

CHAPTER 44—S. F. No. 124.

An act to amend Sections 3, 9, 16, 28, 38, 40, 51, 85, 91, 109, 115, 118, 125, Chapter 400, Session Laws of 1919, relating to the preservation, protection, and propagation of wild animals, including quadrupeds, birds and fish.

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

Section 1. That Section 3, Chapter 400, Session Laws 1919, be amended so as to read as follows:

"Section 3. **Taking of wild animals restricted.**—No person shall at any time of the year, pursue, take, wound or kill, in any manner, number or quantity, any wild animals protected by law, or buy, offer to buy, sell, offer, or expose the same, or any part thereof, for sale, transport, or have the same in possession, except as permitted by this act. No person shall acquire any property in any wild animals in this state except as authorized by this act, and the legal title to any wild animal taken or reduced to possession in violation of law shall remain in the state, and the title to any wild animal lawfully acquired shall revert to the state whenever any law relating to the possession, use or disposition of such wild animal shall be violated."

Sec. 2. That Section 9, Chapter 400, Session Laws 1919, be amended so as to read as follows:

"Section 9. **Possession of imported game during close season.**—No person shall have in possession in this state any wild animal which has been caught, taken or killed outside of this state at a time when it is unlawful to have such wild animals in possession if caught, taken or killed in this state, or which have been unlawfully caught, taken or killed outside of this state, or unlawfully shipped therefrom into this state, except as hereinafter provided in Sections 40 and 53."

Sec. 3. That Section 16, Chapter 400 Session Laws 1919, be amended so as to read as follows:

"Section 16. **Penalties.**—Unless a different penalty or punishment is herein specifically prescribed, a person who buys, offers to buy, sells, offers for sale, takes, possesses, or transports any wild animal or part thereof in violation of this chapter or of any of the laws of this state relating to the preservation of wild animals, or who violates any of the provisions of, or who fails to perform any duty imposed by this chapter, or who violates any duly adopted regulation of the commissioner, or any person who attempts to do so, is guilty of a misdemeanor and upon conviction therefor shall be punished by a fine of not less than \$10.00 nor more than \$100.00 or by imprisonment in the county jail for not less than 30 days nor more than 3 months, and each wild animal bought, sold, offered for sale, taken, possessed, or transported in violation of law shall constitute a separate offense. Provided that the minimum punishment for un-

lawfully taking deer or for violating any of the provisions of Part VI hereof, relating to commercial fishing, shall be a fine of not less than \$50.00 or imprisonment in the county jail for not less than 60 days. A person who buys, *offers to buy*, sells, offers for sale, takes, possesses, or transports any moose or any part thereof, in violation of this chapter, or who violates any provisions of this chapter prohibiting the placing of a set gun, or the use of an artificial light in hunting, shall be guilty of a gross misdemeanor."

Sec. 4. That Section 28, Chapter 400, Session Laws 1919, be amended so as to read as follows:

"Section 28. Fees.—The applicant, if a resident of this state, shall pay to the county auditor issuing the license the sum of \$1.00 as a license fee for hunting game birds and the sum of \$2.00 as a license fee for hunting quadrupeds, and the sum of \$1.00 as a license fee for *taking* fur-bearing animals, and, if a non-resident or an alien, shall pay to the commissioner the sum of \$50.00 for a license to hunt quadrupeds, and the sum of \$15.00 for a license to hunt game birds, and the sum of \$2.00 for a license to take fish by *angling or spearing*."

Sec. 5. That Section 38, Chapter 400, Session Laws 1919, be amended so as to read as follows:

"Section 38. Non-resident fishing license.—No person over the age of sixteen years who is not a bonafide resident of this state shall take any fish by *angling or spearing* in the waters of this state without first having procured a license so to do from the commissioner, a county auditor or a game warden, or from an agent designated for the purpose by the commissioner."

Sec. 6. That Section 40, Chapter 400, Session Laws 1919, be amended so as to read as follows:

"Section 40. Permits to retain game—How procured.—Any person desiring to retain possession of deer, moose, or game birds after the close of the season therefor, shall surrender the license under which such deer, moose, or game birds were taken, to the Commissioner or game warden and he, if satisfied that such application and surrender is made in good faith, and that the applicant is a resident of this state, shall cause distinctive tags or seals to be affixed to each deer, moose, game bird or part thereof lawfully in possession of the applicant, or he shall issue a written permit to such applicant to keep and use such deer, moose, game birds or part thereof, and thereupon the applicant shall be entitled to retain possession of the same until consumed; provided, no game birds may be retained under a permit after the 31st day of January in the year following that in which they were killed, and no moose or deer may be retained under a permit after the last day of February in the year following that in which they were taken or killed. *Wild animals, lawfully taken and had in possession outside this state, may be brought or shipped into this state and had in possession at any time upon proof*

that they have been so lawfully taken, provided retaining tags herein provided for are attached thereto."

