

CHAPTER 100

DIVISION OF GAME AND FISH; QUADRUPEDS; BIRDS

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100.01 MANNER OF TAKING GAME. 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.

[1919 c. 400 s. 4; 1925 c. 380; 1929 c. 170; 1931 c. 399 s. 1] (5498)

1935-156-1 **100.02 ENTERING GROWING GRAIN; TRESPASSING.** No person shall at any time enter into any growing grain or standing grain not his own with intent to take or kill any wild animal, nor permit any dog with which he shall be hunting to do so for such purpose, without permission from the owner or person in charge thereof. No person shall at any time enter upon any land not his own with intent to take or kill any wild animals after being notified by the owner or occupant thereof not to do so. This notice may be given orally or by posting written or printed notices to that effect, in the English language, in conspicuous places on the land so protected.

[1919 c. 400 s. 7] (5501)

100.03 NO HUNTING WITHIN TWO MILES OF CERTAIN CITIES. No person shall hunt, or have in possession for the purpose of hunting, within two miles of the corporate limits of any city having a population of 50,000 or more, any gun, rifle, or other firearm; except in a city having a population of 50,000 or more, and bordering on interstate waters, a person may be permitted to hunt migratory water-fowl; provided, that upland game birds and migratory water-fowl may be taken in this area by means of shotguns when the taking is done not closer than 500 feet of any structure inhabited by human beings or domestic stock, or not closer than 500 feet of any stockade, corral, or enclosure used for the purpose of confining domestic stock. Target practice with the use of rifles on duly established and properly guarded rifle ranges anywhere within two miles of the limits prescribed, outside of the 500 feet set forth, and trap-shooting or shotgun practice by members of duly organized gun clubs of ten or more members on lands owned or leased or occupied for that purpose by such clubs within the area prohibited

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for use of shotguns are excepted from the operation of this section and may be permitted by special permit of the director.

[1919 c. 400 s. 15; 1933 c. 392 s. 2; 1939 c. 244; 1939 c. 348] (5509) *Aug 1945 - 117 - 1*

100.04 OPEN SEASON FOR BIG GAME. Deer may be taken from November fifteenth to November twenty-fifth 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; provided, that in any county of this state containing not less than 90, and not more than 100, full and fractional congressional townships, in addition to the open season for deer hereinbefore provided, deer may be taken with bow and arrow only from November first to November fifth, in even-numbered years only. Except that one antlered moose may be taken within the Northwest Angle state forest during such open season as may be provided in any year between October tenth and October twentieth, through the issuance of orders therefor by the director, who, with the approval of the commissioner, shall promulgate and publish rules and regulations in keeping with the minutes and resolutions of the commissioner prescribing the manner of taking and transporting such big game and all further provisions which are deemed necessary and pertinent thereto.

[1919 c. 400 s. 43; 1921 c. 450 s. 1; 1923 c. 426 s. 1; 1925 c. 380 s. 1; 1927 c. 263; 1929 c. 418 s. 1; 1937 c. 236 s. 1; 1939 c. 256] (5537)

100.05 LIMIT OF DEER. A person may take one such deer in an open season. [1919 c. 400 s. 44; 1925 c. 380] (5538)

100.053 BIG GAME HUNTING. Subdivision 1. **Size of firearm.** It shall be unlawful for any person to hunt, pursue, shoot, or kill any of the big game animals of this state with a rifle or firearm which discharges a projectile the diameter of which projectile is less than 23-100ths of an inch; and it shall be unlawful for any person to hunt, pursue, shoot, or kill any of the big game animals of this state except with cartridges not less than one and three-fourths inches in length and containing a soft point or expanding bullet, the measurement to include the cartridge or shell and the bullet seated in the usual manner. Nothing herein contained shall prohibit the use of cartridges less than one and three-fourths inches in length provided such cartridges are at least .35 caliber or larger.

Subdivision 2. **Shot or buckshot, use prohibited.** It shall be unlawful for any person to hunt, pursue, shoot, or kill any of the big game animals of this state with cartridges containing shot or buckshot.

