

*therein for payment to the United Fund, and issue his warrant therefor to the United Fund.*

Approved May 25, 1965.

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### CHAPTER 767—H. F. No. 1096

*An act relating to closing of estates in probate wherein the representative is deceased; amending Minnesota Statutes 1961, Section 525.252.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1961, Section 525.252, is amended to read:

**525.252 Probate proceedings; death of representative, closing of estate.** The executor of an executor shall not administer as such executor on the estate of the first testator. No representative of a deceased representative's estate shall administer the estate of the first decedent except that if the first estate is fully administered, he may be authorized by the court in the county wherein the first administration is venued to distribute and wind up the estate in such manner as that court may direct.

Approved May 25, 1965.

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### CHAPTER 768—H. F. No. 1133

[Coded in Part]

*An act relating to pest control; providing penalties; amending Minnesota Statutes 1961, Sections 18.021, Subdivision 3; 18.022, Subdivision 1; 18.031; 18.032, as amended; 18.033; 18.034; Chapter 18, as amended, by adding a section; and 100.26.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1961, Section 18.021, Subdivision 3, is amended to read:

**Subd. 3. Pest control; destructive or nuisance animals.** “**Rodents**” “*Destructive or nuisance animals*” includes such **rodents**

**Changes or additions indicated by *italics*, deletions by ~~strikeout~~.**

*animals as rats, gophers, mice, and others other unprotected wild animals as defined in Minnesota Statutes 1961, Section 100.26, and acts amendatory thereof, which the commissioner may designate as dangerous to the welfare of the people.*

Sec. 2. Minnesota Statutes 1961, Section 18.022, Subdivision 1, is amended to read:

**18.022 Insect pests, plant diseases, bee diseases, and destructive or nuisance animals.** Subdivision 1. Control. When recommended so to do by the commissioner of agriculture, the governing body of any county, city, village, borough, or town of this state is hereby authorized and empowered to appropriate money for the control of insect pests, plant diseases, bee diseases, or rodents *destructive or nuisance animals*. Such money shall be expended according to technical and expert opinions and plans as shall be designated by the commissioner and the work shall be carried on under the direction of the commissioner.

Sec. 3. Minnesota Statutes 1961, Section 18.031, is amended to read:

**18.031 Definitions.** Subdivision 1. When used in sections 18.031 to 18.034 *the terms defined in this section have the meanings given them.*

**Subd. 2.** "Pesticides" has the same meaning as is given to the term "economic poisons" by Minnesota Statutes 1961, Section 24.069, Subdivision 2, and acts amendatory thereof and includes such other chemicals as the commissioner may prescribe pursuant to rule and regulation promulgated in the manner provided by law.

**Subd. 3.** "Spraying and dusting machine operations for hire" means compensation or payment for the application of pesticides or plant growth regulators by any power driven mechanism machine, non-power machine, or by any other device or in any other manner, including manual application, used on the ground or in the air to spray or dust or to provide any other treatment to trees, ornamental shrubbery and lawns, to crops or land or to animals and buildings; and intended to regulate plant growth, to control or eradicate weeds, undesirable brush, plant diseases, insects, nematodes, mites, or rodents; *destructive or nuisance animals as defined in Minnesota Statutes 1961, Section 18.021, and acts amendatory thereof;* but excludes any such mechanism when capable of hand transportation.

**Subd. 4.** "Person" means an individual, partnership, corporation, company, society, association, or firm.

**Changes or additions indicated by italics, deletions by strikeout.**

*Subd. 5. Custom spraying or dusting means spraying and dusting operations as defined in subdivision 3 by a person regularly conducting a business of providing such operations for compensation.*

Sec. 4. Minnesota Statutes 1961, Section 18.032, as amended by Laws 1965, Chapter 45, Section 2, is amended to read:

**18.032 LICENSE; RECORDS, FEES.** Subdivision 1. A person, or his authorized agent, shall not operate a before carrying on spraying and dusting machine operations for hire within this state, unless he has shall obtained obtain a permit license from the commissioner. Operators of ground equipment shall secure a permit from the commissioner of agriculture. Application for this license shall be made upon forms and in such manner, which may include an examination, as the commissioner may prescribe, to enable him to determine if the applicant is qualified and his equipment suitable to perform the contemplated functions. Operators of aerial equipment applicators shall be licensed for commercial spraying and dusting operations in accordance with Minnesota Statutes, Section 360.013, Subdivision 11; such persons shall also secure an endorsement to their commercial operators spraying and dusting license authorizing them to engage in aerial spraying and dusting from the commissioner.

