

3/16 inch bar measure or more than four feet in depth if material of smaller than 3/16 inch bar measure is used; to take minnows from waters designated by the commissioner as trout lakes or streams *without a special permit which the commissioner may issue when conditions warrant it*; to possess or transport minnows for sale except with the use of equipment approved by regulations of the commissioner; or to take minnows from any waters from one hour after sunset to one hour before sunrise. Licensed itinerant minnow dealers may take minnows, except in streams and designated trout lakes, with a seine not more than 50 feet in length or more than 222 meshes in depth of one fourth inch bar measure or more than 296 meshes in depth of 3/16 inch bar measure, or more than six feet in depth if material of smaller than 3/16 inch bar measure is used.

Approved May 27, 1969.

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#### CHAPTER 807—S. F. No. 797

*An act relating to wild animals; requiring the tagging of fish houses or dark houses used during the winter fishing season; requiring all structures placed on the ice to be labeled with the owner's name and address; imposing a fee for tags; amending Minnesota Statutes 1967, Sections 98.46, Subdivision 5, and 101.42, Subdivision 16.*

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

Section 1. Minnesota Statutes 1967, Section 98.46, Subdivision 5, is amended to read:

Subd. 5. **Fish; houses; licenses.** Fees for the following licenses, to be issued to residents only, shall be:

(1) To spear fish from a dark house, \$1;

(2) For any fish house or dark house used during the winter fishing season, \$2 for each fish house or dark house not rented or offered for hire, and \$3 for each fish house or dark house rented or offered for hire. *Each such fish house or dark house shall have attached to the outside a metal tag at least two inches in diameter with a 3/16 inch hole in the center, which will be issued with a license. Each metal tag shall be stamped with a number to correspond with the fish house or dark house license and also shall be stamped with the year of issuance. The metal tag shall be attached to the fish house or dark house as designated by commissioner's order;*

**Changes or additions indicated by italics, deletions by ~~strikeout~~.**

- (3) To net whitefish, tullibees or herring from inland lakes or international waters, for domestic use only, for each net, \$1;
- (4) To conduct a taxidermist business, \$2;
- (5) To maintain fur and game farms, including deer, \$5;
- (6) To take mussels or clams, \$5;
- (7) To prepare dressed game fish shipments for nonresidents as provided by Minnesota Statutes, Section 97.45, Subdivision 6, as amended, \$10;
- (8) Itinerant minnow dealer, \$15 plus \$10 for each vehicle;
- (9) Itinerant minnow dealer's helper, \$2.50 for each helper. Itinerant minnow dealer's helpers' licenses shall be issued to the itinerant minnow dealer and are transferable by the dealer at will to his own helpers;
- (10) Exporting minnow dealer, \$200, plus \$10 for one vehicle only. No licenses to transport fathead minnows beyond the boundaries of the state will be issued for 1961 calendar year after the effective date of Laws 1961, Chapter 477, and the number issued prior to the effective date of Laws 1961, Chapter 477 will not be exceeded in subsequent years. The renewal of such existing licenses will be reserved through April 1 of the following year; licenses not so renewed will not be made available until the total number has been reduced to below 35 licenses.

Each vehicle license shall cover a specific truck, tractor-trailer, or semi-trailer, the serial number, license number, make, and model shall be specified on the license which must be conspicuously posted in the vehicle licensed. No vehicle shall be licensed if the maximum tank capacity exceeds 300 cubic feet, inside measurement, and unless it complies with reasonable regulations adopted pursuant to the provisions of Minnesota Statutes, Section 101.42, Subdivision 5:

The exporting minnow dealer's license and vehicle license are void upon the sale of the business or death of the licensee. Provided, however, a succeeding owner of the business upon meeting the required qualifications will be issued the required licenses upon application and payment therefor. In the event of the death of the licensee the administrator or executor of the estate may purchase such licenses and operate the business until the sale thereof. If there is no estate then the widow or a member of the immediate family, if qualified, will be issued the required licenses upon application and payment therefor.