Subdivision 3. **Penalty for violation.** Any person convicted of a violation of any of the provisions of this section shall be guilty of a misdemeanor and punished by a fine of not less than \$50.00, nor more than \$100.00, or, in the discretion of the court, by imprisonment in the county jail for a period of not less than 30 days, nor more than three months.

[1941 c. 412 ss. 1, 2, 3]

100.055 USE OF LIGHTS IN HUNTING BIG GAME. No person, whether singly or as one of a group of persons, shall have in possession or under control unless unloaded and properly encased, or broken down, any firearm or other implement whereby big game could be killed and at the same time throw or cast the rays of a spot-light, headlight, or other artificial light on any highway or in any field, woodland, or forest for the purpose of spotting, locating, hunting, catching, taking, killing, or wounding any big game animal. *Aug 1945 - 534 - 1*

[1941 c. 498 s. 1]

100.056 MOTOR VEHICLES USED IN HUNTING BIG GAME UNLAWFULLY SUBJECT TO CONFISCATION. Any person violating any of the provisions of sections 100.055 to 100.057 shall be guilty of a gross misdemeanor and all motor vehicles, trailers, headlights, spot-lights, guns and firearms, or other contrivances and all paraphernalia used and possessed in violation thereof are hereby declared to be a public nuisance and subject to seizure and confiscation in accordance with law and the provisions of sections 100.055 to 100.057.

[1941 c. 498 s. 2]

100.057 CONFISCATION PROCEEDINGS AFTER SEIZURE. All motor vehicles or trailers declared to be a public nuisance under the provisions of sections 100.055 to 100.057 shall be seized and held subject to the order of the district court of the county in which the offense was committed and may be confiscated after conviction, if the court shall so direct; provided, the director, his deputy or agents, prior to any order directing confiscation, shall have made and filed with the court

a separate complaint against the property, describing the same and charging the use thereof in violation of the provisions of sections 100.055 to 100.057, specifying substantially the time and place of the unlawful use. A copy of the complaint shall be served upon the defendant or person in charge of the property at the time of seizure, if any. If the person so arrested shall be acquitted, the court shall dismiss the complaint against the property and order the same returned to the persons legally entitled thereto. Upon conviction of any person so arrested, the court shall issue an order directed to any person known or believed to have any right or title or interest in or lien upon any such property and to persons unknown claiming any such right, title, interest, or lien, describing the property and stating that the same was seized and that a complaint against the same charging violation of the provisions of sections 100.055 to 100.057 has been filed with the court and requiring such persons to file with the clerk of the court their answer to the complaint, setting forth any claim they may have to any right or title to or interest in or lien upon any such property within ten days after the service of such order, as herein provided, and notifying them in substance that if they fail to so file their answer within that time, the property will be ordered sold by the director, or his agents, and the proceeds of the sale paid into the state treasury and credited to the game and fish fund. The court shall cause this order to be served upon any such person known or believed to have any such right, title, interest, or lien as in the case of a summons in a civil action and upon unknown persons by publication as provided for service of summons in a civil action. If no answer is filed as and within the time prescribed, the court shall, upon affidavit by the clerk of the court being filed in his office setting forth such fact, order the property sold by the director, or his agents, and the proceeds of the sale, after deducting the expense of keeping the property and fees and costs of sale, paid into the state treasury and credited to the game and fish fund. If answer is filed as and within the time herein provided, the court shall fix a time for hearing, which shall be not less than ten, nor more than 30, days after the time for filing answer expires. At the time so fixed for hearing, unless continued for cause, the matter shall be heard and determined by the court without a jury as other civil actions. If the court shall find that the property, or any part thereof, was used in violation of the provisions of sections 100.055 to 100.057, he shall order the property so unlawfully used sold as herein provided unless the owner shall show to the satisfaction of the court that he had no notice or knowledge or reason to believe that the property was used or intended to be used in violation of sections 100.055 to 100.057. The officer making any such sale, after deducting the expense of keeping the property, the fee for seizure, and the costs of the sale, shall pay all liens according to their priority which are established at the hearing as being bona fide and as existing without the lienor having any notice or knowledge that any such property was being used or was to be used for or in connection with any violation of sections 100.055 to 100.057 and pay the balance of the proceeds into the state treasury, there to be credited to the game and fish fund. Any sale under the provisions of this section shall operate to free the property sold from any and all liens thereon. An appeal from such order of the district court will lie to the supreme court as in other civil actions. At any time after seizure of the motor vehicles or trailers and before the hearing herein provided for, the property shall be returned to the owner or person having a legal right to possession thereof, upon execution by him of a good and valid bond to the State of Minnesota with corporate surety in the sum of not less than \$100.00 and not less than double the value of the property seized, to be approved by the court in which the case is triable, or a judge thereof, conditioned to abide any order and the judgment of the court and to pay the full value of the property at the time of seizure.

