

as the same appears of record in the office of the register of deeds of the county; Provided, that nothing herein contained shall in any manner affect or infringe any provision of Chapter 59.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 13, 1925.

CHAPTER 195—S. F. No. 415.

An act to amend Section 5598, General Statutes 1923, relating to the preservation, protection and propagation of wild animals, including quadrupeds, birds and fish of both this and other states, and commercial fishing in international waters.

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

Section 1. **Open season for certain fish.**—That Section 5598, General Statutes 1923, be and the same is hereby amended to read as follows:

"5598. Any variety of fish, except black bass, rock bass, *muskellunge*, and sunfish, may be taken by residents of Minnesota who are citizens of the United States, by means of pound nets, gill nets and fyke nets, except during the months of April, May and November, in Lake of the Woods, and during the months of November, April and the first 15 days in May in Rainy Lake, Kabetogama Lake and Namekan Lake, provided a license to do so shall first be obtained from the Commissioner, provided further no commercial fishing shall be authorized by the Commissioner in Kabetogama Lake after January 1st, 1926.

Subdivision 1. Such license shall be procured from the Commissioner. The applicant shall make a written application to the Commissioner, stating the location *in which he desires to fish*, size, and kind of each net he proposes to use, and shall pay the following license fees; For each pound net, the sum of \$35.00; for fyke *nets with four foot hoop or less the sum of \$5.00, over four to six foot hoop the sum of \$10.00, over six to eight foot hoop the sum of \$15.00*; and for each 100 feet of gill net, the sum of \$1.50. *If a license is revoked or cancelled it shall not be issued to any other applicant during the year for which it was originally issued. No license herein provided for shall be granted on applicant until the Commissioner is satisfied that such applicant has equipped himself in accordance with the requirements of this section as hereinafter provided.*

Subdivision 2. The size of the nets and the size of mesh of nets shall be as follows: Pound nets, not less than one and one-half inches bar measure or three inches stretched measure in the pound. Pound nets may be set in strings in Lake of the Woods, but there

shall not be more than two nets to each such string. The shore lead shall not exceed 60 rods and the leads between the pots shall not exceed 50 rods. *A licensee shall not set single pound nets or a string of two pound nets, less than 2500 feet from another single pound net or string of pound nets, either of his own or from the nets of some other pound net licensee. Only one pound net licensee shall fish his pound nets in the same section of water, nor shall more than one such licensee operate from, sort his fish in, or in any other way pertaining to his fishing enterprise, use the same pound net station. In lakes other than Lake of the Woods, not more than one license shall be issued for any one section. A pound net licensee shall remove from the water all his pound net stakes, to which his nets have been attached, before December 30th in the year of his license. If a pound net licensee intends to operate his pound nets during the winter season he may have such stakes as he intends to use, in the water, provided he has first secured in writing the permission of the Commissioner so to do.*

GILL NETS: Not less than four inches stretched measure for taking pickerel and pike-perch, not less than five inches for taking whitefish. There shall be no limitation on the length of any gill net excepting the limit provided in the license of the user. No gill net shall be set within 2,500 feet of a duly licensed pound net provided the pound net is in its rightful location under license, and is in operation.

FYKE NETS: Not less than two inches extension measure. The hoop of such nets shall not be more than eight feet in height. *The wings leading from the hoop shall not be more than 100 feet in length and said wings shall not be any higher than the hoop. It shall be optional with the user of fyke nets to use either wings or one lead, or both, but said lead shall not be more than 300 feet in length and no higher than the hoop, provided, that in waters of Lake of the Woods under the jurisdiction of the State of Minnesota and lying north of Township One Hundred Sixty-Six North, and in Ranges Thirty-three and Thirty-four west of the principal meridian, there shall be no restrictions as to height of leads and wings on fyke nets, and provided that where the leads and wings used on fyke nets in such waters are higher than six feet, then the maximum fee for fyke net license shall be paid.*