**Changes or additions indicated by *italics*, deletions by ~~strikeout~~.**

Sec. 2. Minnesota Statutes 1967, Section 101.42, Subdivision 16, is amended to read:

Subd. 16. Except as otherwise specifically permitted, it shall be unlawful to have on the ice on any waters of this state a dark house, fish house or shelter, *whether or not used* for the purpose of taking fish, without the name and address of the owner plainly and legibly painted on the exterior in letters and figures at least three inches in height. *Any dark house, fish house, or shelter used for the purpose of taking fish shall be licensed by the owner and shall have attached to the exterior a metal license tag, issued by the commissioner of conservation, while such dark house, fish house or shelter is on the ice. It is also unlawful to use a dark house, fish house or shelter for taking fish unless the door thereto is constructed so that it can be opened from the outside at all times when in use; or to permit any such structure to remain on the ice after February 28. No person shall erect a dark house, fish house or shelter for taking fish within ten feet of a previously existing dark house, fish house or shelter for taking fish. The commissioner may by order extend the time for such structures to remain on the ice on international boundary waters or any part thereof to a later date. Copies of such orders shall be conspicuously posted on the shores of the affected waters as the commissioner directs. Any such structures found or used on the ice in violation of any provision hereof may be seized and confiscated as provided by section 97.50, subdivision 5. It shall be the duty of every conservation officer to summarily confiscate and remove or destroy any such structure found on the ice after the time herein limited. The contents of any such structure left on the ice shall be seized by the conservation officer and held for a period of 60 days after which articles which have not been claimed by the owner may be retained for the use of the division or sold at the highest price obtainable in the manner prescribed by the commissioner. When angling in a dark house it shall be unlawful to have a spear within the interior of a dark house, fish house, or shelter.*

The provisions of this subdivision are subject to the following exceptions:

A fish house or shelter may be used on the ice after February 28 if the season for taking any species of fish therefrom is open at the location thereof, provided no fish house or shelter be placed upon the ice prior to 7 o'clock a.m. and they are removed therefrom by 7 o'clock p.m. each day. Any such fish house or shelter left on the ice after 7 o'clock p.m. shall be subject to all the foregoing provisions hereof.

**Changes or additions indicated by italics, deletions by ~~strikeout~~.**

Sec. 3. *This act is effective January 1, 1970.*

Approved May 27, 1969.

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CHAPTER 808—S. F. No. 810

*An act relating to wild animals; prohibiting the burning on the ice of a dark house, fish house, or shelter except by conservation officers under certain conditions; amending Minnesota Statutes 1967, Section 101.42, Subdivision 16.*

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

Section 1. Minnesota Statutes 1967, Section 101.42, Subdivision 16, is amended to read:

Subd. 16. **Fish; houses; burning.** Except as otherwise specifically permitted, it shall be unlawful to have on the ice on any waters of this state a dark house, fish house or shelter for the purpose of taking fish without the name and address of the owner plainly and legibly painted on the exterior in letters and figures at least three inches in height; to use a dark house, fish house or shelter for taking fish unless the door thereto is constructed so that it can be opened from the outside at all times when in use; ~~or to permit any such structure to remain on the ice after February 28; or to burn any such structure on the ice of any waters of this state, except under the supervision of the department of conservation. The department, upon request of the owner of said structure, shall allow burning only after determination by the department that no other reasonable course of action will allow the structure to be removed from the ice. After burning, the owner or those employed by him shall remove the remains of said structure from the ice by whatever means necessary.~~ No person shall erect a dark house, fish house or shelter for taking fish within ten feet of a previously existing dark house, fish house or shelter for taking fish. The commissioner may by order extend the time for such structures to remain on the ice on international boundary waters or any part thereof to a later date. Copies of such orders shall be conspicuously posted on the shores of the affected waters as the commissioner directs. Any such structures found or used on the ice in violation of any provision hereof may be seized and confiscated as provided by section 97.50, subdivision 5. It shall be the duty of every conservation officer to summarily confiscate and remove, ~~or burn or otherwise~~ destroy any such structure found on the ice after the time herein limited. The contents of any such structure left on the ice shall be seized by the con-

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