[1941 c. 498 s. 3]

913-559-1
100.06 MANNER OF TAKING BIG GAME. No artificial light, including automobile and motorcycle headlights and spot-lights, snare, trap, set gun, swivel gun, salt lick, or other device to entrap or entice deer shall be used, made, or set, nor shall 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 six feet above the ground. Deer shall not be hunted or pursued or killed with dogs or horses.

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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, the seal to be furnished by the director through the county auditors when licenses are sold and for which a fee of 25 cents shall be paid.

[1919 c. 400 s. 45; 1921 c. 450 s. 2; 1925 c. 380; 1929 c. 418 s. 2; 1933 c. 392 s. 7; 1941 c. 482] (5539)

100.07 DOGS NEAR DEER HABITATS. No person shall take a dog of either sex into, nor shall any person keep or maintain a dog about, any hunting lodge or lumber camp used by hunters in a locality frequented or inhabited by deer or moose. Any person may, and it shall be the duty of every game warden to, kill any dog pursuing or killing deer or moose, and no action for damages shall be maintained against the person for the killing. The prohibitions of this section shall not apply to dogs on lands actually farmed or cultivated by the owner of the dog, or within the limits of an incorporated village or city.

[1919 c. 400 s. 46] (5540)

100.08 OPEN SEASON FOR CERTAIN ANIMALS. Subdivision 1. **Squirrels.** Gray and fox squirrels may be taken and possessed between October 15 and December 31 following. 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 seven 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.

Subdivision 2. **Bear.** Bear may be taken during any open season for taking deer, and between April 15 and May 15, next following any such open season for deer; provided, that in areas in which bear become a nuisance to agriculture, or a menace to persons or property, bear may be taken at any time by the owner or occupant of real estate property from such property when the bear are a menace to person or property, or, by securing a permit from a game warden familiar with the area, which permit shall be issued for the taking of bear in the township or the adjoining township to the township in which applicant for a permit resides. No charge shall be made for such permit but a copy thereof shall be filed with the director, and the permit may be revoked at any time by the director upon recommendation of the game warden from the district where it was issued. Steel traps may be used for the purpose of taking or catching bear only upon permission of the director to do so. Rules and regulations for the safe use thereof shall be prescribed by the director. R1913-63-3

Subdivision 3. **Raccoon.** Raccoon may be taken between November first and December first, following. 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.

[1919 c. 400 s. 47; 1923 c. 342 s. 1; 1925 c. 380; 1929 c. 418 s. 3; 1931 c. 311; 1939 c. 121; 1939 c. 424 s. 1; 1941 c. 366] (5541)

100.09 OPEN SEASON FOR FUR-BEARING ANIMALS. Subdivision 1. **Mink.** Mink may be taken by trapping between November first and January thirty-first following, and bought, sold, and possessed at any time; provided, no traps for mink shall be set in any muskrat house or runway; and, provided, that mink may not be dug from their dens or taken with the aid of dogs. Mink may be taken or killed in any manner at any time by the actual occupant of any lands to which the mink so killed or taken are causing any damage or injury. Upon the killing of any such mink at any time other than during the regular season, as hereinabove provided, the entire carcass, including hide, shall be turned over and surrendered to the nearest warden or employee of the division within 24 hours of the time the animal was killed. An. 1943-336-1

Subdivision 2. **Musk rats.** Muskrats may be taken only by trapping in such areas of the state and in such numbers and during such times in the several areas, not exceeding 30 days in the aggregate for any area, between November 1 and April 30, following, in any year, in any county, and subject to such other provisions, not inconsistent with this section, as the director may, by regulation, from time to time, prescribe, according to conditions existing in the respective areas. No person

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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 eight p. m. and six a. m.

