

into any contract shall be deemed to have participated in and authorized the same unless he shall cause his dissent therefrom to be entered on the minutes of the meeting.

Sec. 5. Voters may modify act.—The voters of any such village may, at any regular or special election, upon due submission of the question to them, modify the application of any provision of this act, except so far as vested rights may be substantially affected thereby.

Approved April 27, 1929.

CHAPTER 417—H. F. No. 1275

An act relating to wild animals, and the preservation, protection, and propagation thereof, amending certain laws relating thereto.

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

Section 1. Manner of taking fish.—That General Statutes 1923, Section 5499, as amended by General Laws 1925, Chapter 380, be and the same hereby is amended so as to read as follows:

“5499. Fish, unless otherwise specifically permitted by law, shall be taken *only* by angling. It shall be unlawful to take fish *of any kind in any manner* by the use or with the aid of artificial lights *of any kind.*”

Sec. 2. Limits of game and fish—Wanton waste.—That General Statutes 1923, Section 5500 as amended by General Laws 1925, Chapter 380, be and the same hereby is amended so as to read as follows:

“5500. No person shall wantonly waste or destroy wild animals *except as otherwise expressly permitted by law.* The catching, taking or killing of more than fifteen game birds by any one person in any one day, or the catching, taking or killing of more than twenty-five fish by any one person in any one day, except fish lawfully caught, taken or killed with licensed nets, as by this chapter permitted, shall be deemed a wanton waste. No person shall, after taking or killing any protected wild animal, abandon or permit the edible part of the carcass thereof to waste or decay, provided this shall not prevent the

manufacture of fish meal or other animal food out of lawyer burbot or eelpout or carp lawfully taken, or the sale or transportation of such fish meal or food."

Sec. 3. Possession of imported game during closed season.—That General Statutes 1923, Section 5503, be and the same hereby is amended so as to read as follows:

"5503. *Except as expressly permitted by law*, no person shall have in possession in this state any wild animal *or part thereof* 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 *has* been unlawfully caught, taken or killed outside of this state, or unlawfully shipped therefrom into this state."

Sec. 4. Transportation of unlawfully killed game.—That General Statutes 1923, Section 5504, be and the same hereby is amended so, as to read as follows:

"5504. No person shall transport, ship or convey, or attempt so to do, any wild animal or any part thereof, taken, caught, killed *or possessed* in violation of law, and no common carrier or employee of such carrier shall, while engaged in such business, knowingly ship, or receive for shipment, or aid or abet in the shipment of any wild animals, or any part thereof, caught, taken, killed *or possessed* in violation of law."

Sec. 5. Transportation and exportation of saleable fish and game.—That General Statutes 1923, Section 5505, as amended by General Laws 1925, Chapter 380, be and the same hereby is amended so as to read as follows:

"5505. Any person may transport within this state or from a point within to a point without during the open season any wild animals or parts thereof, which may be lawfully sold, except as specifically prohibited by this chapter.

Any person, except agents or employees of a common carrier while engaged in the performance of their duties, *may transport in a vehicle, boat, or other means of transportation otherwise than by common carrier*, or may carry with him as baggage on a common carrier any wild animals, including fish, which may be legally in his possession, and common carriers are hereby permitted to carry such wild animals as baggage. If any such wild animal is carried as baggage and is contained in any package, sack, crate or other container there shall be attached to the outside thereof a tag signed by the

licensee, written or printed, showing the name and address and license number of such licensee and the number and kind of wild animals or parts thereof contained in the same.

Any resident of this state may *ship or transport by common carrier* to any point in the county in which he resides, *consigned to himself only, during any one open season not more than 45 game birds, of which not more than 36 may be water fowl, rails, or shore birds, and not more than 9 may be upland game birds; provided, that not more than 3 shipments may be made in any one season and no shipment shall contain more than 12 waterfowl, rails, or shore birds of all kinds in the aggregate, nor more than 3 upland game birds of all kinds in the aggregate; and any such resident may so ship or transport during any one open season one deer lawfully taken and lawfully in his possession, and may so ship or transport the head or hide of any deer lawfully taken and lawfully in his possession* for mounting or tanning purposes to a point within or without this state; *all subject to the provisions of General Statutes 1923, Section 5506, as amended.*

A non-resident may *ship or transport by common carrier* to a point *within or without this state, consigned to himself only, during any one open season 25 game birds and one deer lawfully taken or killed and possessed by him in this state, in the manner provided by Section 5506 of this chapter.*

Except as otherwise expressly provided by law, no person shall ship or transport any fish outside of this state except those which may lawfully be sold within the state.

