

CHAPTER 98

DIVISION OF GAME AND FISH; LICENSES

98.45 REQUIREMENT OF LICENSES.

HISTORY. 1945 c. 248 s. 2.

98.46 LICENSES, FEES.

HISTORY. 1945 c. 248 s. 2.

98.47 EXCEPTIONS TO LICENSE REQUIREMENTS.

HISTORY. 1945 c. 248 s. 2.

98.48 SPECIAL PERMITS.

HISTORY. 1945 c. 248 s. 2.

98.49 FORMS.

HISTORY. 1945 c. 248 s. 2.

98.50 ISSUANCES OF LICENSES.

HISTORY. 1945 c. 248 s. 2.

98.51 REPORTS AND RECORDS.

HISTORY. 1945 c. 248 s. 2.

98.52 LOSS AND REVOCATION OF LICENSES.

HISTORY. 1945 c. 248 s. 2.

98.45 REQUIREMENT OF LICENSES.

HISTORY. Laws 1945, c. 248 s. 2.

Sections 98.01 to 98.44 were repealed by Laws 1945, Chapter 248, Section 7, and superseded by Minnesota Statutes 1945, Sections 98.45 to 98.52 in accordance with the following comparative table:

Number	Disposition
98.01	98.45, sub. 4. Omits provision that aliens who have taken out first citizenship papers may obtain resident licenses.
98.02	Omitted as special legislation favoring a particular class and imposing embarrassing obstacles upon law enforcement.
98.03	98.45, sub. 1. Provision that wolf trappers need not obtain license omitted. Provision that red fox cubs shall not be dug or taken from dens omitted, as inconsistent with theory of fox bounty law.
98.04	98.45, sub. 1, and 98.47, sub. 1. Prohibition against issuing trapping licenses, whitefish netting or inland

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Number	Disposition
	herring netting licenses to non-residents is retained through arrangement of resident and non-resident licenses in 98.46 and the specific provision of 98.45, sub. 5.
98.05 (1)	98.46, sub. 1, (1).
98.05 (2)	98.46, sub. 2,(1).
98.05 (3)	98.46, sub. 1,(2).
98.05 (4)	98.46, sub. 2,(2).
98.05 (5)	98.46, sub. 1,(2).
98.05 (6)	98.46, sub. 1, (4) and (5), and sub. 2, (6), and sub. 8.
98.05 (7) (a)	98.47, sub. 2.
98.05 (7) (b)	Omitted because covered by general penalty provisions of 97.55, sub. 1.
98.05 (8)	98.46, sub. 2, (5) and(6) and sub. 4 (1) and 98.47, sub. 5. Omits authority for two shipping coupons for non-resident fishermen and substitutes one coupon in lieu thereof.
98.05 (9)	98.46, sub. 1, (12), and 101.45, sub. 5.
98.05 (10)	98.46, sub. 1, (11), and 98.47, sub. 6. Omits details as to form of licenses as administrative matters to be taken care of properly under authority of 98.49, sub. 1.
98.055, sub. 1	98.46, sub. 3, (1), but omits exception that persons under 16 are not required to obtain licenses.
98.055, sub. 2	101.42, sub. 3, (3). Omits requirement of advance inspection of premises or equipment for purpose of determining whether a license should be issued. Changed to require compliance with rules for standard equipment.
98.055, sub. 3	97.40, sub. 27.
98.055, sub. 4	98.46, sub. 3, (1).
98.055, sub. 5	101.42, sub. 3, (4).
98.055, sub. 6	Omitted because covered by general penalty provisions of 97.55, sub. 1.
98.06	98.50, sub. 1, sub. 2, sub. 3, sub. 4, and sub. 7, and 97.49.
98.07	98.49, sub. 1.
98.08	98.45, sub. 1.
98.09	97.55, sub. 3, (1), and 98.49, sub. 2. Detailed provisions as to form of license applications are omitted as being a matter of administrative detail properly left to the commissioner as provided under 98.49, sub. 2. Definition of "resident" covered by 97.40, sub. 21.
98.10	98.48 (1). Provisions relative to U.S. Commissioner of Fisheries omitted as unnecessary.
98.11	98.46, sub. 3, (2) and 101.42, sub. 1, (5).
98.12	98.46, sub. 1, (7) and (8); sub. 2, (7); sub. 7: 98.51. sub. 2 and sub. 3; 98.47, sub. 7. Provision directing commissioner to revoke licenses for certain reasons omitted as inconsistent with the general revocation provision as contained in 98.52, sub. 1.
98.13	98.46, sub. 1, (7); sub. 4, (2); and sub. 5; and 100.28, sub. 1.
98.14	98.46, sub. 1, (10) and sub. 2, (3). Limit of one antlered moose during any open season retained in 100.27, sub. 2, (3).
98.15	Omitted as special local legislation and in general conflict with game and fish laws.