Ann 9/13-1325-1
Subdivision 3. **Skunk.** Skunk may be taken in any manner, except with the aid of dogs, between October 20 and March 1, following. Skunk may be taken or killed in any manner at any time by the actual occupant of any lands to which the skunk so killed or taken are causing any damage or injury. Upon the killing of any such skunk at any time other than during the regular season, as hereinabove provided therefor, the entire carcass, including hide, shall be turned over and surrendered to the nearest warden or employee of the division within 24 hours of the time the animal was killed.

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

[1919 c. 400 s. 48; 1923 c. 342; 1925 c. 380; 1929 c. 418 s. 4; 1931 c. 379; 1933 c. 305; 1933 c. 392 s. 8; 1939 c. 424 s. 2; 1941 c. 60 s. 1] (5542)

Ann 143-13
100.10 BADGER, MARTEN, FISHER, OTTER, OR BEAVER. No person shall take or possess badger, marten, fisher, otter, or beaver at any time or molest or disturb any badger, marten, fisher, otter, or beaver except as hereinafter provided.

5/7 Beaver may be taken only by trapping in such counties or portions of counties of the state as the director shall designate for a period not exceeding 15 days between December first and May first following.

5/6 Beaver may be trapped in a game refuge only by the division by persons employed so to do by the director under conditions and regulations to be prescribed by the director or as prescribed by section 100.101.

[1919 c. 400 s. 49; 1923 c. 342; 1925 c. 380; 1927 c. 333; 1929 c. 418 s. 5; 1939 c. 424 s. 3; 1941 c. 60 s. 2] (5543)

100.101 BEAVER CAUSING DAMAGE, TAKING. When beaver shall at any time, in any locality, be causing substantial damage to railroad right of way, public highway, or private property, within or without a game refuge, the commissioner may, upon receipt of a license fee of \$2.50, issue to any person, as provided in section 100.102, a permit to take beaver causing such damage, specifying therein the number, the time, and the place where the same may be taken.

[1941 c. 551 s. 1]

100.102 REPORT OF TAKING OF BEAVER DOING DAMAGE. The permittee shall report within ten days after the taking of any beaver, the number so taken, to the commissioner, or to a game warden designated by him, and shall submit the skins and such other portions of all such beaver in the manner and at the time required by the order of the commissioner, to the inspection of the commissioner or warden. Thereupon the commissioner or warden shall issue and affix to each skin a distinctive tag, stamp, or seal. Licensee shall pay the commissioner a fee of \$1.00 for each tag, stamp, or seal so issued. The beaver skins so taken or tagged, stamped, or sealed may be bought, sold, or 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 issued, to whom issued, and the date of issue.

[1941 c. 551 s. 2]

100.103 UNLAWFUL SALE OF BEAVER. Any person who shall unlawfully take, possess, transport, sell, or otherwise dispose of, any beaver or any part thereof, or who shall violate any of the provisions of sections 100.101 to 100.103, or the regulations of the commissioner made thereunder, or the terms of his permit, shall be guilty of a gross misdemeanor.

[1941 c. 551 s. 3]

100.11 PROTECTION OF HOMES OF MUSKRAT AND BEAVER; TAKING OF BEAVER AND MUSKRAT. No person shall molest, injure, or destroy any muskrat or beaver house, burrow, den, or other abiding place of the same, except that when any of these animals are injuring any property the director may cause these animals to be removed or destroyed or may permit the killing of the animals and the destruction of the homes or other structures erected by them; provided, that this provision shall not be construed to prevent the trapping of muskrats in their houses in such a manner as not to injure or destroy the same; provided, that beaver may only be taken in the manner prescribed by section 100.10.

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Openings made in such houses for the purpose of inserting or removing traps shall be sealed. Traps shall not be placed under the ice near muskrat houses or in runways or channels used by muskrats.

The director may, under proper and suitable regulations adopted by him, permit the taking of muskrats in shallow marshes or sloughs in such cases where no deep water is found at any time, when it may be shown that the muskrats are in immediate danger of destruction by freezing or starvation.

[1919 c. 400 s. 50; 1923 c. 342; 1925 c. 380] (5544)

100.12 ANIMALS THAT MAY BE TAKEN. Weasels, wildcat, 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 director 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.

