is a state park. The notices on other game refuges must have black letters on a white background stating that the area is a state game refuge.~~

(b) The notices must be posted at intervals of not more than 500 feet or less along the boundary. The notices must also be posted at all public road entrances to the refuges, except where the boundary is also an international or state boundary in public waters. Where the boundary of a refuge extends more than 500 feet continuously through a body of water, instead of placing notices in the water, notices with the words, "Adjacent Waters Included," may be placed on the shoreline at the intersection of the boundary and the water 20 feet or less above the high water mark and at intervals of 500 feet or less along the shoreline.

(c) A certification by the commissioner or the director, or a certification filed with the commissioner or director by a conservation officer, refuge supervisor, or other authorized officer or employee, stating that the required notices have been posted is prima facie evidence of the posting.

Sec. 12. Minnesota Statutes 1986, section 97A.111, subdivision 2, is amended to read:

Subd. 2. **ISSUANCE OF LICENSE.** (a) The commissioner shall investigate the application filed and may require the applicant to produce evidence of the facts stated. The commissioner shall issue a muskrat farm license to an applicant if the commissioner determines that:

- (1) the applicant is the owner of the land;
- (2) the applicant intends to establish and operate a muskrat farm; and
- (3) the establishment of a muskrat farm in the proposed area will conserve the natural resources.

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(b) The license must describe the land and certify that the licensee is entitled to use the land to breed, raise, trap, and trade muskrats. ~~The license expires on December 31 each year but may be renewed annually at the discretion of the commissioner upon payment of the license fee.~~

Sec. 13. Minnesota Statutes 1986, section 97A.111, subdivision 7, is amended to read:

Subd. 7. **ANNUAL REPORT.** By March + 31 of each year, the licensee must submit a signed report to the commissioner covering the preceding ~~calendar~~ license year. The report must be completed on a form furnished by the commissioner stating the license number, the number and value of muskrats killed, transported, and sold from the muskrat farm, and other information required by the commissioner.

Sec. 14. Minnesota Statutes 1986, section 97A.121, subdivision 5, is amended to read:

Subd. 5. **MARKING HARVESTED GAME.** Harvested game, except ducks that are marked in accordance with regulations of the United States Fish and Wildlife Service, must be tagged with a self-sealing tag, identifying the private shooting preserve. The commissioner shall issue the tags at a cost of 15 cents each. The tag must remain attached on the bird ~~until~~ while the bird is ~~actually prepared for consumption~~ transported.

Sec. 15. Minnesota Statutes 1986, section 97A.135, subdivision 1, is amended to read:

Subdivision 1. **PUBLIC HUNTING AND WILDLIFE AREAS.** (a) The commissioner or the commissioner of administration shall acquire and improve land for public hunting, game refuges, and food and cover planting. The land may be acquired by a gift, lease, easement, purchase, or condemnation. At least two-thirds of the total area acquired in a county must be open to public hunting. The commissioner may designate land acquired under this subdivision as a wildlife management area for the purposes of the outdoor recreation system.

(b) The commissioner of administration may transfer money to the commissioner for acquiring ~~wetlands~~ wildlife lands to qualify for Pittman-Robertson funds. The transferred money is reappropriated to the commissioner for the ~~wetland~~ wildlife land acquisition.

Sec. 16. Minnesota Statutes 1986, section 97A.201, subdivision 1, is amended to read:

Subdivision 1. **ENFORCEMENT BY THE COMMISSIONER.** The commissioner shall execute and enforce the laws relating to wild animals. The commissioner may delegate execution and enforcement of the wild animal laws to the director, ~~game refuge managers,~~ and ~~conservation~~ enforcement officers.

Sec. 17. Minnesota Statutes 1986, section 97A.211, subdivision 1, is amended to read:

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Subdivision 1. **NOTICE TO APPEAR IN COURT.** (a) A person must be given notice to appear in court for a misdemeanor violation of the game and fish laws, chapter 84, 105, or ~~106~~ 106A, or section 609.68 if:

(1) the person is arrested and is released from custody prior to appearing before a court; or

(2) the person is subject to a lawful arrest and is not arrested because it reasonably appears to the enforcement officer that arrest is unnecessary to prevent further criminal conduct and that there is a substantial likelihood that the person will respond to a notice.