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Number	Disposition
98.153, sub. 1	97.48, sub. 8, (11). Detailed restrictions on method of harvesting wild rice omitted and left to discretion of commissioner.
98.153, sub. 2	98.46, sub. 1, (6). But substitutes a fee of \$1.00 for the present fee of 50c.
98.154	98.46, sub. 3, (3), with changes in fee provisions.
98.155	Omitted as unnecessary because covered by 97.49, sub. 1.
98.156	Omitted as unnecessary because of provisions of 97.48, sub. 8, (1), and other authority conferred on commissioner.
98.16	97.44, sub. 2. Omits provisions relative to furs taken on lands owned or occupied by trapper because of elimination of special privilege heretofore granted such landowners.
98.17	98.46, sub. 3, (6).
98.18	98.45, sub. 1. Authority to revoke licenses eliminated because it conflicted with other provisions relative to revocation.
98.19	97.44, sub. 7; 98.53, sub. 2 and sub. 3; and 98.51, sub. 2. Requirement of payment of one cent each for tags or seals eliminated as unnecessary and a nuisance. Provision that untagged or unsealed pelts are contraband is covered by 97.50, sub. 1, (5).
98.20	98.46, sub. 1, (14); and 98.51, sub. 2. Requirement of keeping records is covered by 98.51, sub. 2. Expiration date of licenses covered by general provision of 98.45, sub. 1, and penalty provision by 97.55, sub. 1.
98.21	98.48 (2). Omits requirement of any fee for the permit and of reimbursement for cost of supervising field dog trials.
98.22	Covered by 98.47, sub. 5.
98.23	Omitted as form of license is believed administrative detail to be left to commissioner under 98.49, sub. 1.
98.24	Omitted as detail properly left to commissioner under 98.49, sub. 1.
98.25	Omitted as detail properly left to commissioner under 98.49, sub. 1.
98.26	Omitted as detail properly left to commissioner under 98.49, sub. 1.
98.27	Omitted as covered by provisions of 98.50, sub. 2.
98.28	98.50, sub. 6.
98.29	98.45, sub. 2.
98.30	98.45, sub. 3, and 97.55, sub. 3, (2).
98.31, sub. 1, and sub. 2.	98.51, sub. 1. This provision omits penalties of the present law involving loss of license privileges for a year and liability to prosecution for a misdemeanor in favor of the new penalty to equal the amount of the license fee if report is not made.
98.31, sub. 3	Omitted as unnecessary and unworkable.
98.32	98.52, sub. 1, and sub. 2.
98.33	98.52, sub. 1.
98.34	97.49, sub. 5.
98.35	98.50, sub. 5. But omits detailed directions as to sale of licenses and gives commissioner authority to prescribe rules and regulations relative thereto.

Number	Disposition
98.36	97.49, sub. 1, sub. 2, and sub. 3, but omits requirement of the maintenance of a separate fund.
98.37	Omitted as inoperative and covered by 97.49.
98.38	Covered by 97.49.
98.39	Repealed and superseded by Laws 1943, Chapter 229.
98.40	Repealed and superseded by Laws 1943, Chapter 229.
98.41	Repealed and superseded by Laws 1943, Chapter 229.
98.42	Repealed and superseded by Laws 1943, Chapter 229.
98.43	97.49, sub. 3. But omits requirement on state treasurer of maintaining a separate fund.
98.44	97.49, sub.3.

NOTE: The following annotations apply to Sections 98.01 to 98.44, which were superseded by Sections 98.45 to 98.52.

98.01 HUNTING BY ALIENS.

HISTORY. 1919 c. 400 s. 14; G.S. 1923 s. 5508; M.S. 1927 s. 5508.

