

CHAPTER 102

DIVISION OF GAME AND FISH; COMMERCIAL FISHING

Sec.		Sec.	
102.01	Nets may be used only when permitted	102.13	Certain waters in Houston county closed to commercial fishing
102.02	Netting in certain interstate waters	102.14	Rough fish and turtles removed from public waters
102.03	Bullheads may be taken in Itasca county	102.15	Disposal of fish and turtles removed
102.04	Mussels; open season; size; sale	102.16	Contracts for removal of rough fish and turtles; limitation on awarding
102.05	Netting in Mississippi river; license	102.17	Moneys received; disposal of; compensation to contractors
102.06	Open season for fishing	102.18	Cancellation of contracts
102.07	Lake Superior fishing; herring and trout; open season	102.19	Rough fish removed under certain conditions
102.08	Commercial fishing in boundary waters; negotiations	102.20	Sale of rough fish; proceeds of sale placed in state fish revolving fund
102.09	Contracts by director	102.21	Rules and regulations for taking of rough fish by contractor; bond of contractor
102.10	Section 102.02 not to apply to Lake Traverse		
102.11	Obstructions to commercial fishing forbidden; removal		
102.12	Obstructing navigation		

102.01 NETS MAY BE USED ONLY WHEN PERMITTED. Seines, gill nets, fykes, pounds, traps, set lines and other nets and devices may be set and used only as herein specially provided. The size limits fixed by chapters 97 to 102 for the taking of fish by angling shall apply to the taking of fish by means of nets and set lines in commercial fishing, the length of fish to be determined by measurement from the tip of the nose to the fork of the tail. Fish taken in licensed commercial fishing, as provided for in sections 102.01, 102.02, 102.05, and 102.07, may be shipped and sold either within or without the state.

[1919 c. 400 s. 97] (5593)

102.02 NETTING IN CERTAIN INTERSTATE WATERS. Subdivision 1. **Manner of taking.** 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 these waters form a common boundary between this state and other states, between June fifteenth and April fifteenth following, by means of seines, fykes or hoop nets, gill nets, bait nets, set lines and turtle nets, provided a license to do so shall be first obtained from the director. 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 the supervising warden to be paid by the licensee, and the total amount for salary and expense for the supervising warden to be paid by the licensee shall not exceed the sum of \$2.00 per day, the supervising warden to be paid only for such time as he is actually employed, and more than one licensee may be supervised by the supervising warden during the same day, and the licensee so joining may join in the payment for these 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. The 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 interstate 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.

Subdivision 2. **License, how procured; fees.** Such license shall be procured from the director. The applicant shall make a verified application, in writing, to the director stating (1) his name and residence, (2) 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 director, the sum of 25 cents.

Subdivision 3. Size of mesh. 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 five inches mesh on wings and not less than four inches mesh in the center of the pot, such pot not to exceed 150 feet in length;

Hoop nets—Not less than six inches mesh for the leaders and not less than five inches net for the hearts and not less than three inches mesh in the hoops or pounds;

Bait nets—Not less than three inches mesh; such nets shall be used without leads and shall have not more than a four-foot front;

Gill nets—Not less than seven inches mesh.

The use of floating or drift nets is hereby forbidden.

Subdivision 4. Set lines; number of hooks. No person shall use or set more than one set line. No set line shall have more than 300 hooks. Frogs, live minnows, or other live bait shall not be used on the same, but dead minnows or other dead bait, except frogs, may be used.

Subdivision 5. License, restrictions on issuance. No 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 any calendar year, the applicant shall furnish a bond to the state, approved by the director, in the sum of \$200.00, with two sureties, conditioned upon compliance with all the provisions of chapters 97 to 102. Applicants for Minnesota set line licenses need not furnish such bond until the state of Wisconsin shall require, by law or regulation, the furnishing of bonds by Wisconsin set line fishermen. 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.

Subdivision 6. Metal tags attached. Metal tags shall be furnished by the director 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.

[1919 c. 400 s. 99; 1921 c. 71 s. 2; 1931 c. 374 s. 2; 1931 c. 399 ss. 12, 13, 14, 15, 16; 1939 c. 158] (5595)

102.03 BULLHEADS MAY BE TAKEN IN ITASCA COUNTY. Bullheads may be taken in Itasca county under the following restrictions: R1943-2 29-8

(1) Licenses to take such bullheads by the use of fyke or hoop nets with hoops not to exceed four feet shall be issued for a fee of \$5.00, provided each net shall be marked with a metal tag furnished by the director, and not more than four tags may be issued to any one licensee;

(2) No fishing under such licenses shall be permitted from the fifteenth day of June to the fifteenth day of August of any year;

(3) The director shall by order declare a group of not less than four lakes or more than six and such rivers or portions thereof as may be deemed advisable in the territory open to the fishing herein provided for, which waters shall remain open for such fishing until closed by a further order of the director; upon the closing of

any group, as above provided for, the director may open another group for such fishing;

(4) No licenses shall be granted to any non-resident of the state of Minnesota, nor to any person except that he be able to satisfy the director that he has sufficient knowledge of the lakes proposed to be fished to enable him to operate in those lakes without causing harm to game fish;

(5) Nets tagged pursuant to this section shall not be set or raised hereunder except after sunrise and before sunset of each day;

(6) The director shall establish a checking and weighing station where required and where all bullheads taken under this section shall be brought and weighed; one cent per pound dressed weight on all bullheads taken hereunder shall be paid to the director, to be by him paid into the state treasury, to be credited in turn to the fish lakes improvement revolving fund;

(7) The director is hereby authorized to promulgate such rules and regulations as may be necessary or desirable in carrying out the purposes of sections 101.14 and 102.03, and is authorized to impose such further restrictions and regulations as may be necessary to prevent the undue depletion of the species hereby affected.

[1939 c. 380 s. 2] (5574-5)

102.04 MUSSELS; OPEN SEASON; SIZE; SALE. Subdivision 1. **Time of taking.** Mussels, not less than one and three-quarters inches in greatest dimensions, including the pearly fresh water mussel or clam, or Naiad and the shells thereof, may be taken and possessed in any quantity at any time, except between March first and May fifteenth, subject to such other provisions of laws or rules, regulations or orders provided thereby, relating to the taking thereof, in the manner hereafter described, in any of the waters of this state except those duly closed by the director, provided a license so to do shall first be obtained from the director. Such mussels may be bought, sold, or transported at any time.