Any variety of fish lawfully taken in commercial fishing operations in interstate or international waters may be shipped outside of this state.

A non-resident duly licensed to fish in this state, may, however, ship or transport by common carrier, or carry with him, to a point outside this state not to exceed 24 pounds of fish of any variety or one fish lawfully caught by him in this state on the following conditions:

(a) Each non-resident angling license shall have attached thereto a shipping or transportation coupon for which no charge shall be made and such coupon shall be divided into three equal parts, each part of which shall state the license number and shall contain blank spaces for the name and address of the licensee, the point of origin, the point of destination of shipment, the number of pounds and the variety being shipped, and shall be executed in ink by the licensee and affixed by the licensee to the receptacle containing the fish. Each non-resident licensee holding such transportation coupon

may ship or transport to a point outside the state not to exceed 8 pounds of undressed fish on each of the three coupons.

(b) Only undressed fish may be shipped.

(c) Such shipment shall be made by the licensee to himself only.

A resident may ship fish *lawfully taken and possessed* by him from one point in the state to another provided such shipment must be made to the person taking such fish.

No person shall at any time ship or transport a greater number of any kind of wild animals than he is permitted by law to have in possession at such time. All wild animals under the control of any person, whether actually in his personal custody or in transit or at their destination after shipment, or otherwise, shall be deemed to be in the possession of such person for the purposes of this section and of any other law relating to wild animals."

Sec. 6. Penalties for violation.—That General Statutes 1923, Section 5510, be and the same hereby is amended so as to read as follows:

"5510. (1) Unless a different penalty or punishment is 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 wild animals, *or to the preservation, protection, or propagation thereof*, 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 for the first offense nor less than \$25.00 nor more than \$100.00 for subsequent offenses or by imprisonment in the county jail for not less than 30 days nor more than three months, and each wild animal bought, sold, offered for sale, taken, possessed or transported in violation of law shall constitute a separate offense.

(2) The minimum punishment for unlawfully 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.

(3) A person who buys, offers to buy, sells, offers for sale, takes, possesses or transports any *deer, moose, elk or caribou, or any game birds*, 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 and shall be punished by a fine of not less than \$100.00 nor more than \$1000.00 or by imprisonment in the county jail for not less than 30 days nor more than 1 year, or by both such fine and imprisonment.

(4) Every person who shall falsely impersonate a game warden or game refuge patrolman or other officer acting by or under the authority of the laws relating to wild animals, or a private individual having special authority under said laws to perform any act affecting the rights or interests of another, or who, without authority, shall assume any uniform or badge by which such an officer or person is lawfully distinguished and in such assumed character shall do an act purporting to be official, whereby another is injured or defrauded, shall be guilty of a gross misdemeanor, and punished by a fine of not less than \$100.00 nor more than \$1000.00 or by imprisonment in the county jail for not less than 30 days nor more than one year, or by both such fine and imprisonment."

Sec. 7. Witnesses.—That General Statutes 1923, Section 5513, be and the same hereby is amended so as to read as follows:

"5513. The testimony of a person given in behalf of the state in a prosecution for the violation of this chapter shall not be received as evidence in a prosecution for the same offense against the person so testifying."

Sec. 8. Hunting—Licenses.—That General Statutes 1923, Section 5514, as amended by General Laws 1925, Chapter 380, be and the same hereby is amended so as to read as follows:

"5514. Any person who is a resident of this state, and any member of such person's immediate family, may during the open season, hunt, pursue or kill in any manner permitted by law any wild bird or quadruped, except deer, moose, elk or caribou, which may legally be taken and may trap such fur bearing animals, as may legally be taken, on land owned or leased and occupied as a permanent abode by such person, without procuring a license so to do.

This shall not permit hunting without a license on land not occupied by a person as a permanent abode, or on land so occupied by a person who is not a bona fide owner or lessee thereof, or the taking of any wild animal for which a special permit is required, nor shall it relieve any person from complying with any provision of the laws relating to wild animals except as to obtaining a license. A license to trap beaver may be obtained in the manner prescribed by Section 5543 of this chapter."

Approved April 27, 1929.