(b) The enforcement officer shall prepare, in quadruplicate, a written notice to appear in court. The notice must be in the form and has the effect of a summons and complaint. The notice must contain the name and address of the person charged, the offense, and the time and the place to appear in court. The court must have jurisdiction within the county where the offense is alleged to have been committed.

Sec. 18. Minnesota Statutes 1986, section 97A.211, subdivision 2, is amended to read:

Subd. 2. **RELEASE AFTER ARREST.** A person arrested for a misdemeanor violation of the game and fish laws, chapter 84, 105, or ~~106~~ 106A or section 609.68 may obtain release by signing the written notice prepared by the arresting officer promising to appear in court. The officer shall deliver a copy marked "SUMMONS" to the person arrested. The officer must then release the person from custody.

Sec. 19. Minnesota Statutes 1986, section 97A.221, subdivision 1, is amended to read:

Subdivision 1. **PROPERTY SUBJECT TO CONFISCATION.** (a) An enforcement officer may confiscate:

(1) wild animals, wild rice, and other aquatic vegetation taken, bought, sold, transported, or possessed in violation of the game and fish laws or chapter 84; and

(2) firearms, bows and arrows, nets, boats, lines, poles, fishing rods and tackle, lights, lanterns, snares, traps, spears, dark houses, fish houses, and wild rice harvesting equipment that are used, with the owner's knowledge to unlawfully take or transport wild animals, wild rice, or other aquatic vegetation.

(b) An enforcement officer must confiscate nets and equipment unlawfully possessed within ten miles of Lake of the Woods or Rainy Lake.

(c) Confiscated property may be disposed of, retained for use by the division, or sold at the highest price obtainable as prescribed by the commissioner.

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Sec. 20. Minnesota Statutes 1986, section 97A.255, subdivision 2, is amended to read:

Subd. 2. **BURDEN OF PROOF.** In a prosecution that alleges animals have been taken, bought, sold, transported, or possessed in violation of the game and fish laws, the burden of establishing that the animals were domesticated, reared in a private preserve, raised in a private fish hatchery, taken for scientific purposes, ~~or lawfully taken outside of this state,~~ or received as a gift, is on the defendant.

Sec. 21. Minnesota Statutes 1986, section 97A.311, subdivision 4, is amended to read:

Subd. 4. **SUSPENSION OF LICENSE AGENT SUSPENSION.** In addition to other penalties, a license agent that violates a law, rule, or order of the commissioner relating to license sales, handling, or accounting forfeits the right to sell and handle licenses for a period of one year.

Sec. 22. Minnesota Statutes 1986, section 97A.315, subdivision 2, is amended to read:

Subd. 2. **LICENSE REVOCATIONS.** (a) If a person is convicted ~~under subdivision 1~~ of trespassing under subdivision 1 while exercising or attempting to exercise an activity licensed under the game and fish laws or requiring snowmobile registration under section 84.82, the applicable license and registration are null and void.

(b) A person convicted of a gross misdemeanor under subdivision 1, paragraph (b), may not be issued a license to take game for two years after the conviction.

Sec. 23. Minnesota Statutes 1986, section 97A.325, subdivision 1, is amended to read:

Subdivision 1. **GROSS MISDEMEANOR FOR SALES OF \$300 OR MORE.** (a) A person that buys or sells protected wild animals in violation of the game and fish laws where the sales total \$300 or more is guilty of a gross misdemeanor. The person is subject to the penalty in section ~~97A.301~~ 97A.301, subdivision 2, except that the fine is may not be less than \$3,000 or more than \$10,000.

(b) Licenses possessed by a person convicted under this subdivision are null and void and the person may not take wild animals for three years after the conviction.

Sec. 24. Minnesota Statutes 1986, section 97A.331, subdivision 1, is amended to read:

Subdivision 1. **HUNTING WHILE INTOXICATED OR USING NARCOTIC DRUGS UNDER THE INFLUENCE OF ALCOHOL OR A CONTROLLED SUBSTANCE.** A person that violates ~~a~~ the provision of section

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97B.065 relating to hunting while ~~visibly intoxicated or~~ under the influence of alcohol or a narcotic drug ~~under section 97B.065;~~ controlled substance is guilty of a gross misdemeanor.