Subdivision 3. Licenses for more than six pound nets, or for more than 2000 feet of gill nets or for more than ten fyke nets shall not be issued to any one applicant, *provided that license for only 1000 feet of gill net shall be issued to anyone having a license for 10 fyke nets; provided, however, that a license for only six fyke nets shall be issued to anyone having a license for more than 1000 feet of gill nets.* No licensee shall operate more than one pound net station, nor shall such licensee be interested directly or indirectly, *either by contract, lease or otherwise, in the ownership, control or operation*

of any other station than his own. *A pound net station is the buildings, where and in which a pound net licensee keeps his fishing equipment, nets and boats, and sorts or preserves his fish. No pound net license shall be granted until the applicant shall have satisfied the commissioner that he has equipped himself with a pound net station. An applicant may lease a station and equipment from anyone who is not a pound net licensee.* No pound net licensee shall use or permit to be used his fishing equipment, nets, or boats at any such station other than his own or the one he operates under a lease, except in cases of emergency. Each licensee shall designate in his application the approximate location at which he intends to set gill pound or fyke nets and he shall not set the same elsewhere, except with the consent of the commissioner. Licenses shall not be issued in excess of the following for each body of water named.

LAKE OF THE WOODS: 60 pound nets, 90,000 feet of gill nets, 100 fyke nets.

RAINY LAKE: 20 pound nets, 20,000 feet of gill nets.

KABETOGAMA LAKE: 10 pound nets, 10,000 feet of gill nets.

NAMEKAN LAKE: 5 pound nets, 12,000 feet of gill nets.

No person shall be granted licenses to fish both pound and gill nets, or pound and fyke nets, but holders of gill net licenses may be licensed to fish fyke nets. All licenses for pound, gill, or fyke nets shall become void, and nets used under such license shall be subject to seizure and confiscation, and license revert to the state, except as hereinafter specified unless the licensee devotes his personal attention to fishing under such licenses. *Unless a licensee begins fishing his nets within 30 days after the opening of the season, his license shall be cancelled by the Commissioner. Personal attention to fishing is hereby defined to mean that the licensee shall in person attend to the sorting, caring for, and packing of fish caught in his nets in the station to which said fish are first brought, and to the marketing thereof, with such assistance as he may need to carry on his fishing enterprise.* The provisions of this paragraph relating to the holding of both pound, gill and fyke nets by the same licensee, shall not apply to Rainy Lake, and tributary waters thereof.

No license issued hereunder shall be transferable, and an assignment or attempted transfer of any rights under such license shall subject it to cancellation. No licensee shall assign, transfer, or attempt so to do, any license or any rights therein issued to him. *A commercial fisherman holding a license to fish shall not sell in his own name any fish caught by another such licensee, or caught by anyone not holding such a license.*

Subdivision 4. Numbered metal tags shall be furnished by the Commissioner to each person to whom a license is issued. One

such tag shall be attached by the licensee to each pound and fyke net and two tags to each gang of gill net, and shall be kept thereon during all the time the same are in use. *The year for which the licenses are issued shall be stamped on each metal tag. Any pound, fyke, or gill nets fished without tags shall be contraband and subject to confiscation.*

All gill net licenses may have double the amount of gill nets in running feet in his possession that his license calls for, but no more; but he shall at no time fish any more nets than the amount stated in his license. The Commissioner shall issue two metal tags, numbered and stamped "A" for each 1000 feet of gill net granted an applicant, and two tags, numbered and stamped "B" for an additional 1000 feet of gill net the owner of a license is allowed to have in his possession. If a licensee desires to fish strings of gill nets shorter than 1000 feet he may make application in writing to the Commissioner for "A" and "B" tags for such length of net that he wished to operate, and the Commissioner may issue such additional tags. These tags shall be fastened to a buoy attached to each end of each 1000 feet of net, said buoy to extend at least two feet above water when the net is in use, with a white flag not less than 12 by 12 inches at the top end of each buoy. These tags, "A" and "B," as the case may be, shall be on the buoys of the nets that are in the water fishing and on the nets that are on the shore drying, and the tags on the gangs of nets shall be so attached as to be visible when the nets are in boxes or on the net reel. Any nets not tagged in the possession of a licensee, in his boat or building, or on his premises, shall be contraband, and the same may be confiscated.

