

Sec. 8. Property to be conveyed to state.—Upon payment of all indebtedness incurred by such corporation hereunder, including the full principal and interest of all bonds issued by such corporation as herein provided, such corporation shall transfer and convey such armory building and the site thereof to the State of Minnesota for military purposes, and shall pay over to the state any unexpended moneys then held by such corporation, which moneys shall be appropriated to the adjutant general for the maintenance, repair, and improvement of such armory.

Sec. 9. Limit of indebtedness.—Such corporation shall never be subject to an indebtedness in excess of \$1,250,000.00 nor shall it incur any indebtedness except as authorized herein.

Sec. 10. Books to be examined by state comptroller.—The books and affairs of such corporation shall be subject to examination by the state comptroller.

Sec. 11. Provisions separable.—This act shall be held unconstitutional only in the event that some major provisions thereof are found unconstitutional and invalid which would make the act unworkable. Should any minor provisions of this act be held unconstitutional it shall in no way affect or invalidate any other provision or part hereof.

Approved April 25, 1931

CHAPTER 399—S. F. No. 1354

An act relating to wild animals and to the preservation, protection, and propagation thereof, amending the following sections of Mason's Minnesota Statutes of 1927 and Acts amendatory thereof: 5498, 5510, 5548; 5551, 5553, 5554, 5555, 5556, 5563, 5587, 5588, 5595 and 5597, and repealing Section 5584.

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

Section 1. Manner of taking game.—That Mason's Minnesota Statutes of 1927, Section 5498, as amended by Laws 1929, Chapter 170, be and the same hereby is amended so as to read as follows:

"5498. Birds and quadrupeds protected by law shall be taken only in the daytime with a gun not larger in bore than a ten gauge fired from the shoulder, or with a bow and arrow, except that upland game birds and quadrupeds may be taken with a rifle or pistol. It shall be unlawful to use any kind or type of silencer on any firearm, or to own or possess any kind or type of silencer for a firearm, or to own or possess any firearm equipped or designed to have a silencer attached thereto. No person while in a motor vehicle shall take game, nor discharge any firearm therefrom at any wild animal, nor carry a gun or other firearm, except a pistol or revolver, in a motor vehicle unless the same be unloaded in both barrels and magazine and taken apart or contained in a case. Traps for the purpose of taking fur bearing animals protected by law may be used as herein provided but traps shall not be staked or set in any manner during the closed season for the same. A person may take game birds during the open season with the aid of a dog, unless specifically prohibited herein."

Sec. 2. Penalties for violation.—That Mason's Minnesota Statutes of 1927, Section 5510, subdivisions (2) and (3), as amended by Laws 1929, Chapter 417, be and the same are hereby amended so as to read as follows:

"(2) The minimum punishment for violating any of the provisions of Part VI hereof, relating to commercial fishing, shall be a fine of \$50.00 or imprisonment in the county jail for 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 part thereof, or any person who buys, offers to buy, sells, or offers for sale any game bird 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 misdemeanor and shall be punished by a fine of not less than \$75.00 nor more than \$100.00 or by imprisonment in the county jail for not less than 30 days nor more than 90 days."

Sec. 3. Open season for game birds.—That Mason's Minnesota Statutes of 1927, Section 5548, be and the same is hereby amended so as to read as follows:

"5548. Mourning dove, prairie chicken (*also called* pinnated grouse), white-breasted (*also called* sharptailed) grouse and upland plover may be taken or possessed between September 16th and

October 1st following, both inclusive, and woodcock may be taken or possessed between October 1st and November 30th, both inclusive; *provided, that said kinds of birds may be taken only in odd-numbered years.*"

Sec. 4. Open season for water fowl.—That Mason's Minnesota Statutes of 1927, Section 5553, be and the same hereby is amended so as to read as follows:

"5553. (a) Wild ducks, wild geese, coots, and Wilson or jack snipe, may be taken and possessed between *October 1st* and December 31st following, both inclusive.

