

## CHAPTER 99

## GAME REFUGES AND GAME AND FUR FARMS

**99.25 GAME REFUGES; ESTABLISHMENT AND VACATION.**

HISTORY. 1945 c. 248 s. 3.

**99.26 GAME REFUGES, PROTECTION OF ANIMALS.**

HISTORY. 1945 c. 248 s. 3.

**99.27 GAME AND FUR FARMS.**

HISTORY. 1945 c. 248 s. 3.

Sections 99.01 to 99.24 were repealed by Laws 1945, Chapter 248 Section 7, and superseded by Minnesota Statutes 1945, Sections 99.25 to 99.27 in accordance with the following comparative table:

Number	Disposition
99.01	98.48 (4) and (5); 99.25, sub. 3; 99.26, sub. 1; and 99.28, sub. 8. Requirement that all lands must be outside of corporate limits of city or village is omitted. Requirement that petition to establish refuge must be accompanied by a map is omitted. Requirement that petitioners must post game refuge signs is eliminated in favor of a provision requiring the division of game and fish to properly post refuges.
99.02	99.25, sub. 4 and sub. 8; 99.26, sub. 1; and 97.48, (4) and (5).
99.025	99.26, sub. 2.
99.03	99.25, sub. 5. Authority to establish separate waterfowl refuges eliminated as undesirable and unenforceable.
99.04	Omitted except as covered by 100.29, sub. 3.
99.05	Omitted as unnecessary and meaningless.
99.06	99.25, sub. 6, and 99.26, sub. 3.
99.07	99.25, sub. 2 and sub. 3, and 97.48 (4).
99.08	99.26, sub. 1. Provision requiring guns to be sealed by park commissioner omitted as undesirable and unworkable.
99.09	97.48 (4). Special provisions relating to Superior Game Refuge omitted as inconsistent, cumbersome and unnecessary. Provision as to predatory animal control fund omitted as unnecessary.
99.10	Omitted as special legislation and because the Act passed in 1921 has never been executed. Authority to do so exists under 97.48, sub. 8, (5).
99.11	99.27, sub. 1.

# MINNESOTA STATUTES 1945 ANNOTATIONS

## 99.01 REFUGES AND FARMS

596

Number	Disposition
99.12, subs. 1, 2, and 3....	Omitted as unnecessary provisions of administrative detail and covered by general provisions of 98.49.
99.12, sub. 4 .....	Omits requirement of payment for muskrats or beaver upon farms as undesirable legislation.
99.12, subs. 5 and 6 .....	99.27, sub. 3 and 4.
99.12, sub. 7 .....	Omitted as not properly a matter for the game and fish code.
99.13 .....	Omitted as undesirable legislation.
99.14, sub. 1 .....	Omitted as unnecessary.
99.14, sub. 2 .....	99.27, sub. 5.
99.14, sub. 3 .....	99.27, sub. 6. Omits provision that one copy of each sale contract must be mailed within 30 days after sale. Omits provision that no animal ranched in Minnesota can be moved to another state without owner's permission as unnecessary in view of provisions of 99.27 sub. 7. Provision that officials may inspect premises covered by 97.50, sub. 1, (4).
99.14, sub. 4 .....	99.27, sub. 5. Detailed requirements as to forms of applications and licenses omitted in view of provisions of 98.49.
99.14, sub. 5 .....	Omitted as of no value.
99.15 .....	99.27, sub. 7, and 98.51, sub. 2 and sub. 3. Omits charge of one cent per pelt for tags and seals as unnecessary and cumbersome. 98.48 (3), administrative details omitted as within the authority granted commissioner.
99.16 .....	98.46, sub. 1, (14). Omits varying fees for different types of animals in favor of one standardized fee of \$5.00 to maintain fur and game farms. Penalty provision covered by 97.55, sub. 1, (4).
99.17 .....	Omitted as unnecessary, except as covered by 100.29, sub. 3.
99.18 .....	Omitted. Special and additional penalty contained in first sentence believed unnecessary. Second sentence establishing farms as waterfowl refuges eliminated because this type of refuge has been omitted elsewhere as unenforceable and impractical.
99.19 .....	97.50, sub. 1, (4); 98.51, sub. 2, but omits the restriction that premises cannot be entered and inspected during the breeding season.
99.20 .....	Omitted as unnecessary.
99.21 .....	Omitted as unnecessary because of single license for game and fur farms.
99.22 .....	98.48 (3), but license fees for permit has been eliminated as producing no substantial revenue and as being merely a nuisance. First and last paragraphs are covered by the various general provisions of Chapter 97.
99.23 .....	99.25, sub. 1; 99.26, sub. 1; 98.48, (5).
99.24 .....	97.55, sub. 1.

