

Sec. 2. **EFFECTIVE DATE.**

This act shall be effective the day following final enactment and shall apply to bankruptcies filed on or after that date.

Approved March 18, 1982

CHAPTER 462 — S.F.No. 411

An act relating to wild animals; providing additional authority for the commissioner of natural resources to limit the numbers of deer and bear hunters under certain circumstances; increasing resident deer and bear license fees; appropriating money for deer and bear management, computerized licensing systems, and emergency feeding of wild animals during the winter of 1982; clarifying provisions concerning possession of certain equipment usable in taking fish; increasing the deer license habitat amount; authorizing the review of a possible agreement between the commissioner and the Mille Lacs Band of Chippewa Indians; clarifying the guide license to take bear; authorizing negotiated sale of certain surplus equipment; amending Minnesota Statutes 1980, Sections 97.48, Subdivision 24; 97.49, Subdivision 1a, and by adding a subdivision; 97.57; 98.455; 100.29, Subdivisions 14 and 18; 101.42, Subdivision 18; and Minnesota Statutes 1981 Supplement, Section 98.46, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapter 561.

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

Section 1. Minnesota Statutes 1980, Section 97.48, Subdivision 24, is amended to read:

Subd. 24. The commissioner may limit the number of persons who may hunt deer or bear in any areas, when he determines that the game supply or area open to hunting is too small for unrestricted hunting it is necessary to prevent an overharvest or to provide for a suitable distribution of hunters, and he may establish by order any practicable method, including a drawing, for impartially determining the persons who may hunt in such areas. Beginning with data available for the 1981 seasons, the commissioner shall give preference to hunters who have previously unsuccessfully applied for the license in question.

Sec. 2. Minnesota Statutes 1980, Section 97.49, Subdivision 1a, is amended to read:

Subd. 1a. (a) For purposes of this subdivision, "deer license" means a license issued by the commissioner under the provisions of section 98.46, subdivision 2, clauses (2) and (3) and subdivision 14, clauses (2) and (3).

(b) It is the policy of this state that at least ~~\$1~~ \$2 from each deer license issued by the commissioner shall be used for the purpose of deer habitat improvement.

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

Sec. 3. Minnesota Statutes 1980, Section 97.49, is amended by adding a subdivision to read:

Subd. 1b. (a) For the purposes of this subdivision, "resident deer license" means a license issued by the commissioner under the provisions of section 98.46, subdivision 2, clauses (2) and (3), and "resident bear license" means a license issued by the commissioner under the provisions of section 98.46, subdivision 2, clause (7).

(b) It is the policy of this state that at least \$1 from each resident deer license and each resident bear license shall be used to fund deer and bear management programs, including the computerized licensing system.

Sec. 4. Minnesota Statutes 1980, Section 97.57, is amended to read:

97.57 DESTRUCTION OF BEAVER DAMS.

Subdivision 1. In any county with unanimous consent of the county board of commissioners, and approval of the land owner, the department of natural resources shall ~~direct the destruction~~ take such action as the county board, commissioner of natural resources and land owner agree upon for the destruction or alteration of any beaver dam and or for removal of beaver from any waterway, stream, or ditch where drainage is being impaired. Such action must be financially feasible. All state parks, state game refuges, and federal game preserves are excluded from this provision.

Subd. 2. In those cases where there is a threat to person or a serious threat to property resulting from a beaver dam, and where the consent required by subdivision 1 cannot be obtained, upon petition a district court may order the department of natural resources to take such actions as are appropriate to ameliorate or mitigate the threat or damage.

Sec. 5. Minnesota Statutes 1980, Section 98.455, is amended to read:

98.455 BEAR HUNTING GUIDE LICENSE.

No person shall for compensation engage in the business or occupation of placing bait for bear or guiding hunters in seeking to take bear without an annual license from the commissioner. The commissioner shall promulgate rules governing qualifications for, issuance and administration of licenses required by this section. No license shall be issued under this section after the day prior to the opening of the season for taking bear by firearms, and all license agents shall return all stubs and unsold license blanks to the county auditor at a time and in a manner to be determined by the commissioner. No license to take bear is necessary to guide bear hunters unless the guide is shooting or attempting to shoot a bear.

Sec. 6. Minnesota Statutes 1980, Section 100.29, Subdivision 14, is amended to read:

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Subd. 14. It shall be unlawful to take deer or moose from any artificial scaffold, platform, or other construction higher than ~~six~~ nine feet above the ground, or to take any big game animal or timber wolf with the aid of dogs or horses. The height restrictions in this subdivision shall not apply to portable stands that are chained, belted, clamped, or tied with rope.

