

Commission, as herein provided, shall be filed with the Attorney General and with the State Auditor, and payment of compensation or other benefits as the same may be determined by the Industrial Commission in such final award shall be paid to the persons entitled thereto by the State Treasurer upon warrants prepared and signed by the Industrial Commission and approved by the State Auditor, pursuant to said final award, out of any money appropriated for the purpose of paying such compensation claims against the State of Minnesota. Provided that it shall not be necessary to take and file receipts with the Industrial Commission for the payment of installments of compensation or other compensation benefits paid under the provisions of this act to employees of the State of Minnesota or in compliance with the final awards of the Commission herein provided.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved April 25, 1927.

CHAPTER 437—H. F. No. 1066

An act to amend Chapter 408, General Laws 1925, relating to fish and providing for the taking, removal and disposition of certain fish from the public waters of this state, and providing for the scientific survey and investigation of public waters of this state and appropriating money to the Game and Fish Commissioner for improving public waters and the propagation and preservation of game and fish.

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

Section 1. **Removal of rough fish from public waters.**—That Section 1, Chapter 408, General Laws 1925, be amended so as to read as follows:

"Section 1. Whenever, after an investigation, the game and fish commissioner finds that any of the following conditions exist:

(1) That carp, buffalofish, sheepshead, dogfish, eelpout, garfish, and turtles inhabit any of the public waters of this state in such numbers as to interfere with or prevent the natural propagation of game fish therein, or that such fish inhabit any of the public waters of this state in such numbers as to destroy or substantially injure wild celery, wild rice or other aquatic plant life growing therein, or

(2) That the removal of the fish above designated and turtles will result in an improvement in the quality of such fish remaining therein and will increase the quantity thereof, or will prevent the

destruction of wild celery, wild rice and other aquatic plant life in such waters; then, and in such case he may provide by contract, or by day labor, under his supervision, or both, for the taking and removal of the fish designated and turtles, by means of seines, nets, or by any other devices, *at any time; provided, however, that the taking and removal of such fish regardless of the means used for so doing, during the time that game fish are spawning, shall not be done in such way or manner as to destroy any game fish spawn or otherwise interfere with the propagation of game fish in this state.*

Provided, however, that in all counties of this state lying southerly of the St. Croix River and tributary to the Mississippi River and having a population of 28,000 or over, according to the last federal census, the respective boards of county commissioners shall have power to prohibit seining or fishing in any of the waters lying within the boundaries of their respective counties by a resolution adopted at their July meeting, and not otherwise. Waters so closed shall not be opened at any subsequent meeting of the board during the ensuing year. No county board shall enter into any contract for such fishing or seining, nor shall the board or any member thereof, solicit, or receive any commission or payment of money for that purpose and,

Provided further, that the game and fish commissioner shall not conduct any operations in any body of water lying wholly within the corporate limits of any city of the fourth class, unless with the consent of the city council thereof. *Contracts for the taking and removal of the designated fish and turtles shall be awarded to residents of the State of Minnesota by the commissioner, and each resident applicant shall when submitting his application to the commissioner for the taking of the designated fish and turtles file a sworn statement with the commissioner giving his name and legal voting address, occupation, list of fishing equipment actually owned by him, value of such equipment and the nature and years, of his experience in the taking and removal of the designated fish and turtles, and what particular knowledge he possesses of the body of water he desires to fish; and the commissioner may award contracts for each body of water on the basis of the experience, qualifications and equipment of the several applicants. Each application shall be separately made for each body of water to be fished. No contract shall be entered into with any person who has been convicted of violating the laws of this state relating to wild animals within a period of one year, nor to any person who is not fully equipped and experienced to undertake successfully the taking and removal of the designated fish and turtles. No contract shall be transferable nor shall any transfer or assignment thereof be valid. Based upon the size, quantity*

and quality of the designated fish and turtles to be taken and removed, size of lake or stream to be fished, depth of water therein, topography, of bed, and kinds and sizes of nets which may be successfully used therein, the commissioner may award fishing contracts on a percentage basis, based on the gross proceeds received from the sale of the designated fish and turtles provided however that not more than 85% of the gross proceeds from the sale of such fish shall be paid to any contractor covering any body of water."

Sec. 2. Game and Fish Commissioner to dispose of fish.—That Section 2, Chapter 408, General Laws 1925, be amended so as to read as follows:

"Section 2. The game and fish commissioner, or his duly authorized agent, is hereby authorized to sell such fish and turtles taken under this chapter, at the highest price obtainable, all bids on such fish to be submitted to the commissioner or his agent in writing and in triplicate one copy to be filed with the commissioner, one copy with contractor and one copy with supervising warden, and may if necessary and advisable in order to secure such highest price obtainable employ agents to represent him in other states and may enter into contracts for the sale of the entire season's production of either live or dead fish taken and removed from any body of water after receiving sealed bids thereon. No fish taken and removed from any body of water may be sold to any wholesale or retail fish dealer or travelling fish buyer within or without the state unless such dealer or buyer shall have complied with the provisions of Chapter 254, Session Laws 1923, relating to the licensing of wholesale dealers in food products. Provided further such fish and turtles as are not of commercial value for food purposes may be sold or otherwise disposed of as fertilizer, poultry or hog feed, or destroyed, and in no case shall any of the fish or turtles taken under this chapter be returned unconfined to the waters from which they are taken, provided in case of fishing operations by the commissioner hereunder by contract or day labor, the game and fish commissioner, if the public interest will best be served thereby, may authorize the contractor, or the commissioner may establish pounds in a portion or portions of such waters in which said fish are taken, or adjacent thereto and connected therewith, or in artificial pounds, and may impound said fish therein by securely fencing said pounds or by otherwise making such fish secure therein, and such fish may be kept in such pound, pounds, artificial pounds, or in a natural inland body of water not exceeding 100 acres, in area which in the discretion and upon the order of the commissioner may be safely used in the public interest for storage without endangering other public waters, by said contractor or commissioner for a period of time only until January 31, during the year following that in which said fish are taken and

must be removed therefrom on or before *January 31* of the year *following that* in which they were taken."

Section 3. To adopt rules and regulations.—That Section 3, Chapter 408, General Laws 1925 be amended so as to read as follows:

"Section 3. The game and fish commissioner is hereby authorized to adopt such rules and regulations as in his judgment are necessary to successfully prosecute the provisions of this chapter, to determine size of mesh in seines and nets, to provide for proper supervision of any and all fishing operations, to provide for proper reports on daily catches and sale of fish, to require necessary guarantees for the fulfillment of all conditions of any contract entered into.

Sec. 4. Not to award contracts to fish in certain waters.—The game and fish commissioner shall not award contracts hereunder for bodies of water aggregating over 2,500 acres to any one individual, association or society, provided if any contractor shall have completed his contract to the satisfaction of the commissioner, then and in that case, such individual, association or society may be awarded additional contracts not to include at any one time more than 2,500 acres of water.

Sec. 5. Moneys to be collected by game and fish commissioner.—All moneys received from the sale of fish or turtles, under this chapter, shall be deposited immediately by the contractor with the game and fish commissioner, and by him disposed of according to section 7 of this chapter, and the contractor shall receive for his services such compensation as may be mutually agreed upon by the commissioner and the contractor.

Sec. 6. Contractors permit to be cancelled in certain cases.—That Section 6, Chapter 408, General Laws 1925, be amended so as to read as follows:

"Section 6. Any contractor who violates any of the *provisions of this act or the regulations* of the game and fish commissioner pertaining to the taking of fish under this chapter, and any contractor who through negligence shall cause the destruction of any game fishes while conducting fishing operations under a contract awarded to him *and any contractor who shall dispose of any fish taken under any contract either by sale or otherwise without first notifying the supervising warden* shall have such contract cancelled and shall forfeit his right to secure another contract under the provisions of this chapter for a period of two years."

Sec. 7. Moneys to be deposited in separate fund.—That Section 7, Chapter 408, General Laws 1925, be amended so as to read as follows:

"Section 7. All moneys received by the game and fish commissioner in conformity with the provisions of this chapter shall be deposited immediately with the state treasurer, who shall deposit same to the credit of a "Fish Lakes Improvement Revolving Fund" and all unexpended balances in the possession of the state treasurer and credited to the "Fish Lakes Improvement Fund" as of June 30, 1927, shall be converted and credited to the said "Fish Lakes Improvement Revolving Fund." All moneys credited to the said "Fish Lakes Improvement Revolving Fund" are hereby appropriated to the said commissioner for the purpose of carrying out the provisions of this act" and the said game and fish commissioner, whenever he deems necessary for the propagation and conservation of fish and waterfowl may construct dams, dykes or embankments, install fish screens, construct and maintain connecting water channels or make similar improvements in any of the waters of this state, or any streams connecting such waters and may acquire any land or any interest or easement in land he deems necessary for such purpose by donation, purchase or condemnation proceedings and to impound or store any unmarketable fish taken under this chapter and shall take such measures as to prevent their escape, and the game and fish commissioner is authorized, if he deems it advisable, to purchase and plant such aquatic plants suitable for the waters so to be planted and to make scientific surveys and investigations of any of the public waters of the state to determine the species of game fish which can be successfully planted and naturally propagated therein and to secure by purchase fish eggs and fish fry for distribution in waters which have been seined or fished under this chapter and for payment of game warden supervision and other necessary help in executing the provisions of this chapter, and also for the preservation and propagation of game and fish. Provided, however, that no contract shall be entered into or no obligation incurred by the commissioner under this chapter in excess of money herein provided.

The purpose and intent of this act is to clear the waters of this state of carp and other non game fish hereinbefore named, and to improve the waters of this state to the end that hunting and fishing may be improved and perpetuated therein, and to that end this act shall be liberally and broadly construed."

"Sec. 8. Laws repealed.—Sections 5594 and 5600, General Statutes 1923 and Chapter 393, General Laws 1921 (not referred to in General Statutes 1923) are hereby repealed."

Approved April 25, 1927.

CHAPTER 438—H. F. No. 1028

An act relating to the taking of game and fish and the issuance of licenses therefor.