A resident license issued to an alien, whether on a false application or an application not completely filled in so as to show citizenship, is null and void, needs no affirmative act of cancelation, and affords the alien no protection if he hunted or fished on the basis of the purported license. OAG March 25, 1941.

98.02 HUNTING; LICENSES.

HISTORY. 1919 c. 400 s. 20; G.S. 1923 s. 5514; 1925 c. 380; M.S. 1927 s. 5514; 1929 c. 170 s. 2; 1929 c. 417 s. 8.

One whose license has been revoked on conviction for violating the game laws is in no different position under this section than one who has never obtained a license. OAG Oct. 28, 1929.

Since a minor under 14 can hunt protected game only on the home premises of his parent or guardian, he can have a bag limit of game only if it was taken on such premises. OAG Sept. 19, 1934 (209g).

Owner may hunt on any part of his farm without a license, though it is separated into three parts by roads and other lands. OAG Oct. 26, 1934, 209i.

98.03 HUNTING, TRAPPING, OR FISHING LICENSES.

HISTORY. 1919 c. 400 s. 21; 1923 c. 426 s. 1; G.S. 1923 s. 5515; 1925 c. 380; M.S. 1927 s. 5515.

A person under 21, as well as one 21 or over, is required to procure a license. State ex rel v Erickson, 159 M 287, 198 NW 1000.

It was not the legislative intent to provide a license fee for trapping obnoxious rodents of which the fur or the body is of no commercial value. OAG March 16, 1933.

Red fox cubs may be taken by a resident in any manner, but he must obtain appropriate licenses if he intends to retain them or sell them. OAG July 2, 1934, 210b-3.

Under the present status of the game and fish laws, a trapping license is not required for the purpose of trapping fox, but a non-resident may not, under any circumstances, trap foxes. OAG Jan. 18, 1943.

98.04 GAME AND FISH LICENSES.

HISTORY. 1927 c. 483 s. 1; M.S. 1927 s. 5536-1; 1929 c. 332 s. 1; 1933 c. 392 s. 4; 1937 c. 447 s. 1; 1943 c. 207 s. 1.

Fees were received by bankrupt's husband, appointed as agent to issue hunting and fishing licenses by county auditor, who placed the receipts in till within

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store owned by his wife and by whom he was employed, and the funds were used by her like other funds in conduct of store, with part thereof remaining unpaid at time she was adjudicated bankrupt. Since the funds entrusted to the bankrupt by the auditor's agent were public moneys of the state, she was under obligation to pay them to the county auditor, the agent of the state. She was debtor not only to her husband, but to his principal. In re Newman, (USDC-Minn.) 47 F(2d) 1073.

A license is necessary for the spearing of rough fish. OAG May 31, 1933.

The commissioner of conservation cannot issue individual resident license at 50 cents to nonresident persons at conservation camps. OAG June 21, 1933.

No license or identification tag is required of any resident person below 18 years of age. OAG Aug. 29, 1933.

A Minnesota fishing license should be required from a Canadian guide who crosses the border and takes Minnesota fishing parties into Minnesota waters even though he does not fish himself. OAG Aug. 19, 1934 (209h).

Since a minor under 14 can hunt protected game only on the home premises of his parent or guardian, he can have a bag limit of game only if it was taken on such premises. OAG Sept. 19, 1934 (209g).

The former provisions of the law prohibiting the issuance of a hunting license to persons under 14 years of age have been repealed and such license cannot legally be denied. OAG Sept. 27, 1939.

A hunting or trapping license is not required of permittees authorized under section 97.32 to shoot or trap rabbits which are doing damage. OAG Jan. 3, 1940.

All persons over 16 years, on a hunting trip, who in any way attempt to take or aid the others in taking protected wild animals, must have a license, whether they actually carry a gun or not. No person in a party may take in any one day the limit of upland game for himself and another member of the party, who has a license, but is not shooting. OAG June 27, 1940.

Nonresidents under 16 years of age must obtain a nonresident fishing license unless they are accompanied by a parent or legal guardian, who has such a nonresident license, and friends, relatives, or supervisors of recreational camps cannot be considered guardians within the meaning of the statutory provisions. OAG June 17, 1941.