(b) *Rails and gallinules, except coot, may be taken and possessed between September 16th and November 30th following both inclusive.*

(c) *Greater and lesser yellowlegs may be taken and possessed between September 16th and December 31st following, both inclusive.*

(d) *Notwithstanding the foregoing provisions of this section, any of the aforesaid kinds of birds may be taken and possessed at any time between September 16th and December 31st following, both inclusive, whenever and so long as the taking thereof is not prohibited by federal laws or regulations; provided, that it shall be unlawful to take any of the aforesaid kinds of birds or other migratory game birds at any time in violation of any federal law or regulation.*"

Sec. 5. Hours for taking migratory game birds.—That Mason's Minnesota Statutes of 1927, section 5554, be and the same hereby is amended so as to read as follows:

"5554. Migratory game birds may be taken each day only from one-half hour before sunrise until sunset during the open season therefor; *provided, that no such birds shall be taken before twelve o'clock noon on the first day of the open season therefor.*"

Sec. 6. Limit on number of water fowls.—That Mason's Minnesota Statutes of 1927, Section 5555, be and the same is hereby amended to read as follows:

"5555. A person may take *in one day* during the open season not to exceed 12 of any one of the following kinds of birds: *wild ducks, rails (including coots, gallinules, and other rails), jack snipe*

(also called *Wilson snipe*), and yellow-legs (including greater and lesser), and not to exceed 4 wild geese; provided, that no person shall take more than 15 such birds of all kinds in the aggregate in one day. No person shall have in possession at any one more than 30 in the aggregate of all the aforesaid kinds, of which not more than 5 shall be wild geese. Not more than 120 ducks may be taken during any one open season."

Sec. 7. Manner of taking water fowl.—That Mason's Minnesota Statutes of 1927, Section 5556, be and the same is hereby amended to read as follows:

"5556. (a) Water fowl and rails may be taken during the open season from any place on land from a stationary or permanent artificial blind used to conceal the hunter, when located on land, but not from a permanent artificial blind placed anywhere in public waters and may also be taken from a temporary but stationary blind or from a boat or canoe propelled by paddle, oar or pole (other than a sail or power boat), when the same is within a natural growth of weeds, rushes, flags or other vegetation, sufficient to partially conceal the hunter, but may not be taken from power or sail boats or upon the open water, or from aeroplanes, or from sink boxes built in public waters.

(b) Rifles may not be used in taking waterfowl, or rails. Artificial decoys or live decoys may be used.

(c) The pursuing or shooting of wounded birds in the open water in a boat or canoe propelled by oar, paddle or pole is permitted.

(d) Entering open water in a boat or canoe for the purpose and with the intention of causing a flight of birds resting thereon is forbidden.

(e) Not more than six live decoys may be used to any one blind. The placing of decoys, or the erection of temporary blinds in public waters during the closed season for waterfowl is forbidden."

Sec. 8. Bait.—That Mason's Minnesota Statutes of 1927, Section 5563, be and the same hereby is amended to read as follows:

"5563. Minnows for bait may be taken at any time with a net, trap or seine; *provided*, that immature game fish and carp shall be carefully sorted out at the time of taking and the game fish at once returned to the water and the said carp at once destroyed; *provided further*, that no net or seine used for the taking of minnows shall be more than 25 feet in length or more than 3 feet in depth. Minnows as defined in Paragraph 12, Section 5649, may be bought and sold. *Provided*, however, no minnows shall be taken with a net, trap or seine in waters inhabited by trout. The use of game fish except yellow perch for bait is prohibited. The sale, or transportation of live or *preserved* minnows imported from other states is prohibited for any purpose."

Sec. 9. **Law repealed.**—That Mason's Minnesota Statutes of 1927, Section 5584, be and the same hereby is repealed.

Sec. 10. **Frogs—manner of taking.**—That Mason's Minnesota Statutes of 1927, Section 5587, be and the same hereby is amended so as to read as follows:

"5587. Frogs, *not to exceed six inches in length, measuring from tip of nose to tip of hind toes, legs fully extended*, may be taken and possessed, bought; sold, and transported for angling purposes *only* in any manner and at any time, except during the months of April and *the first 15 days in May*, and may be taken for scientific purposes at any time *under written permit from the commissioner*. *Provided*, that neither live nor dressed frogs shall be transported outside the state of Minnesota for commercial or any other purposes and *provided further*, that it shall be unlawful to use cloth screens or other similar contrivances and pitfalls in the catching of frogs. *Bull frogs or parts thereof lawfully taken outside of the state may be imported into this state for food purposes and may be possessed, sold, and transported for such purposes at any time.*"

