

## CHAPTER 418—H. F. No. 1273

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

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

Section 1. **Open season for big game.**—That General Statutes 1923, Section 5537, as amended by General Laws 1925, Chapter 380, and General Laws 1927, Chapter 263, be and the same hereby is amended so as to read as follows:

“5537. Deer may be taken from November 15 to November 25, both inclusive, in even numbered years only, but nothing in this chapter shall be construed to permit the taking or killing of moose, elk or caribou at any time.”

Sec. 2. **Manner of taking.**—That General Statutes 1923, Section 5539, as amended by General Laws 1925, Chapter 380, be and the same hereby is amended so as to read as follows:

“5539. (1) No artificial light, including automobile and motorcycle headlights and spot lights, snare, trap, set gun, swivel gun or other device to entrap or entice deer shall be used, made or set, nor shall any deer be taken by aid or use thereof. *No snare for wolves or other wild quadrupeds shall be set in any runway used by deer. No such snare shall be set with a loop of greater maximum diameter than 12 inches, nor with the top of the loop higher than 24 inches above the ground. No spring pole shall be set or used with any such snare. Deer shall not be shot from any artificial scaffold, platform, or other construction higher than 6 feet above the ground.* Deer shall not be hunted or pursued or killed with dogs. *Violation of any provision of this sub-division relating to artificial lights, set guns or swivel guns shall be a gross misdemeanor, punishable by a fine of not less than \$100 nor more than \$1000 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. Violation of any other provision of this sub-division shall be a misdemeanor, and shall be punishable by a fine of not less than \$50 nor more than \$100, or by imprisonment in the county jail for not less than 60 days nor more than 90 days.*

(2) The licensee shall, after killing a deer, immediately affix to the carcass thereof, coupon tag “B” of his license. Immediately after a deer has been killed there shall be affixed to each carcass of deer

before the same is transported or offered for transportation, a metal locking seal bearing the license number of the owner thereof and the year issued in figures, said seal to be furnished by the commissioner through the county auditors when licenses are sold and for which a fee of 25 cents shall be paid."

**Sec. 3. Open season for certain animals.**—That General Statutes 1923, Section 5541, as amended by General Laws 1925, Chapter 380, be and the same hereby is amended so as to read as follows:

"5541. (1) Gray and fox squirrels may be taken and possessed between October 15 and January 1 following, both inclusive. No person shall hunt, molest or take any gray, *black*, red, fox, flying or other squirrel at any time within the corporate limits of any city or village or within one-quarter of a mile thereof. A person may take, during the open season, not to exceed 7 gray or fox squirrels in the aggregate of all kinds in any one day and may have not to exceed 14 gray or fox squirrels in the aggregate in possession at any time. Black squirrels may not be taken or possessed at any time.

(2) *Bear may be taken during any open season for taking deer, and between April 15 and May 15, both inclusive, next following any such open season for deer.* Steel traps may be used for the purpose of taking or catching bear only upon permission of the game and fish commissioner to do so. Rules and regulations for the safe use thereof shall be prescribed by the commissioner and any one setting them so as to become a danger to persons walking in the woods shall be guilty of gross misdemeanor.

(3) *Raccoon may be taken between October 20 and November 20, following, both inclusive. Raccoon may be taken at any time of day or night. Dogs may be used in taking raccoon, except in territory inhabited or frequented by deer. No person shall molest or take any raccoon in any manner in a den or hollow tree or cut down any tree inhabited or occupied by a raccoon. No trap for raccoon shall be set in or under water or in any muskrat runway.*

(4) Any person desiring to retain in possession during the closed season the skins of protected fur bearing animals shall apply to the commissioner within five days after the close of the season for a permit so to do, and the commissioner or a game warden shall issue to the licensee a distinctive tag for each pelt to be retained in possession; and upon receipt thereof, the licensee shall affix one such tag to each pelt retained in possession. Such pelts lawfully tagged may be bought and sold at any time. This shall also apply to furs taken from animals trapped or killed on land owned or occupied by the trapper."

Sec. 4. **Open season for fur bearing animals.**—That General Statutes 1923, Section 5542, as amended by General Laws 1925, Chapter 380, be and the same hereby is amended so as to read as follows:

“5542. (1) Mink may be taken, bought, sold and possessed in any manner at any time; *provided no traps for mink shall be set in or under water or in any muskrat house or runway.*

(2) *Muskrats may be taken only by trapping in such counties of the state and in such numbers and during such times in the several counties, not exceeding 30 days between March 1 and April 30, both inclusive, in any year in any county, and subject to such other provisions not inconsistent with law, as the commissioner may by regulation from time to time prescribe according to conditions existing in the respective counties. No person shall set or use more than 50 traps for muskrats at any one time. No person shall set, visit, or remove any trap for muskrats between the hours of 8 P. M. and 6 A. M.*

(3) Skunk may be taken in any manner between October 20 and May 1 following, both inclusive.