Subdivision 2. **Areas closed to mussel taking.** The director may, when in his judgment the conservation of the mussel resources of the state require it, prescribe areas from which mussels may not be taken for a specified period or not to exceed five years, such closed areas not to exceed over one-half the mussel-producing waters of the state at the same time. All orders of the director prescribing such closed areas shall be published once in a newspaper qualified to publish legal notices within each county having waters within its boundaries affected by the order, and shall take effect at the time fixed therein, but not earlier than 30 days after publication. The director may, when in his judgment conditions warrant it, vacate, modify, or extend any such order. No mussels shall be taken from waters included in any area so closed by him.

Subdivision 3. **Mussel licenses; how procured; form; fees.** Such license shall be procured from the director and may be issued to a resident or non-resident. It shall be in such form as he may determine, but shall state what waters have been closed by his action to the taking of mussels, and whether the licensee is a resident of this state, and whether he has been licensed to use a dredge. The applicant shall pay to the director as a license fee, if a resident, the sum of \$5.00, and if not a resident, the sum of \$50.00; and, in addition thereto, the sum of \$25.00 for permission to use a dredge. All licenses shall expire on the thirty-first day of December following. Licensees, when taking mussels, shall exhibit their licenses to any game warden, upon his request.

Subdivision 4. **Mussels; manner of taking.** Not more than one boat or rig may be used for taking mussels. An additional boat for towing may be used when no mussel-taking apparatus is attached thereto. Not more than four crow-foot bars, or bars having hooks attached thereto adapted for the taking of mussels, shall be had in possession by a licensee while taking mussels at any one time, and not more than two of such crow-foot bars shall be placed in the water by a licensee while taking mussels, at any one time. No crow-foot bar of more than 20 feet in length shall be used. Not more than one dredging apparatus shall be used, and no dredge, the openings of which are more than three feet in length, or the prongs or forks of which are more than four inches, shall be used. No dredge shall be used unless a license for that purpose has been obtained from the director. Pitchforks may be used in gathering clam-shells. Undersized mussels, except pig-toes, shall be returned to the water without injury.

Subdivision 5. Reports to director. Written reports shall be made to the director, on blanks prepared by him, on or before December thirty-first, by each person to whom a license to take mussels has been issued, stating the total weight of mussels taken under authority of such license, the names and locations of the waters from which such mussels were taken, and the total amount received for the mussels sold.

Subdivision 6. Wisconsin licenses; reciprocity. Persons duly authorized by the state of Wisconsin to take mussels from waters forming a common boundary between Minnesota and Wisconsin may take mussels from that portion of those waters within the jurisdiction of Minnesota and not closed by action of the director, without having first procured a license therefor from the State of Minnesota, provided that the laws of Wisconsin extend a similar privilege to persons licensed by Minnesota to take mussels.

[1919 c. 400 s. 100; 1937 c. 373 s. 1; 1939 c. 94] (5596)

102.05 NETTING IN MISSISSIPPI RIVER; LICENSE. *Am 1943-75-1*
Subdivision 1. Size of nets. 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 fifteenth to June fifteenth, provided a license shall be first procured for that purpose from the director. Seines so used shall have meshes of not less than two and one-half inches on the bar and not less than five 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 director stating (1) his name and residence, and (2) the place where it is proposed to use nets or seines, and shall pay a license fee of \$5.00 for each pound or dip net licensed to be used, the sum of \$10.00 for each seine net licensed to be used, and the sum of \$1.00 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 director to that effect. No person shall use more than one set line. *Not used - photos 1 and 2*

Subdivision 2. Revocation of license. 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. Bond required before license issued. Before any such license is issued, the applicant shall furnish a bond to the state, approved by the director, in the sum of \$200.00, with two sureties, conditioned upon compliance with all the provisions of this chapter.

Subdivision 4. Nets, raising of. 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. Seines not to be joined. 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.

[1919 c. 400 s. 101; 1921 c. 71 s. 1; 1931 c. 399 s. 17] (5597)

102.06 OPEN SEASON FOR FISHING. **Subdivision 1. What kinds of fish may be netted.** Any variety of fish, except black bass, rockbass, muskellunge, crappies, sturgeon, and sunfish may be taken by residents of Minnesota who are citizens of the United States, by means of pound nets, gill nets and fyke nets, except during the months of January to May, in Lake of the Woods and during the months of November, April, and the first 15 days in May in Rainy Lake and Namekan Lake, provided a license to do so shall first be obtained from the director. If the season for the commercial taking of any such fish shall be open in the Canadian portion of Rainy Lake and Namekan Lake during any time when the season is closed in the Minnesota portion thereof, as herein provided, the director may, in his discretion, open the season in the Minnesota portion of these waters during all or any part of such Canadian open season. The director may, by order, prohibit

the taking of tullibees during the months of November and December from Lake of the Woods whenever the numbers of these fish are reduced to a point where, in his judgment, the additional protection so extended is necessary to protect that species against undue depletion.

Subdivision 2. Licenses; fees. Such license shall be procured from the director. The applicant shall make a written application to the director, stating the location in which he desires to fish, and size, and kind of each net he proposes to use, and shall pay the following license fees:

- (1) For each pound net, the sum of \$35.00;
- (2) For fyke nets with four-foot hoop or less, the sum of \$5.00, over four to six-foot hoop the sum of \$10.00, over six to eight-foot hoop, the sum of \$15.00;
- (3) In Lake of the Woods the fees for fyke nets shall be as follows, according to the height of the wings and lead, based on whichever thereof is the highest, four feet or less \$5.00, and an additional \$5.00 for each additional two feet or fraction thereof, but not exceeding \$25.00 for any one net;
- (4) For each 100 feet of gill net, the sum of \$1.50;
- (5) In addition to the foregoing fees, each licensed fisherman on the Lake of the Woods shall pay the sum of \$20.00 each year, which sum shall be so earmarked when remitted to and deposited in the state treasury and credited to the proper fund as to be available only for the maintenance and operation of the state-owned fish hatchery located at Baudette, Minnesota, in Lake of the Woods county, and the sum so earmarked may be used only for the operation and maintenance of this hatchery.