The personal presence of the head of the family is not essential to establish a constructive residence within the state and members of his family actually present in this state for six months or more may have acquired state residence under certain facts. OAG Aug. 11, 1942.

Persons under 16 years of age may hunt without procuring a license, and persons so hunting may bring in their own limit of game, but any minors under 14 years of age may not hunt unless accompanied by parent or guardian. OAG Oct. 4, 1941.

98.05 LICENSES; KINDS; FEES.

HISTORY. 1927 c. 483 s. 2; M.S. 1927 s. 5536-2; 1929 c. 332 s. 2; 1933 c. 392 s. 5; 1937 c. 447 s. 2; 1939 c. 76 s. 1; 1941 c. 302 ss. 1, 2; 1941 c. 364; 1941 c. 467 ss. 1, 2; 1943 c. 42 s. 12; 1943 c. 392 s. 1; 1943 c. 528 s. 1.

Identification cards issued to persons over 18 prior to the passage of Laws 1933, Chapter 392, should be taken up and the holders required to take out licenses. OAG May 17, 1933.

The words "commissioner" and "director," as used in fish and game laws, are synonymous. OAG May 23, 1933.

One who does not rent a cottage or room but who parks his automobile upon property of a resort owner and rents a boat from him is a "guest," as affecting bait dealers' license. OAG June 8, 1937 (290k).

Nonresident fishing licenses cannot be required for fishing in Lake Superior unless and until the state of Wisconsin imposes a similar requirement. OAG April 10, 1939.

A person convicted of a violation, forfeiting his resident small game hunting license, was not entitled to obtain a nonresident small game hunting license within a year, although he had become a nonresident in the meantime. This opinion

is based upon the theory that a resident and a nonresident small game hunting license are "the same kind" within the meaning of the statute. OAG Oct. 23, 1940.

Lending the metal locking seal provided to be issued with a deer hunting license constitutes a violation of section 98.31, upon the theory that the seal is an integral portion of the license. OAG Nov. 30, 1940.

Legislation raising license fees and becoming effective during the calendar year nullifies formerly issued licenses for that year, and licensees must obtain the new license provided for. OAG April 28, 1941.

Those persons entitled to a fishing license without payment of fees, by virtue of receiving old age assistance, are those receiving the state old age assistance and those receiving federal old age and survivor's insurance benefit recipients under the federal special security act or other federal pensioners are not included. OAG May 6, 1941.

Both the husband and the wife making application for a combination fishing license must sign and swear to the application, but need not appear together or at the same time before the officer taking their acknowledgment. OAG May 19, 1941.

There is no authority for rebating license fees paid in by old age pensioners who had obtained and paid for a license notwithstanding the new law effective during the calendar year granting them the privilege of securing such a license without charge. OAG May 26, 1941.

98.055 MINNOW DEALERS.

HISTORY. 1941 c. 364 ss. 1 to 5, 7.

All persons transporting minnows for a distance of 15 miles or more, for the purpose of sale, must procure an itinerant minnow dealer's license, and those not transporting such distance may be considered local resident minnow dealers, notwithstanding the fact their sale may not be to the ultimate consumer. The words "at retail only," as used in the definition of local resident minnow dealers, being held to apply to sales of comparatively small quantities whether to ultimate consumers or not. OAG May 15, 1941.

Boat liveryes or resorts furnishing minnows without extra charge, in consideration of the rental of boats, are required to obtain a minnow dealer's license. OAG May 28, 1941.

Employees of licensed minnow dealers need not each be individually licensed. The distinction between itinerant and local resident minnow dealers must be based solely on the distance over which minnows are transported, the phrase "at retail" contained in the definition of local minnow dealers having no special significance. OAG June 17, 1941.

98.06 HUNTING AND TRAPPING LICENSES.

HISTORY. 1927 c. 438 s. 3; M.S. 1927 s. 5536-3; 1933 c. 309 s. 1; 1941 c. 301.

The auditor cannot pay clerk hire or other expenses out of license money, except commissions to agents. OAG May 21, 1929.

Licenses must be issued upon an application complying with the requirements of the statute, whether received by county auditors through the mail or presented in person. OAG March 18, 1939.