Sec. 25. Minnesota Statutes 1986, section 97A.405, subdivision 2, is amended to read:

Subd. 2. **PERSONAL POSSESSION.** A person to whom a license is issued must have the license in personal possession while acting under the license and while traveling ~~to and~~ from the area where the licensed activity is performed. If possession of a license is required, a person must exhibit the proper license when requested by a conservation officer or peace officer. A receipt for license fees, a copy of a license, or evidence showing the issuance of a license does not entitle a licensee to exercise the rights or privileges conferred by a license.

Sec. 26. Minnesota Statutes 1986, section 97A.415, subdivision 1, is amended to read:

Subdivision 1. **ONE LICENSE PER PERSON.** Only one trapping and big game license of each kind may be issued to a person in a license year; ~~except the nonresident short-term angling license,~~ unless authorized by commissioner's order.

Sec. 27. Minnesota Statutes 1986, section 97A.421, subdivision 1, is amended to read:

Subdivision 1. **GENERAL.** (a) The license of a person convicted of a violation of the game and fish laws relating to the license or wild animals covered by the license is void when:

(1) a second conviction occurs within three years under a license to take small game or to take fish by angling or spearing;

(2) a third conviction occurs within one year under a minnow dealer's license; or

(3) the conviction occurs under a license not described in clause (1) or (2).

(b) Except for big game licenses and as otherwise provided in this section, ~~and~~ for one year after the conviction; the person may not obtain ~~that~~ the kind of license relating to the game and fish law violation.

Sec. 28. Minnesota Statutes 1986, section 97A.425, is amended to read:

97A.425 RECORD AND REPORTING REQUIREMENTS FOR DEALERS, TANNERS, AND TAXIDERMISTS.

Subdivision 1. **REQUIREMENT.** A person required to have a license under the game and fish laws to buy or sell wild animals, to tan or dress raw furs, or to mount specimens of wild animals, must keep complete records ~~in a book~~ of all transactions and activities covered by the license and submit reports to the commissioner.

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Subd. 2. **RECORDS.** (a) The records must show:

(1) the names and addresses of persons from whom wild animals were obtained and to whom they were transferred;

(2) the dates of receipt, shipment, and sale of wild animals;

(3) detailed descriptions of the number and type of wild animals purchased, sold, and shipped;

(4) serial numbers of seals, tags, or permits required to be attached to the wild animals; and

(5) trapping license numbers for protected fur-bearing animals, unless the trapper is exempt from the license requirement, which must be noted.

(b) A licensed fur dealer, buying for one employer at the employer's place of business is not required to keep separate records if the employer notifies the commissioner in writing that the employer will account for the fur dealer.

(c) The records required under this section must be available for inspection by the commissioner, the director, or their agents at all reasonable times. The records must be preserved and available for two years after the expiration of a license that required them.

(d) Records required of persons licensed to buy or sell wild animals, or to tan or dress raw furs, must be kept in a book supplied by the commissioner.

Subd. 3. **REPORTS.** Except for persons licensed to mount specimens of wild animals, an annual ~~notarized~~ report covering the preceding ~~calendar~~ license year must be submitted to the commissioner by ~~January~~ March 15. The commissioner may require other reports for statistical purposes. The reports must be on forms supplied by the commissioner.

Sec. 29. Minnesota Statutes 1986, section 97A.445, subdivision 3, is amended to read:

Subd. 3. **ANGLING AND SPEARING; DISABLED RAILROAD AND POSTAL RETIREES.** A license is not required to take fish by angling or spearing for a resident that is:

(1) receiving aid under the federal Railroad Retirement Act of 1937, United States Code ~~Annotated~~, title 45, section 228b(a)5; or

(2) a former employee of the United States Postal Service receiving disability pay under United States Code ~~Annotated~~, title 4, section 8337.

Sec. 30. Minnesota Statutes 1986, section 97A.451, subdivision 1, is amended to read:

Subdivision 1. **RESIDENTS OVER AGE 65; FISHING.** A resident age 65

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or over may take fish by angling or spearing without a license if the resident has a valid driver's license, Minnesota identification card, or other document showing age and residency in possession while taking fish and while traveling ~~to and~~ from the location where fish are taken. The person must exhibit the proof of age at the request of a conservation officer or peace officer.