If a license is revoked or canceled, it shall not be issued to any other applicant during the year for which it was originally issued. No license herein provided for shall be granted an applicant until the director is satisfied that the applicant has equipped himself in accordance with the requirements of this section as hereinafter provided.

Subdivision 3. Size of nets and mesh. The size of the nets and the size of mesh of nets shall be as follows: Pound nets, not less than one and one-half inches bar measure or three inches stretched measure in the pound. Pound nets may be set in strings in Lake of the Woods, but there shall not be more than two nets to each such string. The shore lead shall not exceed 60 rods and the leads between the pots shall not exceed 50 rods. A licensee shall not set single pound nets or a string of two pound nets, less than 2,500 feet from another single pound net or string of pound nets, either of his own or from the nets of some pound net licensee. Only one pound net licensee shall fish his pound nets in the same section of water, nor shall more than one such licensee operate from, sort his fish in, or in any other way pertaining to his fishing enterprise, use the same pound net station. In lakes other than Lake of the Woods, not more than one license shall be issued for any one section. A pound net licensee shall remove from the water all his pound net stakes, to which his nets have been attached, before December 30th in the year of his license. If a pound net licensee intends to operate his pound nets during the winter season he may have such stakes as he intends to use, in the water, provided he has first secured in writing the permission of the director so to do.

Gill nets: Not less than four inches stretched measure for taking pickerel, wall-eyed pike, saugers or sand pike, and perch, and not less than five inches for taking whitefish. There shall be no limitation on the length of any gill net excepting the limit provided in the license of the user, but no gill net used shall have a greater depth than 50 meshes. No gill net shall be set within 2,500 feet of a duly licensed pound net provided the pound net is in its rightful location under license, and is in operation. No person who is not himself the holder of a gill net license under this chapter, except he be the holder of a "helper's license," as hereinafter provided, shall in any manner assist any holder of such license in setting, lifting, or otherwise operating any gill net for taking fish under this section. In the event of the holder of a gill net license becoming incapacitated, the local game warden may authorize some person to lift any net that may have been set by the holder of such license.

Fyke nets: Not less than two inches extension measure. The hoop of such nets shall not be more than eight feet in height. The wings leading from the hoop shall not be more than 100 feet in length and these wings shall not be any higher than the hoop. It shall be optional with the user of fyke nets to use either wings or one lead, or both, but the lead shall not be more than 300 feet in length and no higher

than the hoop; provided, that in waters of Lake of the Woods there shall be no restrictions as to height of leads or wings on fyke nets, and leads may be not more than 400 feet in length.

Subdivision 4. Limitation on use of nets. Licenses for more than six pound nets, or for more than 4,000 feet of gill nets or for more than ten fyke nets shall not be issued to any one applicant, provided that license for only 1,000 feet of gill net shall be issued to anyone having a license for 10 fyke nets; provided, that a license for only six fyke nets shall be issued to anyone having a license for more than 1,000 feet of gill nets. No licensee shall operate more than one pound net station, nor shall such licensee be interested, directly or indirectly, either by contract, lease, or otherwise, in the ownership, control, or operation of any other station than his own. A pound net station is the buildings, where and in which a pound net licensee keeps his fishing equipment, nets, and boats and sorts or preserves his fish. No pound net license shall be granted until the applicant shall have satisfied the director that he has equipped himself with a pound net station. An applicant may lease a station and equipment from anyone who is not a pound net licensee. No pound net licensee shall use, or permit to be used, his fishing equipment, nets, or boats at any such station other than his own, or the one he operates under a lease, except in cases of emergency. Each licensee shall designate in his application the approximate location at which he intends to set gill, pound or fyke nets and he shall not set the same elsewhere, except with the consent of the director. Licenses shall not be issued in excess of the following for each body of water named:

Lake of the Woods: 60 pound nets, 90,000 feet of gill nets, 100 fyke nets;

Rainy Lake: 20 pound nets, 20,000 feet of gill nets;

Namekan Lake: 5 pound nets, 12,000 feet of gill nets.

Subdivision 5. Limitation on granting of licenses. No person shall be granted licenses to fish both pound and gill nets, or pound and fyke nets, but holders of gill net licenses may be licensed to fish fyke nets. All licenses for pound, gill, or fyke nets shall become void and nets used under such license shall be subject to seizure and confiscation, and license revert to the state, except as hereinafter specified, unless the licensee devotes his personal attention to fishing under such licenses. Unless a licensee begins fishing his nets within 30 days after the opening of the season, his license shall be canceled by the director. Personal attention to fishing is hereby defined to mean that the licensee shall, in person, attend to the sorting, caring for, and packing of fish caught in his nets in the station to which the fish are first brought, and to the marketing thereof, with such assistance as he may need to carry on his fishing enterprise. The provisions of this paragraph relating to the holding of both pound, gill and fyke nets by the same licensee, shall not apply to Rainy Lake and tributary waters thereof.

Subdivision 6. Licenses not transferable. No license issued hereunder shall be transferable and an assignment or attempted transfer of any rights under such license shall subject it to cancelation. No licensee shall assign, transfer, or attempt so to do, any license or any rights therein issued to him. A commercial fisherman holding a license to fish shall not sell in his own name any fish caught by another such licensee, or caught by anyone not holding such a license. Every person assisting the holder of a commercial fishing license, except another licensed commercial fisherman, in going to and from the fishing locations or who assists in setting and lifting of nets or removal of fish from nets shall have a license so to do, which license shall be designated as a "helper's license" which shall be procured by the holder of a commercial fishing license and for which there shall be paid the sum of \$1.00. These licenses may be transferred upon application made by the holder of the commercial fishing license without any additional charge. Application for the helper's license shall be made to the director and shall give the name and residence of the applicant, name of the person holding the commercial fishing license employing him, if a resident of Minnesota and a citizen of the United States. No such license shall be issued for any non-resident or for any alien who has not duly declared his intention of becoming a citizen of the United States or who has failed to qualify as a citizen within the length of time in which he may legally do so.