NOTE: The following annotations apply to Sections 99.01 to 99.24, which were superseded by Sections 99.25 to 99.27.

### 99.01 STATE GAME REFUGES; SIGNS; HUNTING OR CARRYING FIRE-ARMS ON.

HISTORY. 1919 c. 400 s. 107; G.S. 1923 s. 5610; 1925 c. 380; M.S. 1927 s. 5610.

A village within the limits of a game refuge is not to be considered a part thereof as regards the carrying of arms. OAG Feb. 7, 1933.

No authority exists to create interstate game refuges. OAG Dec. 31, 1935 (983g).

Statutory refuges include only such adjacent public waters as are named in the order establishing the refuge, and if such waters are not named or described the public cannot be prohibited from hunting thereon. OAG Oct. 8, 1940.

The owner of lands within the game refuge is prohibited from hunting thereon, as well as the owner of any lesser estates, such as leaseholds, "profit a prendre," or license. OAG Dec 2, 1940.

The authority of wardens to confiscate firearms carried on a game refuge depends upon proof that such firearms were used or intended to be used for unlawfully taking wild animals on such refuge. OAG Feb. 8, 1941.

Assuming land on which the deer was killed was posted in accordance with the provisions of the statute, the deer was killed in violation of the statute and belonged to the state and not to either the owner of the land or the sportsman. If the deer was shot on non-posted property, but died on posted property, the man shooting the deer is entitled to it. 1942 OAG 7, Dec. 1, 1942 (210-D-2).

#### **99.02 GAME REFUGES; PARTIALLY CLOSED TO HUNTING; CARRYING FIREARMS.**

**HISTORY.** 1919 c. 400 s. 108; G.S. 1923 s. 5611; 1925 c. 380; M.S. 1927 s. 5611.

The establishment of the Ramsey County Game Refuge operated to cancel the small refuges established within the county. OAG Jan. 18, 1933.

#### **99.025 OPENING REFUGES ON OVER-ABUNDANT SPECIES.**

**HISTORY.** 1943 c. 206 s. 1.

#### **99.03 GAME REFUGES; RESTRICTIONS IN ESTABLISHING WATER-FOWL.**

**HISTORY.** 1919 c. 400 s. 109; 1921 c. 44 s. 9; G.S. 1923 s. 5612; 1925 c. 380; M.S. 1927 s. 5612; 1939 c. 39.

A water-fowl refuge cannot be established under the statute which does not include water area. A refuge consisting of an island only, so as to prohibit hunting thereon, does not come within the intention of the act, and an attempt to establish a statutory refuge on such a plot of land as a water-fowl refuge is invalid. OAG Oct. 26, 1939.

#### **99.04 UNLAWFUL ENTRY UPON PLACES WHERE GAME BIRDS OR ANIMALS ARE KEPT FOR BREEDING PURPOSES.**

**HISTORY.** 1921 c. 263 s. 1; G.S. 1923 s. 5641; 1927 c. 24; M.S. 1927 s. 5641.

#### **99.05 GAME REFUGES; HUNTING OR TRAPPING RIGHTS EXTINGUISHED.**

**HISTORY.** 1919 c. 400 s. 110; G.S. 1923 s. 5613; 1925 c. 380; M.S. 1927 s. 5613.

#### **99.06 GAME REFUGES; WHAT INCLUDED IN.**

**HISTORY.** 1919 c. 400 s. 111; G.S. 1923 s. 5614; 1925 c. 380; M.S. 1927 s. 5614.

#### **99.07 PROTECTION OF GAME BIRDS OR ANIMALS ON STATE PARKS.**

**HISTORY.** 1919 c. 400 s. 112; G.S. 1923 s. 5615; 1925 c. 380; M.S. 1927 s. 5615.

There was no authority and no public necessity for the condemnation of an easement for an electric power line through Jay Cooke State Park. Minn. P. & L. Co. v State, 177 M 343, 225 NW 164.