Subdivision 5. No net shall be used or set within 500 feet of the mouth of any stream, nor any net within two miles of the mouth of the Warroad River in Lake of the Woods. The mouth of the Warroad River in Lake of the Woods is hereby designated and fixed at the outside end of the breakwater therein. No nets shall be used within two miles of the mouth of Rainy River. The mouth of the Rainy River is hereby designated and fixed at a point in the international boundary line east of the eastern extremity of Oak Point. Said limit shall not apply to Four Mile Bay. No nets shall be used elsewhere than as stated in the license, except the written consent of the commissioner be first obtained. Fish houses may be erected and used in such fishing, subject to the laws relating to fish houses in other waters.

Subdivision 6. Fish so taken may be had in possession, transported, bought and sold during such fishing season, and may be transported, possessed, bought and sold, but not taken for a period of seven days after the close of the fishing season. Such fish may

be frozen or cured during the open season and said frozen or cured fish may be transported, bought, and sold at any time.

Subdivision 7. No person other than the licensee or his agent, shall take or remove any fish nets duly licensed hereunder by the commissioner, *nor remove any fish from such nets*, nor shall any person knowingly injure, obstruct, disturb, or interfere with such nets. *A licensee shall not, knowingly, set his fyke nets, or his gang of gill nets within 500 feet from another licensee's fyke or gill nets, provided such fyke or gill nets are in their rightful place in the water and fishing.*

Subdivision 8. Written reports, *on or before fifteen days after the close of each season herein named*, shall be made to the commissioner on blanks prepared by him, at the end of the summer season, November 1st, and at the end of the winter season, April 1st, stating in detail the total amount and kinds of fish caught, the amount for which such fish were sold, and the total value of each kind. *A licensee who willfully fails or neglects to make such reports shall not be granted a license, as provided for in this section, for one year thereafter.*

All persons licensed to take fish for commercial purposes in international waters shall, as a condition of such licenses, when requested of them by the commissioner, and when it can be done in connection with licensed commercial fishing, take eggs of fish for propagation purposes under such rules and regulations as the Commissioner may prescribe.

Subdivision 9. The Commissioner shall grant all applications for license to fish not to exceed 100 feet of gill net or *one* fyke net in Lake of the Woods, and Rainy Lake, tributary waters thereof, for domestic use of the applicant and his family, irrespective of the provisions of the section covering the amount of gill *and* fyke nets to be used in commercial fishing, if the applicant is otherwise entitled to a license, but no such licenses shall be granted to any commercial fisherman.

Subdivision 10. The Commissioner of Game and Fish is hereby authorized to close the season when sturgeon may be taken to conform with the laws or rules of the Department of Game and Fish of the Province of Ontario, Canada.

Subdivision 11. *No person, company, or corporation shall engage in the business of buying fish caught under commercial fishing licenses in international waters for the purpose of shipping and re-selling such fish, and no fish peddler shall engage in the business of peddling such fish until he, or they, as the case may be, shall have procured a license to do so from the Commissioner.*

Fees payable to the Commissioner for such license shall be as follows: For a wholesale fish buyer's license who buys his fish direct from licensed fisherman, \$25.00. For a resident fish buyer's license

who ships such fish from one place to another on international waters only \$10.00. For a fish peddler's license who peddles such fish with the use of a motor vehicle, \$5.00. Such fish buyers' licenses SHALL be issued for the commercial fishing period in international waters, but no such license shall be required by a commercial fisherman who sells or peddles his own fish. All fish buyers shall furnish to the Commissioner such reports as he may require for statistical purposes, on blanks furnished them for that purpose.