A person convicted of a violation, forfeiting his resident small game hunting license, was not entitled to obtain a nonresident small game hunting license within a year, although he had become a nonresident in the meantime. OAG Oct. 23, 1940.

Where credit is given to the extent of a fee previously paid for a license issued for the same period and conferring the same privileges, the county auditor is not entitled to a commission on both the original license fee and the full amount of the second license, including the amount of credit given for the original. OAG Jan. 17, 1942.

County auditors may not appoint agents in other counties for the sale of licenses, but such agents may be appointed by the director of game and fish to

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sell licenses to persons who are not residents of the county in which the agent resides. OAG April 27, 1942.

A county auditor may not refuse to appoint as his agent an applicant who offers cash for the requisite number of license blanks for any reasons personal to the auditor, or because of his belief that the agency is neither necessary or will be unsatisfactory, but may refuse such an appointment if past experience with the applicant has demonstrated he will fail to make the reports required by law. The county auditor may refuse to extend credit to agents and where fewer blanks than those prescribed by law are requested, the county auditor is entitled to the entire commission and may give a portion thereof to his agent only where the fees of the county auditor are not part of the county revenue. OAG April 28, 1942.

The premium on the bonds of county auditors or their agents conditioned upon remitting license fees to the game and fish division may not be paid from game and fish funds. OAG April 30, 1942.

98.07 FORM OF LICENSES.

HISTORY. 1927 c. 438 s. 4; M.S. 1927 s. 5536-4; 1943 c. 39 s. 1.

98.08 TERMINATION OF LICENSES.

HISTORY. 1919 c. 400 s. 36; G.S. 1923 s. 5526; M.S. 1927 s. 5526.

98.09 LICENSES; APPLICATIONS; FALSE STATEMENTS; WHO ARE RESIDENTS; PENALTY.

HISTORY. 1927 c. 438 s. 5; M.S. 1927 s. 5536-5.

Both husband and wife making application for a combination fishing license must sign and swear to the application, but need not appear together or at the same time before the officer taking their acknowledgment. OAG May 19, 1941.

98.10 SCIENTIFIC COLLECTIONS; PERMITS.

HISTORY. 1919 c. 400 s. 100; G.S. 1923 s. 5626; M.S. 1927 s. 5626; 1943 c. 40 s. 1.

98.11 PRIVATE FISH HATCHERIES; SALE OF FISH; PERMITS.

HISTORY. 1919 c. 400 s. 115; 1921 c. 44 s. 10; G.S. 1923 s. 5621; 1925 c. 380; M.S. 1927 s. 5621.

Licensed private hatcheries may be authorized to propagate bullheads. OAG March 17, 1941.

Private fish hatchery permittees are not confined in their operations to a single site or location provided they have listed the various locations in their application. OAG May 16, 1941.

There is authority to purchase eggs and fish for brood stock purposes from private hatcheries, but probably no authority to purchase adult fish for planting purposes, and there is authority to negotiate for and purchase an entire private hatchery to be operated by the state. OAG Aug. 13, 1942.

98.12 TRAFFIC IN FURS; LICENSE FEE.

HISTORY. 1919 c. 400 s. 53; 1923 c. 342 s. 1; G.S. 1923 s. 5547; 1925 c. 380; M.S. 1927 s. 5547; 1941 c. 410 s. 1.

This section permits the buying and having in possession at any time of the skins of fur-bearing animals legally killed within or without the state upon proof that the hides were so taken. The burden of proof of lawful possession is thereby placed upon the party in possession and claiming it to be lawful. *Cohen v Kauppi*, 172 M 469, 215 NW 837. See *Cohen v Gould*, 177 M 398, 225 NW 435. See also *State v Cloud*, 179 M 180, 228 NW 611.

Whether or not the origin of raw beaver skins was legal is a question for the jury. *Hudson-Duluth Furrier, Inc. v McCullough*, 182 M 581, 235 NW 537.

Compliance with Section 303.09 authorizing a foreign corporation to conduct its business in Minnesota, does not render such corporation a "resident" within the meaning of the fur buyers license act entitling it to a resident buyer's license upon payment of the fee required of residents. State ex rel v Starkweather, 214 M 232, 7 NW(2d) 747.