# MINNESOTA STATUTES 1945 ANNOTATIONS

## 99.08 STATE PARKS; POSSESSION OF FIREARMS, TAKING, DISTURBING, OR POSSESSING BIRDS OR ANIMALS FORBIDDEN.

HISTORY. 1919 c. 400 s. 113; G.S. 1923 s. 5616; 1925 c. 380; M.S. 1927 s. 5616.

## 99.09 TRAPPING FUR-BEARING ANIMALS IN REFUGES AND PARKS; PERMITS; ITASCA STATE PARK.

HISTORY. 1919 c. 400 s. 114; G.S. 1923 s. 5617; 1925 c. 380; M.S. 1927 s. 5617.

There is no authority for opening a beaver season within the Superior Game Refuge in view of the provision of section 99.09 providing that wild animals within that refuge may be trapped only by state-employed trappers. OAG Jan. 10, 1942.

## 99.10 FREEBORN COUNTY GAME REFUGE AND GAME FARM.

HISTORY. 1921 c. 405 ss. 1 to 3; G.S. 1923 ss. 5618 to 5620; M.S. 1927 ss. 5618 to 5620.

## 99.11 PERMITS TO ENGAGE IN RAISING WILD ANIMALS.

HISTORY. 1927 c. 423 s. 1; M.S. 1927 s. 5625-1; 1929 c. 366 s. 1; 1935 c. 115 s. 1; 1941 c. 443 s. 1.

A person who has raised deer lawfully under a license issued prior to the passage of Laws 1929, Chapter 366, Section 1, may now lawfully dispose of the animals. OAG July 31, 1931.

The owner or lessee of land within the state may buy or sell pheasants or other game birds (except Hungarian partridge) for stocking or breeding purposes, but cannot buy game birds without the state for food purposes. OAG May 24, 1933.

English call ducks are not game birds and no license for breeding is required. OAG Sept. 26, 1933.

Licenses are necessary for the breeding of silver foxes, notwithstanding that the federal government considers them domestic animals. OAG Dec. 30, 1933.

Permits may be issued for the keeping and raising of wolves. OAG May 17, 1934 (210d-8).

Where persons admit having been engaged in breeding fur-bearing animals for a number of years without a license, it is necessary that the department collect license fees for the previous years before issuing a license for the current year. OAG June 28, 1934, (210b).

One desiring to keep a golden pheasant as a pet should obtain a special permit from the director of game and fish. OAG Dec. 10, 1936 (209f).

## 99.12 APPLICATION FOR PERMITS.

HISTORY. 1927 c. 423 s. 2; M.S. 1927 s. 5625-2; 1929 c. 366 s. 2; 1935 c. 115 s. 2.

A game breeder operating under a license under this section may sell game birds raised by him to hotels and restaurants for food purposes. OAG Oct. 26, 1931.

A permit for breeding frogs issued before the passage of Laws 1927, Chapter 423, may be renewed under this section. OAG Apr. 18, 1933.

## 99.13 LICENSEE TO PURCHASE ANIMALS ON LAND.

HISTORY. 1927 c. 423 s. 3; M.S. 1927 s. 5625-3; 1929 c. 366 s. 2.

This section provides the only fees that may be charged for taking wild animals alive for breeding purposes. OAG June 25, 1929.

A resident catching fox cubs may not dispose of them for breeding purposes except that they have been pen bred for two successive generations, and a license is needed to retain them for that purpose. OAG July 2, 1934 (210b-3).

## 99.14 LICENSEE MUST MANAGE AND CONTROL LAND.

HISTORY. 1927 c. 423 s. 4; M.S. 1927 s. 5625-4; 1929 c. 366 s. 4; 1931 c. 389 ss. 1, 2; 1933 c. 392 s. 7.