Sec. 31. Minnesota Statutes 1986, section 97A.451, subdivision 5, is amended to read:

Subd. 5. **NONRESIDENTS UNDER AGE 16; FISHING WITH PARENTS.** A nonresident under the age of 16 may take fish by angling without a license if a parent or guardian has a ~~nonresident~~ fishing license. Fish taken by a nonresident under the age of 16 without a license must be included in the limit of the parent or guardian. A nonresident under age 16 may purchase a nonresident fishing license, take fish by angling, and possess a limit of fish.

Sec. 32. Minnesota Statutes 1986, section 97A.475, subdivision 7, is amended to read:

Subd. 7. **NONRESIDENT FISHING.** Fees for the following licenses, to be issued to nonresidents, shall be

- (1) to take fish by angling, \$16;
- (2) to take fish by angling limited to seven consecutive days, \$13;
- (3) to take fish by angling for three consecutive days, \$10; and
- (4) to take fish by angling for a combined license for a family, \$27.50.

Sec. 33. Minnesota Statutes 1986, section 97A.481, is amended to read:

97A.481 LICENSE APPLICATIONS UNDER OATH.

All information required on a license application form must be furnished. The application must be made in writing and under oath. ~~A person authorized to issue licenses has the authority to administer oaths to applicants, and a license may not be issued without actually administering the oath.~~

Sec. 34. Minnesota Statutes 1986, section 97A.505, subdivision 4, is amended to read:

Subd. 4. **STORAGE OF PROTECTED WILD ANIMALS.** A person that stores protected wild animals for others must plainly mark the package, in ink, with the name and address of the owner, the license number of the person taking the animal, and the number and species in the package. A person may not use a commercial cold storage warehouse for protected wild animals, except lawfully taken fish and furs.

Sec. 35. Minnesota Statutes 1986, section 97A.505, subdivision 5, is amended to read:

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Subd. 5. **LICENSE NOT REQUIRED FOR ANIMALS ACQUIRED BY GIFT.** Lawfully taken protected wild animals may be transferred by gift. A person is not required to have a license to possess and transport protected wild animals acquired by gift if the person has written proof as prescribed by the commissioner. ~~If wild animals are transported out of the county where the recipient resides, the recipient must:~~

(1) ~~attach a tag marked in ink, with the name and address of the owner and the license number of the person taking the animals; or~~

(2) ~~furnish an affidavit showing the name and address of the donor.~~

Sec. 36. Minnesota Statutes 1986, section 97A.535, subdivision 3, is amended to read:

Subd. 3. **TRANSPORTATION PERIOD RESTRICTED.** A person may transport ~~one~~ deer, ~~one~~ bear, or ~~one~~ moose during the open season and the two days following the season, and afterwards as prescribed by the commissioner.

Sec. 37. Minnesota Statutes 1986, section 97A.535, subdivision 4, is amended to read:

Subd. 4. **TRANSPORTATION BY PERSON OTHER THAN LICENSEE.** A person other than the licensee may transport deer, bear, or moose that the licensee has registered as prescribed by the commissioner. ~~The person must transport the animal by the most direct route.~~ A tag must be attached to the animal and marked in ink with the address, license number, signature of the licensee, and the locations from which and to which the animal is being transported.

Sec. 38. Minnesota Statutes 1986, section 97A.545, subdivision 4, is amended to read:

Subd. 4. **UNDRESSED GAME BIRDS TAKEN IN ADJACENT STATES OUTSIDE OF THIS STATE.** (a) A person may transport into the state dressed undressed game birds that are lawfully taken and possessed in adjacent states outside of this state.

(b) A resident may ship the undressed game birds by common carrier within the state. A nonresident may ship the undressed game birds out of the state by common carrier. Each shipment must be tagged or sealed by a conservation officer as prescribed by the commissioner.

Sec. 39. Minnesota Statutes 1986, section 97A.551, subdivision 3, is amended to read:

Subd. 3. **SHIPPING ~~ONE~~ FISH TO ANY PERSON.** A person that has a license to take fish may ship ~~one~~ make three shipments of fish in a license year to any person within or out of the state after obtaining a permit for each shipment from the commissioner. A shipment may not contain more than a possession limit of one species of fish per licensee.