(4) Such animals, legally taken, may be possessed, bought and sold at any time *upon compliance with all applicable provisions of law relating thereto.*”

Sec. 5. **Beaver and Otter.**—That General Statutes 1923, Section 5543, as amended by General Laws 1925, Chapter 380, and General Laws 1927, Chapter 333, be and the same hereby is amended so as to read as follows:

“5543. (1) No person shall take or possess otter or beaver at any time, or molest or disturb any otter or beaver, except as *hereinafter provided.*

(2) In the event that beaver shall at any time, in any locality, become so numerous that in the judgment of the commissioner, a limited number thereof may be taken without unduly depleting the species, or when they cause substantial damage to a railroad right-of-way, public highway or private property such as to seriously prejudice property rights therein, then and in such case the commissioner, upon receipt of a license fee of \$1.00, and upon the execution and delivery to the commissioner of a bond in the sum of \$500.00, with sureties to be approved by him, conditioned, upon the faithful observance of the laws of this state relating to wild animals and the regulations of the commissioner, may issue to any person as hereinafter provided, a license to take beaver, specifying therein the number of beaver, the time when and the the place where the same may be taken.

(3) The licensee shall report, within fifteen days after the taking of any beaver, the number of beaver so taken by him, to the commissioner, *or to a game warden designated by the commissioner, and shall submit the skins of all such beaver to the inspection of the commissioner or warden*, whereupon the commissioner or warden shall issue *and affix to each skin* a distinctive tag, stamp or seal. The licensee shall pay the commissioner a fee of \$2.50 for each tag, stamp or seal, so issued. Beaver skins so taken and tagged, stamped or sealed may be bought, sold and transported at any time *upon compliance with all applicable provisions of law relating thereto*. The commissioner shall keep a record of each such tag, stamp, or seal, the number sold, to whom sold and the date of sale.

(4) Beaver may be trapped in a game refuge only by the Game and Fish Department by persons employed so to do by the Game and Fish Commissioner under the same conditions hereinbefore specified.

(5) Whenever, for the reasons existing as provided in Section 5543, the commissioner deems it essential to take beaver as provided herein, he shall give to the occupant of any land upon which such beaver taking is contemplated, providing the same is occupied, a written notice of such intention and the approximate number of beaver proposed to be taken, such notice to be sent by registered mail to the actual postoffice address of each such occupant if any there be. The said occupant of any such lands so proposed to be affected shall thereupon have first right and privilege, if exercised within fourteen days after the receipt of such notice from the commissioner, to make personal application to trap, to himself take and trap such beaver, in the manner herein provided. Failure of such occupant within such fourteen-day period to avail himself of such right shall entitle the commissioner to proceed as in the case of unoccupied lands to grant such license to any other person applying therefor as provided by this act. The word "occupant" as herein used shall not apply to those who are trespassers, campers, or squatters upon lands and who hold without color of title, lease, or actual consent of the true owner thereof. The area of land embraced within such occupancy shall be the entire acreage, and the private waters thereon, which are actually under the control and supervision of the occupant and immediately contiguous to his place of abode thereon. *Any person who shall unlawfully take, possess, transport, sell, or otherwise dispose of any beaver or any part thereof shall be guilty of a gross misdemeanor and shall, upon conviction be punished by a fine of not less than \$50 nor more than \$500, or by imprisonment in the county jail for not more than 6 months, or by both such fine and imprisonment."*

Sec. 6. Hares, etc.—That General Statutes 1923, Section 5545, be and the same hereby is amended so as to read as follows:

"5545. Hares, rabbits, weasels, wild cat, lynx, wolves, foxes, gophers, *porcupines* and all other quadrupeds for which a closed season is not provided by law, may be taken either in the day time or at night and in any manner, except that poison may be used to aid in the taking thereof only by permission of the game and fish commissioner and in a manner prescribed by him. *No person shall place any poison in any place inhabited or frequented by wild animals otherwise than as so permitted.*"

Sec. 7. Snow shoe rabbits.—That General Statutes 1923, Section 5546, as amended by General Laws 1925, Chapter 380, be and the same hereby is amended so as to read as follows:

"5546. Varying hare or snow shoe rabbit and mink may be taken either in the day time or at night and in any manner except that poison may not be used *and as provided in sub-division 1 of Section 4 of this act.*"

Sec. 8. Law repealed.—That General Laws 1925, Chapter 129, is hereby repealed.

Approved April 27, 1929.

---

CHAPTER 419—H. F. No. 1296

*An act to amend Section 2, Chapter 185, General Laws 1911, as amended by Section 1, Chapter 345, General Laws 1913, as amended by Section 1, Chapter 417, General Laws 1925; the same being Section 1553 Mason's Minnesota Statutes 1927, and to amend Section 5, Chapter 185, General Laws 1911, as amended by Section 4, Chapter 345, General Laws 1913, as amended by Section 3, Chapter 103, General Laws 1917, the same being Section 1557 Mason's Minnesota Statutes 1927, entitled "An act relating to the acquisition of lands or streets, parks and parkways in cities of the first class and the improvement and government thereof."*

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

Section 1. Proceedings for acquisition of lands.—Section 2 of Chapter 185, General Laws 1911, as amended by Section 1 of Chapter 345, General Laws 1913, as amended by Section 1 of Chap-