A game breeder operating under a license may sell game birds raised by him to hotels and restaurants. OAG Oct. 26, 1931.

A dealer cannot sell wild mink imported from other states where not protected. OAG July 19, 1933.

#### **99.15 SHIPMENT OF PELTS AND PRODUCTS; TAGGING.**

HISTORY. 1927 c. 423 s. 5; M.S. 1927 s. 5625-5; 1933 c. 392 s. 16; 1935 c. 115 s. 3; 1941 c. 413; 1941 c. 443 s. 2.

Silver fox pelts are still to be tagged by game warden and his representative, notwithstanding the federal government has decreed them to be domestic animals. OAG Dec. 30, 1933.

#### **99.16 LICENSES; FEES.**

HISTORY. 1927 c. 423 s. 6; M.S. 1927 s. 5625-6; 1929 c. 366 s. 5; 1935 c. 115 s. 4; 1941 c. 443 s. 3.

#### **99.17 LICENSEE TO MARK BOUNDARY OF FARM.**

HISTORY. 1927 c. 423 s. 7; M.S. 1927 s. 5625-7; 1929 c. 366 s. 6.

#### **99.18 TRESPASSERS.**

HISTORY. 1927 c. 423 s. 8; M.S. 1927 s. 5625-8; 1929 c. 366 s. 7.

#### **99.19 ANNUAL REPORT TO DIRECTOR.**

HISTORY. 1927 c. 423 s. 9; M.S. 1927 s. 5625-9; 1929 c. 366 s. 8.

#### **99.20 PUBLIC RIGHT OF HUNTING, TRAPPING, FISHING, OR NAVIGATION NOT AFFECTED; RIPARIAN RIGHTS.**

HISTORY. 1927 c. 423 s. 10; M.S. 1927 s. 5625-10.

#### **99.21 ADDITIONAL LICENSE.**

HISTORY. 1927 c. 423 s. 11; M.S. 1927 s. 5625-11; 1929 c. 366 s. 9.

#### **99.22 PERMIT TO CAPTURE WILD ANIMALS.**

HISTORY. 1927 c. 423 s. 13; M.S. 1927 s. 5625-13; 1929 c. 366 s. 11; 1933 c. 392 s. 18.

The old fees that may be charged for taking wild animals alive for breeding purposes are those prescribed by section 99.13 or section 98.13. OAG June 25, 1929.

A nonresident may be given a permit to keep a pet deer within the state. OAG April 22, 1933.

One desiring to keep a golden pheasant as a pet should obtain a special permit from the director of game and fish. OAG Dec. 10, 1936 (209f).

The department of conservation may not dispose of or permit transportation of deer in exchange for game of other states unless the disposal and transportation is done strictly for scientific, educational, or exhibition purposes or for use as pets. OAG June 26, 1934 (210d-2).

A person securing a live fox taken from the wild may be granted a permit to keep it as a pet. OAG July 2, 1934 (210b-3).

Residents of Minnesota may not keep bears without obtaining a pet permit therefor, notwithstanding such animals were lawfully purchased in and shipped from Canada. OAG Aug. 12, 1940.

#### **99.23 ANIMALS AND BIRDS IN STATE FORESTS, PARKS; PROHIBITION.**

HISTORY. 1907 c. 45 ss. 1, 2; 1909 c. 171; 1913 c. 95 s. 1; G.S. 1913 ss. 5384, 5385; G.S. 1923 ss. 6517, 6518; M.S. 1927 ss. 6517, 6518; 1943 c. 57 s. 1.

# MINNESOTA STATUTES 1945 ANNOTATIONS

## 99.24 REFUGES AND FARMS

-600

Wild animal raised without a fur breeder's license may be seized but it is more expeditious procedure to cause the arrest of the offenders for not having a license. OAG March 16, 1934.

Portions of game propagating or breeding grounds may be vacated by an order executed upon the same formalities as the original area was established. OAG Aug. 27, 1942.

### 99.24 VIOLATIONS; PENALTIES.

HISTORY. 1927 c. 423 s. 12; M.S. 1927 s. 5625-12; 1929 c. 366 s. 10.