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Sec. 40. Minnesota Statutes 1986, section 97B.001, subdivision 3, is amended to read:

Subd. 3. **ENTERING LAND PROHIBITED AFTER NOTICE.** Except as provided in ~~subdivisions 5 and~~ subdivision 6, a person may not enter any land to take a wild animal after being notified not to do so orally by the owner, occupant, or lessee.

Sec. 41. Minnesota Statutes 1986, section 97B.001, subdivision 5, is amended to read:

Subd. 5. **RETRIEVING WOUNDED GAME FROM AGRICULTURAL LAND.** Except as provided in subdivision 3, a hunter, on foot, may retrieve wounded game, during the open season for the game, from agricultural land that is not posted under subdivision 4, without permission of the landowner. The hunter must leave the land immediately after retrieving the wounded game.

Sec. 42. Minnesota Statutes 1986, section 97B.001, subdivision 7, is amended to read:

Subd. 7. **TAKING WITH FIREARMS IN CERTAIN AREAS.** (a) A person may not take a wild animal with a firearm within 500 feet of a building occupied by a human or livestock without the written permission of the owner or occupant:

- (1) on another person's private agricultural land; or
- (2) on a public right-of-way.

(b) A person may not take a wild animal with a firearm without the ~~written~~ permission of the owner within 500 feet of a stockade or corral containing livestock.

(c) A person may not take a wild animal with a firearm:

~~(1)~~ on land other than agricultural land within 200 feet of a building occupied by a human without the oral permission of the owner or occupant of the building; ~~or~~

~~(2)~~ within 500 feet of a burning area.

Sec. 43. Minnesota Statutes 1986, section 97B.041, is amended to read:

97B.041 POSSESSION OF FIREARMS AND AMMUNITION RESTRICTED IN DEER ZONES.

A person may not possess a firearm or ammunition outdoors during the period beginning the tenth day before the open firearms season and ending the second day after the close of the season within an area where deer may be taken by a firearm, except:

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(1) during the open season and in an area where big game may be taken, a firearm and ammunition authorized for taking big game in that area may be used to take big game in that area if the person has a valid big game license in possession;

(2) ~~a~~ an unloaded firearm that is ~~unloaded and~~ in a case or in a closed trunk of a motor vehicle;

(3) a shotgun and ~~only~~ shells containing No. 4 buckshot or smaller diameter lead shot or steel shot;

(4) a handgun or rifle and only short, long, and long rifle cartridges that are caliber of .22 inches;

(5) handguns possessed by a person authorized to carry a handgun under sections 624.714 and 624.715 for the purpose authorized; and

(6) on a target range operated under a permit from the commissioner.

Sec. 44. Minnesota Statutes 1986, section 97B.061, is amended to read:

97B.061 REPORTS AND RECORDS.

If requested by the commissioner, a person who has taken game must submit a report to the commissioner on a furnished form before ~~February +~~ March 15, stating the number and kind of each game animal taken during the preceding ~~calendar~~ license year.

Sec. 45. Minnesota Statutes 1986, section 97B.065, is amended to read:

97B.065 HUNTING WHILE INTOXICATED OR USING NARCOTICS PROHIBITED UNDER THE INFLUENCE OF ALCOHOL OR A CONTROLLED SUBSTANCE.

A person may not take protected wild animals with a firearm or by archery while ~~visibly intoxicated or~~ under the influence of ~~narcotics~~ alcohol or a controlled substance.

Sec. 46. Minnesota Statutes 1986, section 97B.081, subdivision 1, is amended to read:

Subdivision 1. **WITH FIREARMS AND BOWS.** (a) A person may not cast the rays of a spotlight, headlight, or other artificial light on a highway, or in a field, woodland, or forest, to spot, locate, or take a wild animal, while having in possession, either individually or as one of a group of persons, a firearm, bow, or other implement that could be used to kill big game.

(b) This subdivision does not apply to a firearm that is:

(1) unloaded;

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(2) in a gun case expressly made to contain a firearm that fully encloses the firearm by being zipped, snapped, buckled, tied, or otherwise fastened without any portion of the firearm exposed; and

(3) in the closed trunk of a motor vehicle.

(c) This subdivision does not apply to a bow that is:

(1) completely encased or unstrung; and

(2) in the closed trunk of a motor vehicle.