Section 98.12 is a penal statute and its provisions are mandatory. Laws 1941, Chapter 410, in no way conflicts with Minnesota Constitution, Article 1, Sections 7 or 10, or with Article 4, Section 27. State v Stein, 215 M 308, 9 NW(2d) 763.

The statute requires a license of a traveling representative submitting prices on firm's stationery for furs shown him which will be paid by the firm if furs are shipped to it. OAG Dec. 30, 1933.

One purchase may be sufficient to constitute an offense. OAG April 3, 1935 (209e).

Whether an auction company maintaining a warehouse is engaged in fur buying is a question of fact. OAG Aug. 22, 1935 (203e).

A furrier, buying at wholesale only, may be required to obtain a fur buyer's license, if his purchases of fur involve such a series of transactions occupying a substantial amount of time and attention so as to constitute engaging in the business of buying furs, although a single purchase or an occasional isolated act of purchase would not require such license, modifying in part the implications of a former opinion dated Dec. 14, 1925. OAG April 4, 1940.

A fur buyer's license must be obtained by each corporation or firm engaged in the business of either buying or selling raw furs and in addition thereto each individual member or employee of such corporation or firm who actually grades and determines the purchase price of furs and accepts such furs on behalf of the firm is required to have a license. OAG Jan. 9, 1942.

Each licensed fur buyer, including individual employees or officers of firms or corporations which are also licensed must keep the books required by this section. OAG Feb. 14, 1942.

98.13 LICENSE FEE FOR TAKING BEAVER.

HISTORY. 1919 c. 400 s. 49; 1923 c. 342 s. 1; G.S. 1923 s. 5543; 1925 c. 380; 1927 c. 333; M.S. 1927 s. 5543; 1941 c. 60 s. 2.

NOTE: Beaver trapping licenses may not be issued after the third day of any open season under section 98.04, as amended by Laws 1943, Chapter 207.

98.14 LICENSE FEE FOR HUNTING DEER AND MOOSE IN NORTHWEST ANGLE STATE FOREST.

HISTORY. 1919 c. 400 s. 43; 1921 c. 450 s. 1; 1923 c. 426 s. 1; G.S. 1923 s. 5537; 1925 c. 380; 1927 c. 263; M.S. 1927 s. 5537; 1929 c. 418 s. 1; 1937 c. 236 s. 1; 1939 c. 256.

98.15 LICENSE FEE FOR USE OF TIP-UPS OR TELLTALES.

HISTORY. 1935 c. 20; M. Supp. s. 5584-1.

98.153 LICENSE FOR HARVESTING WILD RICE.

HISTORY. 1939 c. 231 ss. 4, 6, 7, 13; M. Supp. ss. 6131-7, 6131-9, 6131-10, 6131-16; 1941 c. 217 ss. 3, 5, 9.

98.154 DEALERS IN WILD RICE LICENSED; FEES.

HISTORY. 1939 c. 231 s. 8; M. Supp. s. 6131-11; 1941 c. 217 s. 6.

98.155 FEES DEPOSITED WITH STATE TREASURER.

HISTORY. 1939 c. 231 s. 14; M. Supp. s. 6131-17.

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98.156 NOT TO APPLY TO DIRECTOR.

HISTORY. 1939 c. 231 s. 15; M. Supp. s. 6131-18.

98.16 KEEPING OF SKINS OF FUR-BEARING ANIMALS DURING CLOSED SEASON.

HISTORY. 1919 c. 400 s. 47; 1923 c. 342 s. 1; G.S. 1923 s. 5541; 1925 c. 380; M.S. 1927 s. 5541; 1929 c. 418 s. 3; 1931 c. 311; 1941 c. 366 s. 1.

Notwithstanding the provisions of section 100.14, the skins of fur-bearing animals must be legally tagged within five days of the close of the season in order to be bought and sold. OAG June 19, 1942.

98.17 LICENSE FEE FOR TANNING RAW FURS.

HISTORY. 1919 c. 400 s. 47; 1923 c. 342 s. 1; G.S. 1923 s. 5541; 1925 c. 380 s. 1; M.S. 1927 s. 5541; 1929 c. 418 s. 3; 1931 c. 311; 1941 c. 366 s. 1.