Subdivision 7. Metal tags on nets. Numbered metal tags shall be furnished by the director to each person to whom a license is issued. One such tag shall be attached by the licensee to each pound and fyke net and two tags to each gang of gill net, and shall be kept thereon during all the time the same are in use. The year

for which the licenses are issued shall be stamped on each metal tag. Any pound, fyke, or gill nets fished without tags shall be contraband and subject to confiscation.

All gill net licenses may have double the amount of gill nets authorized for the taking of pike and for the taking of white fish in running feet in his possession that his license calls for, but no more; but he shall at no time fish any more nets than the amount stated in his license. The director shall issue two metal tags, numbered and stamped "A" for each 1,000 feet of gill net granted an applicant, and two tags, numbered and stamped "B" for an additional 1,000 feet of gill net the owner of a license is allowed to have in his possession. If a licensee desires to fish strings of gill nets shorter than 1,000 feet he may make application in writing to the director for "A" and "B" tags for such length of net that he wished to operate, and the director may issue such additional tags. These tags shall be fastened to a buoy attached to each end of each 1,000 feet of net, said buoy to extend at least two feet above water when the net is in use, with a white flag not less than 12 by 12 inches at the top end of each buoy. These tags, "A" and "B," as the case may be, shall be on the buoys of the nets that are in the water fishing and on the nets that are on the shore drying, and the tags on the gangs of nets shall be so attached as to be visible when the nets are in boxes or on the net reel. Any nets not tagged in the possession of a licensee, in his boat or building, or on his premises, shall be contraband, and the same may be confiscated.

Subdivision 8. Where nets may not be set. No net shall be used or set within 500 feet of the mouth of any stream, nor any net within two miles of the mouth of the Warroad River in Lake of the Woods. The mouth of the Warroad River in Lake of the Woods is hereby designated and fixed at the outside end of the break-water therein. No nets shall be used within two miles of the mouth of Rainy River. The mouth of the Rainy River is hereby designated and fixed at a point in the international boundary line east of the eastern extremity of Oak Point. This limit shall not apply to Four Mile Bay. No nets shall be used within 80 rods of Morris' Gap in Lake of the Woods. Morris' Gap is hereby designated as the span of water between the easterly tip of Morris' Point and the westerly tip of Pine Island. No nets shall be used elsewhere than as stated in the license, except the written consent of the director be first obtained. Fish houses may be erected and used in such fishing, subject to the laws relating to fish houses in other waters.

Subdivision 9. When fish may be sold. Fish so taken may be had in possession, transported, bought, and sold during such fishing season, and may be transported, possessed, bought, and sold, but not taken, for a period of seven days after the close of the fishing season. Such fish may be frozen or cured during the open season and the frozen or cured fish may be transported, bought, and sold at any time.

Subdivision 10. Who may remove nets. No person other than the licensee or his agent, shall take or remove any fish nets duly licensed hereunder by the director, nor remove any fish from such nets, nor shall any person knowingly injure, obstruct, disturb, or interfere with such nets. A licensee shall not, knowingly, set his fyke nets, or his gang of gill nets within 500 feet from another licensee's fyke or gill nets, provided such fyke or gill nets are in their rightful place in the water and fishing.

Subdivision 11. Reports made to director. Written reports, on or before 15 days after the close of each season herein named, shall be made to the director on blanks prepared by him, at the end of each season, stating in detail the total amount and kinds of fish caught, the amount for which such fish were sold, and the total value of each kind. A licensee who wilfully fails or neglects to make these reports shall not be granted a license, as provided for in this section, for one year thereafter.

Subdivision 12. Licensees to take fish eggs for propagation. All persons licensed to take fish for commercial purposes in international waters shall, as a condition of such licenses, when requested of them by the director, and when it can be done in connection with licensed commercial fishing, take eggs of fish for propagation purposes under such rules and regulations as the director may prescribe.

Subdivision 13. Licenses required for domestic use of nets. The director shall grant all applications for license to fish not to exceed 100 feet of gill net or one fyke net in Lake of the Woods, and Rainy Lake, for domestic use of the applicant and his family, irrespective of the provisions of the section covering the amount of gill and fyke nets to be used in commercial fishing, if the applicant is otherwise

entitled to a license, but no such licenses shall be granted to any commercial fisherman.

Subdivision 14. **Sturgeon season may be closed by director.** The director is hereby authorized to close the season when sturgeon may be taken to conform with the laws or rules of the department of game and fish of the province of Ontario, Canada.

Subdivision 15. **International waters; licenses; fees.** No person, company, or corporation shall engage in the business of buying fish direct from the licensed fisherman operating under commercial fishing licenses in international waters for the purpose of shipping and reselling such fish, and no fish peddler shall engage in the business of peddling such fish until he, or they, as the case may be, shall have procured a license to do so from the director.

Fees payable to the director for such license shall be as follows: For a wholesale fish buyer's license who buys his fish direct from licensed fishermen, \$25.00; for a resident fish buyer's license who ships such fish from one place to another on international waters only \$10.00; for a fish peddler's license who peddles such fish with the use of a motor vehicle, \$5.00. Such fish buyers' licenses shall be issued for the commercial fishing period in international waters, but no such license shall be required by a commercial fisherman who sells or peddles his own fish. All fish buyers shall furnish to the director such reports as he may require for statistical purposes, on blanks furnished them for that purpose.

Subdivision 16. **Licensee to keep records.** Any person, company, or corporation granted a license to buy fish shall keep books and records which shall correctly set forth the names of those persons from whom fish are bought, the amount and kind of fish bought, with the amount paid for each kind of fish.

Subdivision 17. **Inspection of premises.** A fish buyer's licensee shall, at all reasonable hours, allow the director, or any authorized employee of the division of game and fish, to enter and inspect the premises and buildings where fish buying is being carried on under this section and to inspect the books and records of such licensee relating thereto.