(d) If the motor vehicle under paragraph (b) or (c) does not have a trunk, the firearm or bow must be placed in the rearmost location of the vehicle.

(e) This subdivision does not apply to persons taking raccoons under section 97B.621, subdivision 3.

Sec. 47. Minnesota Statutes 1986, section 97B.601, subdivision 4, is amended to read:

Subd. 4. **EXCEPTION TO LICENSE REQUIREMENTS.** (a) A resident under age 16 may take small game without a small game license, and a resident under age 13 may trap without a trapping license, as provided in section 97A.451, subdivision 3.

(b) A person may take small game without a small game license on land occupied by the person as a principal residence.

(c) An owner or occupant may take certain small game causing damage without a small game or trapping license as provided in section 97B.655.

(d) A person may use dogs to pursue and tree raccoons under section 97B.621, subdivision 2, during the closed season without a license.

Sec. 48. Minnesota Statutes 1986, section 97B.605, is amended to read:

97B.605 COMMISSIONER MAY RESTRICT TAKING OF CERTAIN SMALL GAME ANIMALS.

The commissioner may prescribe restrictions on and designate areas where gray and fox squirrels, cottontail and jack rabbits, snowshoe hare, raccoon, lynx, bobcat, red fox and gray fox; ~~fishers~~; fisher, pine marten, opossum, and badger may be taken and possessed.

Sec. 49. Minnesota Statutes 1986, section 97B.635, is amended to read:

97B.635 FISHER; BADGER; ~~OPPOSSUM~~ OPOSSUM; AND PINE MARTEN.

Based upon population estimates, the commissioner may set the open season for fisher, badger, ~~opposum~~ opossum, and pine marten.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Sec. 50. Minnesota Statutes 1986, section 97B.655, subdivision 2, is amended to read:

Subd. 2. **SPECIAL PERMIT FOR TAKING PROTECTED WILD ANIMALS.** The commissioner may issue special permits under section 97A.401, subdivision 5, to take protected wild animals that are damaging property. A person must have the required license and seals to take beaver under the permit.

Sec. 51. Minnesota Statutes 1986, section 97B.701, subdivision 2, is amended to read:

Subd. 2. **PROHIBITED METHODS OF TAKING.** A person may not take protected birds:

- (1) with a trap, net, or snare;
- (2) using bird lime;
- (3) with a swivel or set gun; or
- (4) by dragging a rope, wire, or other device across a field; or
- (5) by using fire.

Sec. 52. Minnesota Statutes 1986, section 97C.345, subdivision 2, is amended to read:

Subd. 2. **POSSESSION.** (a) Except as specifically authorized, a person may not possess a spear, fish trap, net, dip net, seine, or other device capable of taking fish on or near any waters. Possession includes personal possession and in a vehicle.

(b) A person may possess spears, dip nets, bows and arrows, and spear guns allowed under section 97C.381 on or near waters between sunrise and sunset ~~after April 30~~ between May 1 and February 15.

Sec. 53. Minnesota Statutes 1986, section 97C.345, subdivision 3, is amended to read:

Subd. 3. **DIP NETS.** A person may possess and use a dip net between one hour before sunrise and one hour after sunset ~~after April 30~~ between May 1 and February 15.

Sec. 54. **REPEALER.**

Minnesota Statutes 1986, sections 97A.065, subdivision 4; 97A.255, subdivision 3; 97A.505, subdivisions 1, 3, and 6; and 97A.551, subdivision 1, are repealed.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

ARTICLE 2

CROSS REFERENCE AMENDMENTS

Section 1. Minnesota Statutes 1986, section 84.0894, is amended to read:

84.0894 ENFORCEMENT OF AQUATIC PLANTS AND ENDANGERED SPECIES.

An enforcement officer shall enforce a violation of ~~Laws 1986, chapter 386, article 4, sections 9 to 13~~ 84.0895, 84.091, 84.092, 84.093, and 84.152 in the same manner as a violation of the game and fish laws.

Sec. 2. Minnesota Statutes 1986, section 84.928, subdivision 7, is amended to read:

Subd. 7. **LIABILITY TO ROAD OR TRAIL AUTHORITY.** When a road, trail, or highway right-of-way is used as provided by sections 84.92 to 84.928, 85.018, ~~100.273, subdivision 9,~~ and 296.16, the authority having jurisdiction and the officers and employees of the authority are exempt from liability for any claim by any person arising from that use. This section shall have no effect on the liability of any party or organization having responsibility for the maintenance of a trail or roadway for all-terrain vehicles.