98.18 EXPIRATION OF LICENSES; REVOCATION.

HISTORY. 1919 c. 400 s. 47; 1923 c. 342 s. 1; G.S. 1923 s. 5541; 1925 c. 380 s. 1; M.S. 1927 s. 5541; 1929 c. 418 s. 3; 1931 c. 311; 1941 c. 366 s. 1.

98.19 REPORTS OF TANNERS; IDENTIFICATION TAGS; FAILURE TO ATTACH; CONTRABAND.

HISTORY. 1919 c. 400 s. 47; 1923 c. 342 s. 1; G.S. 1923 s. 5541; 1925 c. 380 s. 1; M.S. 1927 s. 5541; 1929 c. 418 s. 3; 1931 c. 311; 1941 c. 366 s. 1.

98.20 TAXIDERMISTS TO BE LICENSED.

HISTORY. 1919 c. 400 s. 124; G.S. 1923 s. 5630; 1925 c. 340; 1925 c. 419; M.S. 1927 s. 5630; 1929 c. 319; 1931 c. 376 ss. 1, 2; 1931 c. 391; 1933 c. 392 s. 22.

98.21 FIELD DOG TRIALS; LICENSE FEES.

HISTORY. 1937 c. 140 ss. 1, 2; M. Supp. s. 5536-21, 5536-22; 1939 c. 203; 1943 c. 146.

98.22 RECIPROCITY IN LICENSES.

HISTORY. 1919 c. 400 s. 139; G.S. 1923 s. 5647; M.S. 1927 s. 5647; 1931 c. 298 s. 2. See Reciprocal and Retaliatory Legislation, 12 MLR 371.

98.23 RESIDENT GAME BIRD LICENSES; COUPONS.

HISTORY. 1919 c. 400 s. 24; 1923 c. 426 s. 1; G.S. 1923 s. 5518; M.S. 1927 s. 5518.

98.24 RESIDENT BIG GAME LICENSES; COUPONS.

HISTORY. 1919 c. 400 s. 25; 1923 c. 426; G.S. 1923 s. 5519; M.S. 1927 s. 5519.

98.25 NONRESIDENT SMALL GAME LICENSES; COUPONS.

HISTORY. 1919 c. 400 s. 26; 1923 c. 426; G.S. 1923 s. 5520; M.S. 1927 s. 5520.

98.26 NONRESIDENT BIG GAME LICENSES; COUPONS.

HISTORY. 1919 c. 400 s. 27; 1923 c. 426; G.S. 1923 s. 5521; 1925 c. 380; M.S. 1927 s. 5521.

98.27 RECORDS KEPT BY PERSONS ISSUING LICENSES.

HISTORY. 1927 c. 438 s. 6; M.S. 1927 s. 5536-6.

98.28 DUPLICATE LICENSES.

HISTORY. 1927 c. 438 s. 9; M.S. 1927 s. 5536-9.

98.29 CARRYING AND EXHIBITION OF LICENSES.

HISTORY. 1927 c. 438 s. 10; M.S. 1927 s. 5536-10.

98.30 LOANING OR TRANSFERRING LICENSES UNLAWFUL; ALTERATION A FORGERY.

HISTORY. 1927 c. 438 s. 11; M.S. 1927 s. 5536-11.

A helper's license is not transferrable. OAG Sept. 13, 1933.

98.31 REPORTS TO DIRECTOR.

HISTORY. 1927 c. 438 s. 12; M.S. 1927 s. 5536-12; 1929 c. 332 s. 5.

98.32 VIOLATIONS OF LAW BY LICENSEES.

HISTORY. 1927 c. 438 s. 8; M.S. 1927 s. 5536-8; 1929 c. 332 s. 4; 1933 c. 392 s. 6; 1941 c. 82.

Where an appeal is taken from a conviction in the justice court, the revocation of license does not become effective until after a conviction in the appellate court. OAG Dec. 19, 1929.

In computing the time within which a license may be issued to one who has been convicted for violation of the game laws the date of conviction is immaterial under this section. OAG June 7, 1930.

One having pheasants in his possession during closed season without having procured a small game hunting license forfeited his right to obtain a license for the year. OAG Oct. 6, 1931.

A hunter does not forfeit his right to a license when he is arrested and found guilty of carrying a loaded gun in a motor vehicle, as the statute only requires such forfeiture as to those kinds of animals involved in the offense. OAG Oct. 26, 1931.