Subdivision 12. Any person, company, or corporation granted a license to buy fish shall keep books and records which shall correctly set forth the names of those persons from whom fish are bought, the amount and kind of fish bought, with the amount paid for each kind of fish.

Subdivision 13. A fish buyers licensee shall at all reasonable hours allow the Commissioner, or any authorized employee of the State Game and Fish Department, to enter and inspect the premises and buildings where fish buying is being carried on under this section and to inspect the books and records of such licensee relating thereto.

Subdivision 14. No fish shall be taken in international waters, killed, possessed, bought, or sold, of less size than hereinafter provided. All such undersized fish shall be returned unharmed to the water immediately upon being taken from the net. Sturgeon not less than 40 inches in length or fifteen pounds dressed weight, with heads and tails detached; whitefish, not less than 16 inches in length; walleyed pike, and pickerel, not less than 14 inches in length; and sand pike and sauger, not less than 10 inches in length; perch, bullheads and crappies, not less than seven inches in length, measurements to be made from tip of the nose to fork of tail.

Subdivision 15. No one shall throw overboard, carry, leave or deposit, or cause to be thrown overboard, carried, left, or deposited in international waters, upon the shore, beach, or bank or upon any island of said waters, dead fish, remains or offal of fish, or leave decayed or decaying fish in any net; provided that such dead fish, remains or offal thereof, may be buried ashore, or may be disposed of in such manner as the Commissioner may prescribe.

Subdivision 16. A person who buys, offers to buy, sells, offers for sale, takes, possesses or transports any fish in violation of this section, or who violates any provision of, or fails to perform any duty imposed by this section, or any person who attempts to do so, is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$50.00 or imprisonment in the county jail for not less than 60 days. Upon conviction of any person for any violation under any license issued to such person under this section such person shall pay a fine of not less than fifty dollars or imprisonment in the county jail for not less than 60 days, and

upon conviction for a second offense within a period of one year, any license issued to any person under this section shall become null and void, and no such license shall be issued to any such person for a period of one year after such conviction.

Subdivision 17. All monies collected for commercial fishing licenses and for fish buyers' and peddlers' licenses issued under the provisions of this act shall be paid to the State Treasurer and credited to the Revenue Fund.

Subdivision 18. No person shall ship by common carrier within or without the state, any fish of any variety, in any package, sack, box, crate, trunk, or other receptacle or covering unless there shall be plainly marked on the same the name and address of the consignor and consignee with the number of pounds of each kind of fish contained therein.

Subdivision 19. The various provisions of this act shall be severable and if any part, provision or subdivision shall be held to be invalid it shall not be held to invalidate any other part, provision, or subdivision hereof."

Approved April 13, 1925.

CHAPTER 196—S. F. No. 495.

(Sec. 5340, Note, G. S. 1923.)

An act to amend Chapter 138, Laws 1921, relating to employment and compensation of public health nurses; and to repeal inconsistent acts.

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

Section 1. **Public health nurses may be employed.**—That Section 1 of Chapter 138, Laws 1921, be and the same is hereby amended to read as follows:

"Sec. 1. Every city council, village council, board of county commissioners, *school board* and town board is hereby authorized and empowered to *employ and to make appropriations for the compensation and necessary expenses of public health nurses, for such public health duties as they may deem necessary.*"

Sec. 2. **Expenses.**—That Section 2 of Chapter 138, Laws 1921, be and the same is hereby amended to read as follows:

"Sec. 2. The term "expenses" as used in the preceding section may cover and include suitably furnished office rooms, records, stationery, postage, nursing and nurses' supplies, transportation, including the purchase and maintenance of automobiles, meals and lodging of nurses when on duty away from their place of residence, telephone, rent and tolls, clerical assistance and such other actual