Subdivision 18. **Limitation on size of fish taken.** No fish shall be taken in international waters, killed, possessed, bought, or sold, of less size than hereinafter provided. All such undersized fish shall be returned unharmed to the water immediately upon being taken from the net. Whitefish, not less than 16 inches in length; wall-eyed pike, not less than 15 inches in length; and pickerel, not less than 18 inches in length; and sand pike or sauger, not less than 12 inches in length; perch, not less than eight inches in length; bullheads not less than ten inches in length, measurements to be made from tip of the nose to fork of tail. In Lake of the Woods no wall-eyed pike longer than 27 inches may be possessed, bought, or sold.

Subdivision 19. **Dead fish or offal, leaving of forbidden.** No one shall throw overboard, carry, leave, or deposit, or cause to be thrown overboard, carried, left, or deposited, in international waters, upon the shore, beach, or bank or upon any island of these waters, dead fish, remains or offal of fish, or leave decayed or decaying fish in any net; provided, that such dead fish, remains, or offal thereof, may be buried ashore, or may be disposed of in such manner as the director may prescribe.

Subdivision 20. **Violations; penalties.** A person who buys, offers to buy, sells, offers for sale, takes, possesses, or transports any fish in violation of this section, or who violates any provision of, or fails to perform any duty imposed by, this section, or any person who attempts to do so, is guilty of a misdemeanor; and, upon conviction thereof, shall be punished by a fine of not less than \$50.00 or imprisonment in the county jail for not less than 60 days. Upon conviction of any person for any violation under any license issued to such person under this section such person shall pay a fine of not less than \$50.00 or imprisonment in the county jail for not less than 60 days; and, upon conviction, any license issued to any person under this section shall become null and void and no such license shall be issued to any such person for a period of one year from such conviction, unless the director shall find that the re-issuance or reinstatement of any such license shall not conflict with the public interest.

Subdivision 21. **Nuisance; seizure and confiscation of property.** Possession of any net or equipment declared illegal under the provisions of this section by any person at any place within ten miles of any portion of the Lake of the Woods, Rainy

Lake, or Namekan Lake shall be unlawful and subject to seizure when found. All equipment, including boats, motors, and motor-boats, used and possessed in violation of the provisions of this section are hereby declared to be a public nuisance and subject to seizure and confiscation in accordance with law and the provisions of this section. All motors and motor-boats declared to be a public nuisance under the provisions of this section, 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, that the director, his deputy or game wardens 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 this section, 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 this section 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 the 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 in to 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 within the time prescribed, the court shall, upon affidavit by the clerk of the court being filed in his office setting forth that 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 in to 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 this section, 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 this section. 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 this section and shall pay the balance of the proceeds in to 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.

Subdivision 22. Shipments plainly marked. No person shall ship, by common carrier within or without the state, any fish of any variety in any package, sack, box, crate, trunk, or other receptacle or covering unless there shall be plainly marked on the same the name and address of the consignor and consignee with the number of pounds of each kind of fish contained therein.

[1919 c. 400 s. 102; 1923 c. 349 s. 1; 1925 c. 195; 1929 c. 123 ss. 1, 2; 1931 c. 380 ss. 1, 2, 3; 1941 c. 303] (5598)

102.07 LAKE SUPERIOR FISHING; HERRING AND TROUT; OPEN SEASON. Subdivision 1. **Licenses; fees.** Herring, except as hereinafter provided,

lake trout, ciscoes, and whitefish may be taken by residents of Minnesota, who have been residents for at least one year and who are citizens of the United States, and who have resided at least 90 days in the county in which they desire to fish, prior to the date of making application for license, by means of gill nets of the size herein specified and by the aid of skiffs and power boats at any time, as hereinafter provided, in that part of Lake Superior under the jurisdiction of Minnesota; provided a license to do so shall be first obtained from the director. Residents of the states of Wisconsin and Michigan, who are citizens of the United States, may procure a commercial fishing license to take such fish as are herein enumerated, according to law, in waters of Lake Superior lying within the jurisdiction of Minnesota, upon payment of a fee equal to the fee charged residents of Minnesota for similar privileges in waters within the jurisdiction of Wisconsin and Michigan. Herring, except as herein provided, may not be taken hereunder between November 16 and November 30, provided this restriction as to the taking of herring shall not apply until the state of Wisconsin shall by law provide for a similar restriction. Ciscoes may not be taken hereunder during the month of November. Lake trout may not be taken hereunder between October 1 and November 10 following. Lake trout may also be taken by set lines. Herring, lake trout, or ciscoes, pickerel, and whitefish so taken may be had in possession, bought, sold, and transported within or without the state during the open season and for a period of one week thereafter. This restriction shall not apply to fish in frozen, salted, or smoked condition caught during the open season, or fish legally caught in waters outside the jurisdiction of the state of Minnesota. No skiff or power boat exceeding 35 feet in length, measured from tip of stem to tip of stern, shall be used in taking any fish authorized by the provisions of this chapter.

The season provided in this subdivision for the taking of herring, lake trout, ciscoes, pickerel, or whitefish may be modified or changed from time to time by order of the commissioner upon recommendation of the director, so as to correspond with the season for taking such fish, or any species thereof, provided by Wisconsin law.

Residents of the states of Wisconsin and Michigan who are citizens of the United States may procure a commercial fishing license to take such fish as are enumerated in this subdivision according to law, in waters of Lake Superior lying within the jurisdiction of Minnesota, upon payment of a fee equal to the fee charged residents of Minnesota for similar privileges in waters within the jurisdiction of Wisconsin and Michigan.