Sec. 11. **Turtles.**—That Mason's Minnesota Statutes of 1927, Section 5588, be and the same hereby is amended so as to read as follows:

"5588. Turtles and tortoises may be taken, possessed, bought, sold and transported in any manner at any time, *provided*, that *every net, trap, or other device used in the taking of turtles or tortoises in any of the public waters of this state shall be so con-*

structed as freely to permit the escape of fishes through openings having a least diameter of not less than three and one-half inches, or, in case of a net, having a mesh of not less than three and one-half inches bar measure, or seven inches extension measure; provided further, that any fish which may be caught in any such net, trap, or other device shall be promptly released and returned to the water unharmed."

Sec. 12. Netting in certain interstate waters—open season.—That the unnumbered paragraph immediately preceding Subdivision 1 of Mason's Minnesota Statutes of 1927, Section 5595, be and the same hereby is amended so as to read as follows:

"5595. Fish, other than trout, pike, bass, pickerel, sunfish, yellow perch, crappies, *sturgeon* and catfish under 15 inches in length, bullheads under seven inches in length, may be taken in Lake St. Croix, and in *the flowing waters of the Mississippi River* beyond the mouth of the St. Croix River, including Lake Pepin, where said waters form a common boundary between this and other states, between June 15th and April 15th following, both inclusive, by means of seines, fyke or hoop nets, gill nets, bait nets, set lines and turtle nets, provided a license to do so shall be first obtained from the commissioner. Provided, that no fishing for commercial purposes under license shall be done in any of the waters described in this section except under the personal supervision of a duly commissioned game warden, one-half of the salary and expense of said supervising warden to be paid by licensee, and, provided that the total amount for salary and expense for said supervising warden to be paid by the licensee shall not exceed the sum of two dollars (\$2.00) per day, such supervising warden to be paid only for such time as he is actually employed, and more than one licensee may be supervised by the said supervising warden during the same day, and the said licensee, so joining, may join in the payment for such services. The provisions herein contained requiring supervision of commercial fishing by game wardens shall not apply to fishing with licensed set lines and shall not take effect and be in force as to the boundary waters between the State of Minnesota and the State of Wisconsin until the State of Wisconsin shall have enacted a similar law. Provided, further, that restrictions of this section as to open seasons for fishing and size of mesh nets, shall not apply to lakes or streams on interstate boundaries, where the laws of the adjoining state are more favorable or less restrictive in these respects than are the laws of this state, but on such inter-

state waters the open season for fishing and the size of mesh of nets shall be the same as provided by the laws of the adjoining state where such laws are more favorable or less restrictive than the laws of this state."

Sec. 13. License—fees.—That Mason's Minnesota Statutes of 1927, Section 5595, Subdivision 1, be and the same hereby is amended to read as follows:

"Subdivision 1. Such license shall be procured from the commissioner. The applicant shall make a verified application in writing to the commissioner stating (a) his name and residence, (b) the kind, size and number of seines or nets he proposes to use in such waters, and shall pay the following license fees: For each 100 feet of seine not exceeding 500 feet in length, the sum of \$1.00; for each 100 feet of seine in excess of 500 feet and not over 1,000 feet, the sum of \$2.00; for each 100 feet in excess of 1,000 feet and not over 1,500 feet, the sum of \$3.00; for each 100 feet of seine in excess of 1,500 feet and not over 2,000 feet, the sum of \$4.00; for each 100 feet of seine in excess of 2,000 feet and not over 2,500 feet, the sum of \$5.00; for each 100 feet of seine in excess of 2,500 feet and not over 4,000 feet, the sum of \$6.00; for each gill net not exceeding 500 feet in length the sum of \$2.50; for each gill net exceeding 500 feet in length and not over 1,000 feet, the sum of \$5.00; for each fyke or hoop net the sum of \$5.00; for each bait or turtle net, the sum of \$1.00; for each set line, the sum of \$1.00; and for each metal tag furnished by the commissioner, the sum of 25 cents."