Sec. 3. Minnesota Statutes 1986, section 84.944, subdivision 1, is amended to read:

Subdivision 1. **ACQUISITION CONSIDERATIONS.** In determining what critical natural habitat shall be acquired or improved, the commissioner shall consider:

(1) the significance of the land or water as existing or potential habitat for fish and wildlife and providing fish and wildlife oriented recreation;

(2) the significance of the land, water, or habitat improvement to maintain or enhance native plant, fish, or wildlife species designated as endangered or threatened under section ~~97.488~~ 84.0895;

(3) the presence of native ecological communities that are now uncommon or diminishing; and

(4) the significance of the land, water or habitat improvement to protect or enhance natural features within or contiguous to natural areas including fish spawning areas, wildlife management areas, scientific and natural areas, riparian habitat and fish and wildlife management projects.

Sec. 4. Minnesota Statutes 1986, section 84.944, subdivision 2, is amended to read:

Subd. 2. **DESIGNATION OF ACQUIRED SITES.** The critical natural

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habitat acquired by the commissioner under this section shall be designated by the commissioner as: (1) an outdoor recreation unit pursuant to section 86A.07, subdivision 3, or (2) as provided in ~~section 97.48, subdivision 11, 26, or 27, 101.42, subdivision 9, or 101.475~~ sections 97A.101, 97A.125, 97C.001, 97C.011, and 97C.021.

Sec. 5. Minnesota Statutes 1986, section 84.944, subdivision 3, is amended to read:

Subd. 3. **COUNTY ACQUISITION APPROVAL.** The commissioner must follow the procedures under section ~~97.484~~ 97A.145, subdivision 2, for critical natural habitat acquired under this section.

Sec. 6. Minnesota Statutes 1986, section 85.41, subdivision 2, is amended to read:

Subd. 2. **LICENSE AGENTS.** County auditors are appointed agents of the commissioner for the sale of annual cross country ski licenses and daily permits. A county auditor may appoint subagents within the county or within adjacent counties to sell licenses and permits. Upon appointment the auditor shall notify the commissioner of the name and address of the subagent. The auditor may revoke the appointment of a subagent at any time. Upon demand of the commissioner, the auditor shall revoke a subagent's appointment. The auditor shall furnish license and permit blanks on consignment to any subagent who furnishes a surety bond in favor of the county in an amount at least equal to the value of the blanks to be consigned to that subagent. The county auditor shall be responsible for all blanks issued to, and user fees received by agents, except in St. Louis county or in a county where the county auditor does not retain fees paid for license purposes. In these counties, the responsibilities imposed upon the county auditor are imposed upon the county. The commissioner may promulgate additional rules ~~pursuant to as provided in section 98.50, subdivision 2~~ 97A.485, subdivision 11.

Any resident desiring to sell annual cross country ski licenses and daily permits may either purchase for cash or obtain on consignment license and permit blanks from a county auditor in groups of not less than ten individual blanks. In selling licenses, the resident shall be deemed a subagent of the county auditor and the commissioner, and shall observe all rules promulgated by the commissioner for the accounting and handling of licenses pursuant to section ~~98.50, subdivision 10~~ 97A.485.

The county auditor shall promptly deposit all monies received from the sale of licenses and permits with the county treasurer, and shall promptly transmit any reports required by the commissioner, plus 96 percent of the price to each annual licensee, exclusive of the issuing fee, for each annual license sold or consigned by the auditor and subsequently sold to a licensee during the accounting period. The county auditor shall retain as a commission four percent of all annual license fees, excluding the issuing fee for licenses consigned to subagents.

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Unsold blanks in the hands of any subagent shall be redeemed by the commissioner if presented for redemption within the time prescribed by the commissioner. Any blanks not presented for redemption within the period prescribed shall be conclusively presumed to have been sold, and the subagent possessing the same or to whom they are charged shall be accountable.