Subdivision 2. Size of mesh. The size of mesh of nets shall be fixed as follows:

(1) Gill nets for taking herring of not less than 2½-inch mesh, extension measure, when in possession and measured from center of knot to center of knot, on and after July 1, 1935, but of not less than 2-inch mesh, flexible rule measure, on and after July 1, 1943. Flexible rule measure shall mean distance between the extreme angles of any single mesh and such measurement shall be taken between and inside the knots with a flexible steel gauge constructed and used as prescribed by the National Bureau of Standards as hereinafter defined. All measurements of the mesh of gill nets or gill netting shall be made by inserting in the mesh parallel with the selvage, a gauge made of spring steel, free from rust, of a length equal to the number of inches prescribed in this order for the mesh measured. The ends of the gauge shall be free of sharp edges or burrs. The gauge shall be straight and shall not be graduated, and any necessary markings shall be placed near the ends of the gauge. The length of the straight gauge, measured parallel with the long edge, shall not at any point exceed or be less than the prescribed length by more than one-thousandth (.001) of an inch. Its width at any point shall not exceed nine-sixteenths of an inch or be less than seven-sixteenths of an inch. Its thickness shall be such that when it is set vertically on a solid anvil with its upper end loaded with a dead weight between seven and one-half and eight and one-half ounces, the gauge shall deflect at its middle one-tenth of its length. The gauges to be used for measuring the mesh of gill nets or gill netting as provided by this order shall be certified and approved by the National Bureau of Standards and shall be approved also by the commissioner;

In gauging a mesh, the flexible gauge shall be held only by the ends and bent between thumb and forefinger, the bent rule shall be then inserted in the mesh parallel with the selvage and with the collapsed mesh, and finger pressure shall be

released immediately, not gradually. If the gauge does not straighten out completely under its own tension within two seconds after it is released in the mesh, without slipping a knot or breaking the twine, the mesh shall be considered unlawful, and if the majority of ten or more meshes selected at random by the enforcement officer from any part of the gill net or from the entire gill net or from any gill netting being gauged are found to be unlawful, the gill net or gill netting shall be seized and confiscated. The meshes to be gauged shall be at least three meshes removed from the selvage or side lines, shall not be stretched or manipulated in any way prior to or after the insertion of the gauge, and the same mesh shall not be gauged more than once;

(2) Gill nets for taking lake trout, pickerel and whitefish, not less than 4½ inches mesh, extension measure, when in possession, and measured from center of knot to center of knot, but of not less than 4½-inch mesh, flexible rule measure on and after July 1, 1943;

(3) Gill nets for taking ciscoes, not less than 2½ inches mesh, flexible rule measure, when in possession and measured from center of knot to center of knot. When nets set for the purpose of taking ciscoes shall catch more than ten per cent of lake trout less than 17 inches in length, or whitefish less than 16 inches in length, such nets shall be deemed illegally set and shall be moved from the waters in which they were set, upon notice from the director, or his representative. Nets for taking ciscoes shall be set in water not less than 40 fathoms in depth;

(4) Bait nets for taking chubs and live bait, not less than 1½ nor more than 1¾-inch mesh, flexible rule measure, such nets to be set in not less than 40 fathoms, to be set only on the bottom, and to be used only between March 15 and August 1, following, of each year. When nets set for the purpose of taking bait shall catch any lake trout, their location shall be moved until waters unfrequented by trout have been reached or located;

(5) All nets permitted to be used under the provisions of this chapter shall, when set for fishing purposes, be properly marked at the ends of such nets with proper buoys, and the licensee's number shall be plainly marked on any buoy indicating the location of any net set for taking of fish. All nets set in Lake Superior waters under the jurisdiction of this state having a mesh less than permitted by this chapter and all nets having a mesh less than permitted by this chapter found on or within premises commonly used for the receiving and marketing of fish from Lake Superior waters, and including fish receiving stations, sheds, warehouses and docks, are hereby declared illegal and subject to confiscation by the director, or his representative, and may summarily be destroyed.

1943-576-1 Subdivision 3. **Application for license.** Such license shall be procured from the director. The applicant shall make a verified written application to the director on a form prepared by him, stating: (1) his name and residence; (2) the period of time the applicant has resided in the county in which he desires to fish, and whether a citizen of the United States. This license shall be designated as a "master's license" and for which he shall pay the sum of \$2.50. Every person assisting the holder of a master's license in going to and from the fishing locations or who assists in the setting and lifting of nets or in the removal of fish from such nets, unless he shall be the holder of a master's license, shall have a license so to do which license shall be designated as a "helper's license," which shall be procured by the holder of a master's license and for which there shall be paid the sum of \$2.50; such licenses may be transferable; and shall be transferred upon application made by the holder of a master's license without any additional charge. Application for helper's license shall be made to the director and shall give: (1) the name and residence of the applicant; (2) name of person holding master's license employing him; (3) whether a resident of Minnesota and (4) whether a citizen of the United States. Master's licenses shall not be transferable and shall be issued for one fishing season only. Aliens who have duly declared their intention of becoming citizens of the United States and who have not failed to qualify as citizens within the length of time in which they may legally do so, shall be entitled to helper's licenses. No person shall be entitled to receive a master's license unless such person has been a bona fide resident of the state for at least one year and a resident of the county where he desires to fish for at least 90 days. The holder of a master's license shall be entitled to fish in any waters under the jurisdiction of the state of Minnesota.

Subdivision 4. Packages of fish to have licensee's name and number thereon. The name and license number of the person licensed to take fish under this section shall be legibly marked, by stencil or otherwise, on each package of fresh or salted fish caught by such licensee. It shall be unlawful to ship, sell, or offer for sale any spoiled or unwholesome fish. Any package containing spoiled or unwholesome fish shall be contraband and the same may be confiscated; provided that all frozen herring shall be packed and shipped in boxes only and all herring sold for any purpose other than human consumption shall be cut or broken into approximately equal parts.

Subdivision 5. Where nets are not to be placed. No net shall be set within one-fourth mile of the mouth of any stream flowing into Lake Superior.

Subdivision 6. Who may remove fish. No person, other than the licensee or his agent shall take or remove any fish from nets set by persons licensed under this chapter, nor shall any person knowingly injure, disturb, or interfere with such nets.

Subdivision 7. Reports. Written reports shall be made to the director on forms prepared by him for that purpose by each licensee at the close of the season stating in detail the amount and kind of fish caught, the amount for which the same were sold, and the total value of each kind. Failure to make such a report within three months after the close of the fishing season shall forfeit the right of the licensee to receive another fishing license for a period of one year.

Subdivision 8. Deposit of dead fish forbidden. No person shall deposit or allow to run into Lake Superior or any of the waters tributary thereto any fish gurry or fish offal or other deleterious substance.