Sec. 7. Minnesota Statutes 1980, Section 100.29, Subdivision 18, is amended to read:

Subd. 18. Except as provided in this subdivision, it shall be unlawful to place decoys or erect blinds in public waters or on public lands more than one hour before the open season for waterfowl. It shall be unlawful or, thereafter, to place decoys in any public waters or on public lands more than one hour before sunrise or to reserve or preempt a shooting location in public waters or on public lands, or to so attempt, by the device of leaving decoys, or a boat, unattended in public waters or on public lands between sunset and one hour before sunrise. This subdivision shall not apply to designated hunting stations established on public lands by order of the commissioner to regulate hunting thereon each day of the open waterfowl season. During the open season for waterfowl it shall be unlawful to leave decoys, or an unattended boat used for hunting waterfowl, in public waters between sunset and one hour before sunrise unless the decoys or boat are adjacent to private lands under the control of the hunter and there is not a natural growth of weeds, rushes, flags, or other vegetation growing in water sufficient to partially conceal a hunter or a boat. It shall be unlawful at all times of the year to leave decoys in public waters between sunset and one hour before sunrise if the decoys constitute a navigational hazard.

Sec. 8. Minnesota Statutes 1980, 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, fish trap, net, dip net, seine, or any other device capable of taking fish, which may be possessed between the hours of sunrise and sunset or to take any fish by means of such devices during the period of February 16 to April 30, inclusive, except when acting under permit or contract to trap or seine from the division of fisheries, during the period of February 16 to April 30, inclusive and except that fish and wildlife. 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 or to legal angling equipment.

Sec. 9. Minnesota Statutes 1981 Supplement, Section 98.46, Subdivision 2, is amended to read:

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

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

- (1) To take small game, \$7;
- (2) To take deer with firearms, ~~\$14~~ \$15;
- (3) To take deer with bow and arrow, ~~\$14~~ \$15;
- (4) To take fish by angling, \$6.50;
- (5) Combination husband and wife, to take fish by angling, \$10.50;
- (6) To take moose, \$140 for an individual or for a party of not to exceed four persons;
- (7) To take bear only, ~~\$14~~ \$15;
- (8) To take turkeys, \$10, in addition to a small game license;
- (9) To take raccoon, bobcat, coyote or fox with the aid of dogs, \$7.50, in addition to a small game license.

Sec. 10. [561.051] LIABILITY FOR ACTS OF WILD ANIMALS.

An owner of land shall not be liable in trespass, nuisance, or otherwise for the actions of wild animals in their natural state.

Sec. 11. DISPOSAL OF CERTAIN SURPLUS EQUIPMENT.

Notwithstanding the provisions of section 16.07, or any other law, the commissioner of natural resources is authorized to negotiate the sale of surplus state equipment to the Leech Lake Band of Chippewa Indians. This authorization is limited to equipment in the possession of the Leech Lake Band of Chippewa Indians and being used for enforcement of game and fish laws on March 1, 1982.

Sec. 12. MILLE LACS BAND OF CHIPPEWA INDIANS.

The commissioner, in consultation with the Mille Lacs Band of Chippewa Indians and other interested persons, shall review and evaluate the claimed right of the Mille Lacs Band to hunt, trap, fish and gather wild rice within the original boundaries of the Mille Lacs Indian Reservation and on contiguous waters free of state regulation and control. Based on this review the commissioner shall submit a report to the legislature by January 1, 1983, which shall include, but not be limited to, a discussion of the desirability and feasibility of entering into an agreement with the Mille Lacs Band similar to the agreements authorized by sections 97.431 to 97.433. Nothing herein shall be construed to authorize the commissioner to enter into any such agreement.

Sec. 13. APPROPRIATION; COMPUTERIZED LICENSING SYSTEM.

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

The sum of \$180,000 is appropriated from the game and fish fund to the commissioner of natural resources to develop and operate computerized licensing systems for the period ending June 30, 1983.

Sec. 14. APPROPRIATION; EMERGENCY FEEDING.

The sum of \$250,000 is appropriated from the game and fish fund to the commissioner of natural resources for the emergency feeding of deer, pheasants, and other wild animals during the winter of 1982. All money so appropriated which is unencumbered on July 1, 1982, shall revert to the game and fish fund.

Sec. 15. EFFECTIVE DATE.

Sections 1, 4, 5, 6, 7, 8, 10, 11, 12, 13 and 14 are effective the day after final enactment. Sections 2, 3, and 9 are effective March 1, 1983.

Approved March 18, 1982

CHAPTER 463 — S.F.No. 85

An act relating to towns; providing for election of town supervisors; amending Minnesota Statutes 1980, Section 367.03, Subdivision 2.

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

Section 1. Minnesota Statutes 1980, Section 367.03, Subdivision 2, is amended to read:

Subd. 2. **VACANCIES.** When a vacancy occurs in any town office the town board shall fill the same by appointment. The person so appointed shall hold his office until the next annual town meeting and until his successor qualifies; provided, that a vacancy in the office of supervisor shall be filled by the remaining supervisors and the town clerk until the next annual town meeting, when his successor shall be elected to hold for the unexpired term. When, because of a vacancy, more than one supervisor is to be chosen at the same election, candidates for the offices of supervisor shall file for one of the specific terms being filled.

Approved March 18, 1982

CHAPTER 464 — S.F.No. 1641

An act relating to family law; defining a species of marital co-ownership of property and providing for its division in dissolution and annulment actions; amending Minnesota Statutes 1980, Section 518.54, Subdivision 5; and Minnesota Statutes 1981 Supplement, Section 518.58.

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