Sec. 7. That Section 51, Chapter 400 Session Laws 1919, be amended so as to read as follows:

"Section 51. Unprotected quadrupeds.—Skunk, hares, or rabbits (other than varying hare or snow shoe rabbit) weasels, wild cat, lynx, wolves, foxes gophers and all other quadrupeds for which a close season is not provided by law, may be taken either in the day time or at night and in any manner."

Section 8. That Section 91, Chapter 400, Session Laws 1919, be amended so as to read as follows:

"Section 91. Whitefish and herring netting—Open season. Sale.—Whitefish and tullibees may be taken by means of gill nets of the sizes herein specified between November 1st and December 10th following, both inclusive, and fresh water herring may be taken by means of gill nets of the sizes herein specified between Nov. 1st and Jan. 10th following, both inclusive, in inland lakes of the state, for private use or consumption but not for sale, provided a license to do so shall be first obtained from the commissioner."

Sec. 9. That Section 109, Chapter 400, Session Laws 1919, be amended so as to read as follows:

"Section 109. Restrictions on establishing.—No game refuge shall be established of less than 640 acres of contiguous lands, provided that refuges of less than 640 acres in area may be established for the protection of waterfowl."

Sec. 10. That Section 115, Chapter 400 Session Laws 1919, be amended so as to read as follows:

"Section 115. Fish raised in private hatcheries—Sale of.—Any person desiring to engage in the business of propagating and selling fish raised in a private hatchery may make application in writing on a form prepared by the commissioner for a permit so to do. The Commissioner when it appears that such application is made in good faith, and when satisfied of the intention and ability of the applicant to construct and maintain all ponds, buildings and hatching and rearing equipment necessary for the artificial propagation of such fish, shall, upon payment of a fee of \$5.00, issue to such applicant a permit to propagate, raise and sell fish of the kind specified in the application, during the entire calendar year; provided, however, that before any fish shall be transported, sold or offered for sale, the package containing the same shall be duly tagged under regulations prescribed by the commissioner. Upon obtaining a like permit, fish raised in a private hatchery without the state may be possessed and sold within this state, provided the same shall be tagged as prescribed under rules and regulations of the commissioner. Such permit shall expire on the last day of December in each year."

Sec. 11. That Section 118, Chapter 400, Session Laws 1919, be amended so as to read as follows:

"Section 118. Capture wild animals for breeding purposes.—Wild animals may be captured and the eggs of birds may be taken, and thereafter had in possession, for the purpose of breeding, under such rules and regulations as the commissioner may prescribe."

Sec. 12. That Paragraph 4, Section 125, Chapter 400, Session Laws 1919, be amended so as to read as follows:

"(4) To seize and confiscate in the name of the state any wild animal, including birds or fish or carcasses or parts thereof, caught, killed, taken or had in possession or under control, or sold or transported in violation of this chapter, and to seize, confiscate, and dispose of all guns, firearms, nets, boats, lines, rods, poles, fishing tackle, lights, lanterns, snares, to unlawfully use the same in pursuing, taking, attempting to take, conceal or dispose of, or transport such wild animal. Articles which have no lawful use may be summarily destroyed. All confiscated wild animals or carcasses or parts thereof, and all confiscated apparatus, appliances or devices shall, if not destroyed as authorized by law, be retained by the commissioner for the use of the department or sold at the highest price obtainable by the commissioner or game wardens, or by an agent of the commissioner, under written authority and supervision of the commissioner. The net proceeds of such sales, after deducting the expense of seizure and sale, and any such commissions, shall be promptly remitted by the warden by whom and under whose authority and supervision the sales were made, to the commissioner, and by him paid into the state treasury; the remittance to be accompanied by the complete and certified report of such sales, supported by proper vouchers covering all deductions made for expenses and commissions, to be filed for record in the office of the commissioner.

Sec. 13. This act shall take effect and be in force from and after its passage.

Approved February 21, 1921.

CHAPTER 45—H. F. No. 249.

An act relating to the construction of chapters 29 and 30, Extra Session Laws Minnesota 1919 and to the salary of the janitor of the Supreme Court of Minnesota.

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

Section 1. Fixing salary of Supreme Court janitor.—Chapters 29 and 30, Extra Session Laws Minnesota 1919, shall be construed as having fixed the annual salary of the janitor of the supreme court at twelve hundred dollars (\$1200) from and after the date of the approval of said chapter 29, and forthwith upon