*Subd. 2. A person who carries on spraying or dusting operations or who employs or engages an operator either directly or through his authorized agent, to carry on spraying or dusting operations for hire, shall be the party responsible for the proper application of the material or device, and shall use materials, dosages, formulas, devices, and methods of application acceptable to the commissioner based on registered approved uses of the material or device and within limits prescribed by state and federal laws and regulations. However, such a person shall not be held liable for the actions of the chemical when applied in accordance with the recommendations of the manufacturer or commissioner.*

*Subd. 3. Each person, or his authorized agent, shall keep and maintain a record of each property treated. Such a record shall include but not be limited to the following: Date of treatment, material and dosage used, number of units treated, name of owner, and signature of operator. Invoices containing the required information may constitute such a record. A copy of this record shall be given to the customer. Such records shall be kept and be available to the commissioner or his agents, upon request, for a period of one year from date of treatment.*

Subd. 2 4. A person may receive a permit to operate ground

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spraying equipment by filing an *Each* application; for a license shall be upon a form prescribed by the commissioner, accompanied by a license fee of \$5 and an inspection fee of \$2 for each spraying or dusting machine which the person shall have available for hire. The application shall state such information as the commissioner requires to enable him to determine if the applicant is qualified and his equipment suitable to perform the contemplated functions. Aerial applicators shall be licensed for commercial spraying and dusting operations in accordance with Minnesota Statutes, Section 360.013, Subdivision 11.

Subd. 3.5. Upon receiving a proper application, and payment of the required fee, the commissioner of agriculture may issue a permit. The permit license is effective until January 1 next following the date of its issuance, but may be renewed on that date annually and for subsequent years, in the manner and subject to the conditions governing its issuance originally. *A license shall not be transferable from one person to another.*

Subd. 6. *All fees collected shall be deposited in the state treasury.*

Sec. 5. Minnesota Statutes 1961, Section 18.033, is amended to read:

18.033 **Administration, rules.** The commissioner of agriculture shall administer sections 18.031 to 18.034 18.035 and may promulgate rules and regulations necessary to administer those sections and effect their purpose *in accordance with Minnesota Statutes 1961, Sections 15.0411 to 15.0425, and acts amendatory thereof.*

Sec. 6. Minnesota Statutes 1961, Section 18.034, is amended to read:

18.034 **Persons exempt, operation.** Sections 18.031 to 18.034 *Section 18.032* shall not apply to a farmer *person or an individual home owner* operating his own ground equipment applying pesticides on his own property, or the operation of ground equipment to a farmer not engaged in custom spraying or dusting for hire within 15 miles of his farm residence; but no such person shall operate any such equipment within the corporate limits of any municipality without the consent of the governing body thereof, or doing service or exchange work for a neighbor. *The provisions of sections 18.031 to 18.035 do not apply to treatments prescribed for and administered by licensed veterinarians which are intended to control animal growth, viruses, bacteria, mites causing mange or scabies, fungi, or to control any other physiological ailment not included in section 18.031.*

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Sec. 7. Minnesota Statutes 1961, Chapter 18, as amended, is amended by adding a section to read:

[18.036] **Enforcement, revocation.** Subdivision 1. **Enforcement.** *It shall be the duty of the commissioner, who may act through his authorized agent, to determine whether spraying or dusting operations are in compliance with Minnesota Statutes 1961, Sections 18.031 to 18.035, and acts amendatory thereof.*

Subd. 2. *After notice and a hearing, the commissioner may suspend, for the unexpired term of the license, the license of the licensee.*

Sec. 8. Minnesota Statutes 1961, Section 100.26, is amended to read:

100.26 **Unprotected animals.** Subdivision 1. Weasel, wild cat, lynx, wolves, foxes, bears, gophers, porcupines, and all other quadrupeds for which no closed 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 Minnesota Statutes 1961, Sections 18.021 to 18.035, and acts amendatory thereof,* and steel traps may not be used in the taking of bear, except when and in the manner prescribed by the commissioner. The taking of bear may be prohibited by order of the commissioner in such areas of the state and during such periods as he may deem necessary.

Subd. 2. The English sparrow, blackbird, crow, starling, magpie, cormorant, *common pigeon* and the great horned owl are unprotected wild animals, but all other birds, including their nests and eggs, shall be taken only as authorized by chapters 97 to 102.

Subd. 3. Skunk and civet cats are unprotected wild animals and may be taken either in the daytime or at night and in any manner except with the aid of artificial lights and may be 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 Minnesota Statutes 1961, Sections 18.021 to 18.035, and acts amendatory thereof.*

Sec. 9. **Effective date.** *This act is effective on January 1, 1966.*

Approved May 25, 1965.