A game warden has no authority to take up a license before a conviction of the licensee. OAG Nov. 4, 1933.

The licenses referred to in this section, ipso facto become null and void upon conviction, and neither judges nor officers of the conservation department have any power or authority to reinstate them. OAG Oct. 13, 1939.

98.33 VIOLATIONS BY TAXIDERMISTS.

HISTORY. 1919 c. 400 s. 124; G.S. 1923 s. 5630; 1925 c. 340 s. 1; 1925 c. 419 s. 1; M.S. 1927 s. 5630; 1929 c. 319; 1931 c. 376 ss. 1, 2; 1931 c. 391; 1933 s. 392 s. 22.

98.34 DISPOSING OF FINES.

HISTORY. 1919 c. 400 s. 130; G.S. 1923 s. 5636; 1925 c. 380; M.S. 1927 c. 5636; 1929 c. 11; 1941 c. 368.

The amendment by Laws 1929, Chapter 11, applied to all fines collected on or after Feb. 9, 1929, even though imposed before that date. OAG April 9, 1929.

A city ordinance requiring fines to be retained by the city must give way to this section. OAG Dec. 5, 1933.

Fines paid under section 97.30 are payable 50 per cent to the county treasurer and 50 per cent to the game and fish fund, but if the prosecution is under the general laws relating to resisting an officer, the fines are not so allocable. OAG March 2, 1942.

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98.35 LICENSES

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98.35 COUNTY AUDITOR TO DEPOSIT MONEY WITH COUNTY TREASURER.

HISTORY. 1927 c. 438 s. 8; M.S. 1927 s. 5536-7; 1929 c. 332 s. 4; 1933 c. 392 s. 6; 1941 c. 317.

License fees go to the general county fund and cannot be segregated. No clerk hire or expenses other than commissions to agents may be paid out of license moneys. OAG May 21, 1929.

Any person has a legal right to purchase fishing and hunting licenses for resale. OAG May 1, 1933.

This section is constitutional. OAG Oct. 19, 1933.

Agents are entitled to receive commission on sale of big game licenses. OAG Dec. 20, 1933.

98.36 FEES SET ASIDE FOR USE OF DIRECTOR.

HISTORY. 1929 c. 332 s. 6; M. Supp. s. 5536-13.

Where the land is owned by one person and the timber by another, the state may make out separate checks to the land owner and to the timber owner. OAG Nov. 15, 1933.

Purchase of birds and eggs is part of the maintenance of public hunting grounds, game farms, and game refuges and should properly come out of the public shooting grounds fund whenever there are moneys available for such purpose. OAG Dec. 19, 1933.

Where game wardens perform work within the confines of hunting grounds, game farms, and game refuges, such as feeding game birds therein, their salaries and expenses can be charged to the public hunting ground and game refuge revolving fund. OAG Dec. 28, 1933.

98.37 DIRECTOR TO USE UNEXPENDED BALANCES.

HISTORY. 1929 c. 332 s. 7; M. Supp. s. 5536-14.

98.38 FEES REAPPROPRIATED.

HISTORY. 1929 c. 332 s. 8; M. Supp. s. 5536-15.

Game and fish funds cannot legally be used in defraying expenses or costs of the tourist bureau in preparing and circulating pamphlets, portraying the scenic beauty of Minnesota, with fishing and hunting scenes, etc. OAG Dec. 13, 1940.

98.43 INCOME FROM GAME REFUGES.

HISTORY. 1919 c. 400 s. 124; G.S. 1923 s. 5630; 1925 c. 340 s. 1; 1925 c. 419 s. 1; M.S. 1927 s. 5630; 1929 c. 319; 1931 c. 376 ss. 1, 2; 1931 c. 391; 1933 c. 392 s. 22.

98.44 PERCENTAGE OF RECEIPTS PAID TO COUNTY.

HISTORY. 1919 c. 400 s. 124; G.S. 1923 s. 5630; 1925 c. 340 s. 1; 1925 c. 419 s. 1; M.S. 1927 s. 5630; 1929 c. 319; 1931 c. 376 ss. 1, 2; 1931 c. 391; 1933 c. 392 s. 22.