[1919 c. 400 s. 51; 1921 c. 44 s. 7; 1923 c. 426 s. 1; 1929 c. 418 s. 6; 1939 c. 424 s. 4] (5545)

100.13 OPEN SEASON FOR RABBITS AND HARE. The open season for the taking of varying hare or snowshoe rabbit and cottontail rabbit shall fall between September 16 and March 1, subject to such further restrictions as to time as shall be provided by order of the director, with the approval of the commissioner; provided, that varying hare or snowshoe rabbit and cottontail rabbit may be taken or killed in any manner, at any time, by the actual occupant of any lands upon which the above named animals are causing any damage or injury, whether the lands are located within a game refuge or otherwise.

[1939 c. 381 s. 1] (5546-1)

100.14 TRAFFIC IN FURS. Nothing in chapters 97 to 102 shall be construed as prohibiting the buying, shipping, or having in possession at any time, of the skins of fur-bearing animals legally killed within or without the state, and of the hides of moose or deer legally killed within or without the state, upon proof that the furs and hides were legally taken.

[1919 c. 400 s. 53; 1923 c. 342; 1925 c. 380; 1933 c. 392 s. 11; 1941 c. 410] (5547)

100.15 PET RACCOONS MAY BE KEPT. It shall be lawful for any person, with the written permission of the director, to keep and have in possession a raccoon and to use the same for the purpose of training dogs for the hunting of raccoons.

[1931 c. 378] (5547-1)

100.16 BIRD DOGS. Game birds may be taken during the open season with the aid of dogs. The owner or trainer of a dog may take the same afield, for the purpose of training the dog, from August 15 to April 15 following, provided that the owner or trainer shall carry no firearms of more than .22 caliber, and the use of firearms of .22 caliber with blank cartridges in training dogs is hereby permitted when done so as not to inflict injury upon any game birds or quadrupeds contrary to law. The use or training of dogs between April 16 and August 14 following, in fields inhabited or frequented by game birds is prohibited. Any dog so used is hereby declared to be a public nuisance and may be summarily killed by any person.

[1919 c. 400 s. 56; 1921 c. 242 s. 3; 1923 c. 426 s. 1; 1925 c. 380; 1933 c. 392 s. 13; 1941 c. 421] (5550)

100.17 OPEN SEASON FOR CERTAIN GAME BIRDS. Quail, partridges or ruffed grouse, and Chinese ringneck or English pheasants may be taken and possessed in such counties of the state and in such numbers and during such times in the several counties, not exceeding 23 days, between September 16 and November 30, both inclusive, and in any year in any county and subject to such other provisions not inconsistent with law as the director may by regulations, from time to time, prescribe, according to the conditions existing in the respective counties, but nothing in chapters 97 to 102 shall be construed to permit the taking or killing of Canada spruce grouse, or of wild turkeys. Prairie chicken (also called pinnated grouse), white breasted grouse (also called sharptailed grouse), Hungarian partridge or chukar partridge may be taken and possessed only in such counties of the state and during such times in the several counties, not exceeding any 15 days, between September 16 and November 30 following in any year in any county and subject to such other provisions not inconsistent with law as the director may by regulation, from time to time, prescribe so as properly to protect any of these species of game birds and prevent the undue depletion thereof, according to the conditions in the

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respective counties; provided, that no new regulation or amendment of any existing regulation shall become effective in any season unless promulgated and published according to law on or before the first day of September next preceding such season. No hunter shall discharge any firearm at any game birds which are within the limits of any state trunk highway, except migratory game birds.

[1919 c. 400 s. 57; 1923 c. 426; 1925 c. 380; 1931 c. 69 s. 1; 1933 c. 392 s. 14; 1939 c. 424 s. 5] (5551)

for 913-639-2
100.18 LIMIT OF BIRDS TAKEN. A person may take during the open season not to exceed ten quail and not to exceed five partridge or ruffed grouse, and not to exceed three Chinese ringneck or English pheasants in the aggregate of both kinds, only one of which may be a female, and not to exceed five prairie chickens or pinnated grouse, white breasted or sharptailed grouse in one day. No person shall have more than 15 quail or 15 partridge or ruffed grouse, or more than 12 Chinese ringneck or English pheasants in the aggregate, of both kinds, or more than ten prairie chickens or sharptailed grouse in the aggregate, of both kinds, in possession at any one time. Not more than 18 Chinese ringneck or English pheasants in the aggregate, of both kinds, and not more than 30 in the aggregate, of all kinds of game birds enumerated in this section, may be taken in any one open season.