Sec. 14. Size of mesh.—That Mason's Minnesota Statutes of 1927, Section 5595, Subdivision 2, be and the same hereby is amended so as to read as follows:

"Subdivision 2. No seine shall be over 4,000 feet long and no gill net shall be over 1,000 feet long and no two seines or gill nets shall be joined together in the water. The size of the mesh of nets, stretched measure, shall be as follows:

Seines—Not less than 5 inches mesh on wings and not less than 4 inches mesh in the center of the pot, such pot not to exceed 150 feet in length.

Hoop nets—Not less than 6 inches mesh for the leaders and not less than 5 inches net for the hearts and not less than 3 inches mesh in the hoops or pounds.

Bait nets—Not less than 3 inches mesh. Such nets shall be used without leads and shall have not more than a 4-foot front.

Gill nets—Not less than 7 inches mesh.

The use of floating or drift nets is hereby forbidden."

Sec. 15. **License restrictions on issuance.**—That Mason's Minnesota Statutes of 1927, Section 5595, Subdivision 4, be and the same hereby is amended so as to read as follows:

"Subdivision 4. No such license shall be issued to any person who has been convicted of a violation of the laws of this state relating to wild animals within five years of his application nor to any person not a resident of this state. No such license shall be transferable. *Before any such license is issued for the calendar year of 1932, or for any subsequent year, the applicant shall furnish a bond to the state, approved by the commissioner, in the sum of two hundred dollars, with two sureties, conditioned upon compliance with all the provisions of this chapter. Any license for a net of any kind hereunder shall become void unless the licensee devotes his personal attention to fishing thereunder. Personal attention to fishing is hereby defined to mean that the licensee shall, in person, attend to the drawing, setting, and lifting of each such net, sorting, caring for, and packing of fish caught therein at the station to which such fish are first brought, and to the marketing thereof."*

Sec. 16. **Metal tags attached to nets.**—That Mason's Minnesota Statutes of 1927, Section 5595, Subdivision 5, be and the same hereby is amended so as to read as follows:

"Subdivision 5. 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 set line, one to each 500 feet or fraction of gill net, one to each 500 feet or fraction of seine, one to each fyke, hoop, bait or turtle net so licensed, and shall be kept thereon during all the time the same are in use or in storage."

Sec. 17. **Netting in Mississippi river—license.**—That Mason's Minnesota Statutes of 1927, Section 5597, be and the same is hereby amended so as to read as follows:

"5597. *Subdivision 1.* Pound nets with leaders not exceeding 75 feet in length; seines not exceeding 300 feet in length, dip nets and set lines having not more than 300 hooks, may be used in the

flowing waters of the Mississippi River, from the Falls of St. Anthony to a point 1,000 feet below the St. Croix River, and in the flowing waters of the Minnesota River from its mouth to Mankato, to take sheepshead, redhorse, dogfish, buffalofish, catfish, carp and suckers, except from April 15th to June 15th, both dates inclusive, provided a license shall be first procured for that purpose from the commissioner. Seines so used shall have meshes of not less than 2½ inches on the bar and not less than 5 inches when extended, and shall not be used within 500 feet of the mouth of any stream. The applicant shall make a written application to the commissioner stating (a) his name and residence and (b) the place where it is proposed to use nets or seines and shall pay a license fee of five dollars for each pound or dip net licensed to be used, the sum of ten dollars for each seine net licensed to be used, and the sum of one dollar for each set line so licensed. The licensee shall not change the location of his net or seine from the place specified in his application without notifying the commissioner to that effect. No person shall use more than one set line."

"Subdivision 2. No such license shall be issued to any person who has been convicted of a violation of the laws of this state relating to wild animals within one year preceding his application nor to any person not a resident of this state. No such license shall be transferable."

"Subdivision 3. Before any such license is issued, the applicant shall furnish a bond to the state, approved by the commissioner, in the sum of two hundred dollars, with two sureties, conditioned upon compliance with all the provisions of this chapter."

"Subdivision 4. Nets shall not be raised or laid out or landed between one hour after sunset and sunrise the following morning. Every pound net must be raised at least once in seven days. Temporary fish ponds may be erected to keep fish lawfully caught under such license until the same be marketed. Fish so taken may be shipped to points within or without this state at any time and in any quantity."

"Subdivision 5. No two seines shall be joined together in the water. Every seine when placed in the water shall be hauled to a landing immediately. The placing of any seine so as to obstruct the passage of fish either up or down any stream is hereby prohibited."

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