Subdivision 9. Re-sale of fish, license required. No person, company, or corporation shall engage in the business of buying fish taken under commercial fishing licenses in Lake Superior waters under the jurisdiction of this state for the purpose of re-sale until he, or it, as the case may be, shall have procured a license to do so from the director. Fees payable to the director shall be \$25.00 and the licensee shall, upon demand by the director or any of his representatives produce evidence of the legality of the fish purchased for re-sale by him, such evidence to include invoices or memoranda showing pounds and kinds of fish purchased for re-sale and from whom purchased. These invoices or memoranda shall be signed by the selling licensee; provided that no license nor the payment of any license fee shall be required by persons buying or selling fish at roadside fish-stands.

Subdivision 10. Violations; penalties. Any person violating any of the provisions of this chapter relating to the taking of fish or the transportation thereof shall be guilty of a misdemeanor and punished by a fine of not less than \$25.00, nor more than \$50.00, or by imprisonment in the county jail for not less than 30, nor more than 60, days.

[1919 c. 400 s. 103; 1929 c. 404; 1933 c. 263; 1935 c. 291 ss. 1, 2, 3, 4, 5; 1941 c. 379 ss. 1, 2, 3, 4] (5599)

102.08 COMMERCIAL FISHING IN BOUNDARY WATERS; NEGOTIATIONS.

The director is hereby authorized to enter into negotiations with the proper authorities of the state of South Dakota or the state of Iowa relative to commercial fishing in boundary waters between the state of Minnesota and the state of South Dakota or the state of Iowa, and adopt such rules or make such contracts as may be found necessary governing the letting of contracts for commercial fishing and providing for the inspection and division of proceeds and for regulating all necessary matters relating to such commercial fishing in such boundary waters.

[1925 c. 118 s. 1; 1941 c. 316 s. 1] (5599-1)

102.09 CONTRACTS BY DIRECTOR. In the event that no agreement can be made or rules adopted between the director and the proper authorities of South Dakota or Iowa relative to commercial fishing in boundary waters then and in that event the director may make contracts for commercial fishing on a percentage basis in such boundary waters and provide for the supervision, inspection, and regulation thereof and, in such contract or regulation, conform so far as may be deemed necessary with the contracts or regulations observed in the state of South Dakota or the state of Iowa relating to such boundary waters.

[1925 c. 118 s. 2; 1941 c. 316 s. 2] (5599-2)

102.10 SECTION 102.02 NOT TO APPLY TO LAKE TRAVERSE. Section 102.02 shall not apply to or govern commercial fishing in Lake Traverse.

[1925 c. 118 s. 3] (5599-3)

102.11 OBSTRUCTIONS TO COMMERCIAL FISHING FORBIDDEN; REMOVAL. No person shall knowingly place or maintain any obstruction which will hinder, prevent, or interfere with licensed commercial fishing, except lawfully constructed docks or boat landings, licensed fishing apparatus, or boats or buoys properly anchored, in any of the waters of this state including those over which Minnesota has concurrent jurisdiction with other states. Every such obstruction is hereby declared to be a public nuisance and may be summarily abated by any person. Licensed fishing nets, when necessary, may be removed by a licensee operating seines; provided that no injury shall be done to the nets; and provided the same be immediately reset as soon as the seines have been drawn.

[1919 c. 400 s. 105] (5601)

102.12 OBSTRUCTING NAVIGATION. No person shall wilfully set or use any nets in any established route or channel of navigation so as to interfere with navigation in any of the waters of this state.

[1919 c. 400 s. 106] (5602)

102.13 CERTAIN WATERS IN HOUSTON COUNTY CLOSED TO COMMERCIAL FISHING. All that part of the waters known as Raft Channel, which lies in Houston county, is hereby closed to commercial fishing and commercial fishing shall not be permitted or carried on therein or thereon.

[1923 c. 186 s. 1] (5603)

102.14 ROUGH FISH AND TURTLES REMOVED FROM PUBLIC WATERS. When, after an investigation, by the director, he finds that any of the following conditions exist:

(1) That carp, buffalofish, perch, suckers, sheepshead, dogfish, eelpout, garfish, tullibees, and turtles inhabit any of the public waters of this state in such numbers as to interfere with or prevent the natural propagation of game fish therein, or that such fish inhabit any of the public waters of this state in such numbers as to destroy or substantially injure wild celery, wild rice, or other aquatic plant life growing therein; or

(2) That the removal of the fish above designated and turtles will result in an improvement in the quality of such fish remaining therein and will increase the quantity thereof, or will prevent the destruction of wild celery, wild rice, and other aquatic plant life in such waters;

Then, and in such case, he may provide by contract, or by day labor, under his supervision, or both, for the taking and removal of the fish designated and turtles by means of seines, nets, or by any other devices at any time.

In all counties of this state lying southerly of the St. Croix river and tributary to the Mississippi river and having a population of 28,000, or over, according to the last federal census, respective boards of county commissioners shall have power to prohibit seining or fishing in any of the waters lying within the boundaries of their respective counties by a resolution adopted at their July meeting, and not otherwise. Waters so closed shall not be opened at any subsequent meeting of the board during the ensuing year. No county board shall enter into any contract for such fishing, or seining, nor shall the board, or any member thereof, solicit, or receive, any commission or payment of money for that purpose. The director shall not conduct any operations in any body of water lying wholly within the corporate limits of any city of the fourth class unless with the consent of the council thereof.

Contracts for the taking and removal of the designated fish and turtles shall be awarded to residents of the state by the director, and each resident applicant shall, when submitting his application to the director for the taking of the designated fish and turtles, file a sworn statement with the director giving his name and legal voting address, occupation, list of fishing equipment actually owned by him, value of such equipment, and the nature and years of his experience in the taking and removal of the designated fish and turtles, and what particular knowledge he possesses of the body of water he desires to fish; and the director may award contracts for each body of water on the basis of the experience, qualifications, and equipment of the several applicants. Each application shall be separately made for each body of water to be fished. No contract shall be entered into with any person who has been convicted of violating the laws of this state relating to wild animals within a period of one year, nor to any person who is not fully equipped and experienced to under-

1943-229-8

take successfully the taking and removal of the designated fish and turtles. No contract shall be transferable nor shall any transfer or assignment thereof be valid. Based upon the size, quantity, and quality of the designated fish and turtles to be taken and removed, size of lake or stream to be fished, depth of water therein, topography of bed, and kinds and sizes of nets which may be successfully used therein, the director may award fishing contracts on a percentage basis, based on the gross proceeds received from the sale of the designated fish and turtles. No more than 85 per cent of the gross proceeds from the sale of such fish shall be paid to any contractor covering any body of water.