[1919 c. 400 s. 58; 1923 c. 426; 1925 c. 380; 1931 c. 69 s. 2; 1939 c. 424 s. 6] (5552)

100.19 MIGRATORY GAME BIRDS; FEDERAL REGULATIONS ADOPTED.

All migratory game birds may be taken and possessed at any time between September sixteenth and December fifteenth, following, 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; provided, that the daily bag limits and the possession bag limits permitted to be taken shall not exceed the limits provided by any federal law or regulation.

[1939 c. 424 s. 14] (5548-1)

100.20 MANNER OF TAKING WATER-FOWL AND RAILS. 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. It shall be unlawful to hunt or attempt to hunt any migratory water-fowl, or to molest, harry, or worry such water-fowl by discharging any firearms or other noise-producing devices, within 300 yards of any area in which have been placed any natural or prepared grains for the purpose of attracting migratory water-fowl, and which practice is commonly known as "baiting."

Rifles may not be used in taking water-fowl or rails.

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

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.

The placing of decoys, or the erection of temporary blinds, in public waters during the closed season for water-fowl is forbidden.

[1919 c. 400 s. 62; 1923 c. 426; 1925 c. 380; 1931 c. 399 s. 7; 1933 c. 392 s. 15] (5556)

100.21 BIRD SNARES, TRAPS, OR NETS; PUBLIC NUISANCE; ABATEMENT; FLUSHING. No wild bird, except those enumerated in section 100.25, and no bird for which a closed season is provided, shall be trapped, netted or snared. No net, trap, snare, artificial light, bird line, swivel or set gun, or other contrivance for taking birds shall be set, placed, or used where such birds can be taken. Any such trap, net, or snare is declared to be a public nuisance, and may be summarily abated and destroyed by any person, and it shall be the duty of every game warden to seize and destroy any such device. The flushing of game birds by dragging a rope, wire, or other instrumentality across a field inhabited by game birds is hereby prohibited.

[1919 c. 400 s. 63; 1925 c. 380] (5558)

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100.22 NESTS AND EGGS. Nests of wild birds, other than the English sparrow, Cooper hawk, sharp-shinned hawk, goshawk, blackbird, crow, and great horned owl, shall not be robbed or wilfully destroyed except when necessary to protect buildings to prevent their defacement, or when taken under the authority of the director.

[1919 c. 400 s. 64] (5559)

100.23 CERTAIN WILD BIRDS PROTECTED. Wild birds, other than the English sparrow, blackbird, crow, and all species of hawks and owls, shall not be taken or possessed at any time, dead or alive, except under the authority of a certificate issued by the director. No part of the plumage, skin, or body of any bird protected by this section, or of any birds coming from without the state, whether belonging to the same or a different species from that native to the state of Minnesota, provided such birds belong to the same family as those protected by chapters 97 to 102, shall be bought, sold, or had in possession for sale. This section shall not apply to game birds for which an open season is provided in chapters 97 to 102, nor to the keeping and selling of parrots or song birds as domestic pets; provided, that nothing herein shall be construed to permit the buying or selling of wild song birds.

[1919 c. 400 s. 65; 1925 c. 380] (5560)

100.24 CARRIER PIGEONS. No person shall take, capture, molest, or in any way interfere with any Antwerp or homing or carrier pigeon if it have the name of its owner stamped upon its wing or tail, or wear a ring or seamless leg band with its registered number stamped thereon, or have any other distinguishing mark; nor shall any person remove any such distinguishing mark from any such pigeon.

[1919 c. 400 s. 66] (5561)

100.25 UNPROTECTED BIRDS. English sparrows, blackbirds, crows, and all species of hawks and owls may be taken and possessed without limit, in any manner, at any time.

[1919 c. 400 s. 67; 1925 c. 380] (5562)