Sec. 7. Minnesota Statutes 1986, section 106A.085, subdivision 1, is amended to read:

Subdivision 1. **WARRANTS AND ARRESTS.** ~~The commissioner, director of the fish and game division, game refuge patrol officers, and conservation officers~~ An enforcement officer, as defined in section 97A.015, subdivision 18, may execute and serve warrants, and arrest persons detected in actual violation of sections 106A.005 to 106A.811 as provided in ~~section 97.50, subdivision 4~~ sections 97A.205 and 97A.211.

Sec. 8. Minnesota Statutes 1986, section 106A.401, subdivision 1, is amended to read:

Subdivision 1. **COMMISSIONER MUST RECOGNIZE DRAINAGE OUTLET PROCEEDINGS WHEN PURCHASING WETLANDS.** If the commissioner purchases wetlands under section ~~97.484~~ 97A.145, the commissioner must recognize that when a majority of landowners or owners of a majority of the land in the watershed, petition for a drainage outlet, the state should not interfere with or unnecessarily delay the drainage proceedings if the proceedings are conducted according to this chapter.

Sec. 9. Minnesota Statutes 1986, section 106A.615, subdivision 6, is amended to read:

Subd. 6. **ASSESSMENTS ON WILDLIFE LANDS TO BE PAID FROM WILDLIFE ACQUISITION FUND.** An assessment against state land acquired for wildlife habitat shall be paid from the wildlife acquisition fund as provided in section ~~97.484~~ 97A.071, subdivision 4.

Sec. 10. Minnesota Statutes 1986, section 144.95, subdivision 4, is amended to read:

Subd. 4. **RESEARCH TRIALS.** Research trials of mosquito management methods and materials are subject to the following laws and rules unless a specific written exemption, license, or waiver is granted; sections ~~97.48, 97.488, 98.48~~ 84.0895, 84.092, 97A.045, subdivision 1, 105.38, 105.41, and 105.463; and Minnesota Rules, chapters 1505, 6115, 6120, 6134, and 6140.

Sec. 11. Minnesota Statutes 1986, section 626.861, subdivision 4, is amended to read:

Subd. 4. **PEACE OFFICERS TRAINING ACCOUNT.** Receipts from penalty assessments must be credited to a peace officers training account in the special revenue fund. Money credited to the peace officers training account may be appropriated for but not limited to the following purposes, among others:

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(a) Up to ten percent may be provided for reimbursement to board approved skills courses in proportion to the number of students successfully completing the board's skills licensing examination.

(b) Assessments related to violations described in section ~~97.49, subdivision~~ § 97A.065, subdivision 2, are appropriated to provide peace officer training for persons employed by the commissioner of natural resources who are licensed under section 626.84, subdivision 1, clause (c), and who possess peace officer authority for the purpose of enforcing game and fish laws.

(c) The balance may be used to pay each local unit of government an amount in proportion to the number of licensed peace officers and constables employed, at a rate to be determined by the board. The disbursed amount must be used exclusively for reimbursement of the cost of in-service training required under this chapter and chapter 214.

Approved May 15, 1987

CHAPTER 150—S.F.No. 406

An act relating to commerce; regulating the distribution and sale of motor vehicles; limiting the granting or relocating of certain franchises; specifying the circumstances to be considered; removing certain regulations on nonrenewals; amending Minnesota Statutes 1986, section 80E.14, subdivisions 1 and 2; repealing Minnesota Statutes 1986, section 80E.10.

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

Section 1. Minnesota Statutes 1986, section 80E.14, subdivision 1, is amended to read:

Subdivision 1. **NOTIFICATION; PROTEST; HEARING.** In the event that a manufacturer seeks to enter into a franchise establishing an additional new motor vehicle dealership or relocating an existing new motor vehicle dealership within or into a relevant market area where the line make is then represented, the manufacturer shall, in writing, first notify each new motor vehicle dealer in this line make in the relevant market area of the intention to establish an additional dealership or to relocate an existing dealership within or into that market area. The relevant market area is a radius of ten miles around an existing dealership. Within 15 days of receiving the notice or within 15 days after the end of any appeal procedure provided by the manufacturer, the new motor vehicle dealership may commence a civil action in a court of competent jurisdiction pursuant to section 80E.17 challenging the establishing or relocating of the new motor vehicle dealership. An action brought under this section shall be placed on the calendar ahead of other civil actions to be heard and determined as expeditiously as possible. Thereafter the manufacturer shall not estab-

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