[1925 c. 408 s. 1; 1927 c. 437 s. 1; 1939 c. 323] (5609-1)

R1943-229-8

102.15 DISPOSAL OF FISH AND TURTLES REMOVED. The director or his duly authorized agent is hereby authorized to sell such fish and turtles taken under the provisions of sections 97.24, 98.40, and 102.14 to 102.18, at the highest price obtainable, all bids on such fish to be submitted to the director or his agent in writing and in triplicate, one copy to be filed with the director, one copy with the contractor, and one copy with the supervising warden, and he may, if necessary and advisable in order to secure such highest price obtainable, employ agents to represent him in other states and enter into contracts for the sale of the entire season's production of either live or dead fish taken and removed from any body of water after receiving sealed bids thereon. No fish taken and removed from any body of water may be sold to any wholesale or retail fish dealer or traveling fish buyer within or without the state unless such dealer or buyer shall have complied with the provisions of the laws of this state relating to the licensing of wholesale dealers in food products. Such fish and turtles as are not of commercial value for food purposes may be sold, or otherwise disposed of, as fertilizer, poultry or hog feed, or destroyed; and in no case shall any of the fish or turtles taken under the provisions of sections 97.24, 98.40, and 102.14 to 102.18 be returned unconfined to the waters from which they are taken. In case of fishing operations by the director under such sections by contract or day labor, if the public interest will best be served thereby, he may authorize the contractor to, or he may, establish pounds in a portion of such waters in which these fish are taken, or adjacent thereto and connected therewith, or in artificial pounds, and may impound these fish therein by securely fencing these pounds, or by otherwise making such fish secure therein, and such fish may be kept in such pounds, artificial pounds, or in a natural inland body of water not exceeding 100 acres in area which, in the discretion and upon the order of the director, may be safely used in the public interest for storage without endangering other public waters, by the contractor or the director for a period of time only until January 31, during the year following that in which these fish are taken and must be removed therefrom on or before January 31 of the year following that in which they were taken.

[1925 c. 408 s. 2; 1927 c. 437 s. 2] (5609-2)

R1943-229-8

102.16 CONTRACTS FOR REMOVAL OF ROUGH FISH AND TURTLES; LIMITATION ON AWARDED. The director shall not award contracts under sections 97.24, 98.40, and 102.14 to 102.18 for bodies of water aggregating over 2,500 acres to any one individual, association, or society; provided, if any contractor shall have completed his contract to the satisfaction of the director, then and in that case, such individual, association, or society may be awarded additional contracts not to include at any one time more than 2,500 acres of water.

[1925 c. 408 s. 4; 1927 c. 437 s. 4] (5609-4)

R1943-229-8

102.17 MONEYS RECEIVED, DISPOSAL OF; COMPENSATION TO CONTRACTORS. All moneys received from the sale of fish or turtles under the provisions of sections 97.24, 98.40, and 102.14 to 102.18 shall be deposited immediately by the contractor with the director and by him disposed of in accordance with the provisions of section 98.40, and the contractor shall receive for his services such compensation as may be mutually agreed upon by the director and the contractor.

[1925 c. 408 s. 5; 1927 c. 437 s. 5] (5609-5)

R1943-229-8

102.18 CANCELANON OF CONTRACTS. Any contractor who violates any of the provisions of sections 97.24, 98.40, and 102.14 to 102.18, or the regulations of the director pertaining to the taking of fish under those sections, and any contractor who through negligence causes the destruction of any game fish while conducting fishing operations under a contract awarded to him, and any contractor who shall dispose of any fish taken under any contract, either by sale or otherwise, without first notifying the supervising warden, shall have such contract canceled and forfeit

his right to secure another contract under the provisions of such sections for a period of two years.

[1925 c. 408 s. 6; 1927 c. 437 s. 6] (5609-6)

102.19 ROUGH FISH REMOVED UNDER CERTAIN CONDITIONS. When, after an investigation, the director finds that any of the following conditions exist:

(1) That rough or non-game fish inhabit any of the public waters of this state in such numbers as to interfere with or prevent the natural propagation of game fish therein;

(2) That the taking and removal of a portion of such rough or non-game fish will result in an improvement of the quality of the fish remaining in such waters;

(3) That such removal is necessary and desirable to properly cultivate and preserve any species of fish therein;

(4) That such removal will be in accordance with the generally accepted principles of scientific fish culture;

(5) That such removal may be undertaken and accomplished without the undue depletion of any species of fish therein; and

(6) That such waters are not suitable for taking fish by angling;

Then and in such case he may provide by contract or by day labor under his supervision, or both, for the taking and removal of a portion of any fish therein by means of nets, or by any other devices not deemed by him to be inconsistent with fish propagation. The director shall not conduct these operations in any waters of this state where commercial fishing is being carried on by persons duly licensed by him. No fish, except carp, buffalofish, sheepshead, tullibees, bullheads, dogfish, burbot, suckers, and goldeyes, shall be taken under the provisions of this section from any lake of less area than 200 square miles.

[1919 c. 341 s. 2; 1921 c. 109 s. 1] (5605)

102.20 SALE OF ROUGH FISH; PROCEEDS OF SALE PLACED IN STATE FISH REVOLVING FUND. Fish so taken and removed shall be sold by the director at not more than the prevailing market price, and the proceeds of such sales shall be paid by the director into the state treasury and by the treasurer credited to the state fish revolving fund created by section 98.39.

[1919 c. 341 s. 3; 1921 c. 109 s. 2; 1927 c. 175] (5606)

102.21 RULES AND REGULATIONS FOR TAKING OF ROUGH FISH BY CONTRACTOR; BOND OF CONTRACTOR. The director is hereby granted authority to prescribe reasonable rules and regulations for the taking of such fish by a contractor, and may also require a bond of the contractor, conditioned upon his faithful observance of the terms and conditions of his contract and the rules and regulations of the director with such sureties and in such amount as the director may deem proper.

[1919 c. 341 s. 4] (5607)