

## CHAPTER 100

## DIVISION OF GAME AND FISH; QUADRUPEDS AND BIRDS

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100.01 to 100.25 [Repealed, 1945 c 248 s 7]

**100.26 UNPROTECTED ANIMALS.** Subdivision 1. Weasel, wild cat, lynx, wolves, foxes, bears, gophers, porcupines, and all other quadrupeds for which no closed season or other protection is accorded by Chapters 97 to 102, are unprotected animals and may be taken either in the daytime or at night, and in any manner, except with the aid of artificial lights, and possessed, bought, sold or transported in any quantity, provided that for the safety of humans and domestic stock, poison may not be used in the taking thereof, and steel traps may not be used in the taking of bear, except when and in the manner prescribed by the commissioner. The taking of bear may be prohibited by order of the commissioner in such areas of the state and during such periods as he may deem necessary.

Subd. 2. The English sparrow, blackbird, crow, starling, magpie, cormorant, goshawk, Coopers hawk, sharp-shinned hawk, and the great horned owl are unprotected wild animals, but all other birds, including their nests and eggs, shall be taken only as authorized by Chapters 97 to 102.

Subd. 3. Skunk and civet cats are unprotected wild animals and may be taken either in the daytime or at night and in any manner except with the aid of artificial lights and may be possessed, bought, sold or transported in any quantity, provided that for the safety of humans and domestic stock, poison may not be used in the taking thereof.

[1945 c 248 s 4; 1949 c 150 s 28; 1949 c 629 s 1]

**100.27 SEASONS.** Subdivision 1. Except as otherwise specifically provided, there shall be no open season on moose, elk, caribou, marten, fisher, Canada spruce grouse, or wild turkeys.

Subd. 2. Deer and moose may be taken in such areas of the state, under such restrictions and on such dates within the periods hereafter prescribed as the commissioner may, by order, provide:

- (1) Deer, by bow and arrows only, from October 16th to November 1st;
- (2) Deer, by legal firearms and with bow and arrows, for not more than nine days, between November 10th and December 1st;
- (3) One antlered moose or one deer, or both, in the Northwest Angle only, between October 10th and October 20th, or one antlered moose in an area not to exceed three miles wide paralleling the Canadian Border to be designated by the commissioner, but at the same time as the season for taking deer.

Subd. 3. The following animals may be taken and possessed, subject to all other provisions of Chapters 97 to 102, between the dates set opposite the species:

- (1) Grey and fox squirrels, October 15th and December 31st;
- (2) Raccoon, November 1st and December 1st;
- (3) Badger, November 1st and March 1st;
- (4) Jack rabbits, cottontail rabbits and varying hare or snowshoe rabbits, September 16th and March 1st.

Subd. 4. Muskrats may be taken for a period not exceeding 30 days in the aggregate for the area, beaver or otter for a period not exceeding 15 days, only by trapping, and mink for a period not exceeding 90 days, in such areas of the state and during such times and subject to such regulations as the commissioner shall prescribe, between November 1st and April 30th following.

Subd. 5. Quail, partridges or ruffed grouse, pheasants, prairie chicken or pin-nated grouse, white breasted or sharp tailed grouse, Hungarian partridge or chukkar partridge, may be taken and possessed, subject to all other provisions of chapters 97 to 102, only in such areas of the state and during such times between September 16th and November 30th, as the commissioner shall prescribe.

Subd. 6. All migratory game birds, excepting mourning doves, may be taken and possessed whenever and so long as the taking or possession is not prohibited by federal laws or regulations, subject, however, to all requirements of chapters 97 to 102, provided that it shall be unlawful to take any migratory game birds at any time in violation of any federal law or regulation. Mourning doves shall not be taken and possessed in the state.

Subd. 7. Skunk, badger, mink, squirrels, rabbits, hares, or beaver may be taken in any manner, except by poison, or artificial lights in closed season, by the actual occupant or owner of any land whereon the animals so killed are causing any damage or injury. Upon so killing any such animal, the entire carcass, including the hide, shall be turned over and surrendered to the nearest warden or employee of the division within 24 hours of the time such animal was killed.

[1945 c 248 s 4; 1947 c 609 s 21, 22; 1949 c 150 s 29]

**100.28 LIMITS.** Subdivision 1. Not more than one deer or ten beaver shall be taken by any licensee during any one year.

Subd. 2. Unless the numbers are reduced by order of the commissioner; no person shall take in any one day, or shall have in possession at any one time, a greater number of any species than prescribed by the following table:

Species	Daily	Possession
Grey and fox squirrels.....	7	14
Quail .....	10	15
Partridge (ruffed grouse), prairie chicken (pin-nated grouse), pheasant, white breasted grouse (sharp tailed grouse), Hungarian partridge or chukkar partridge .....	5	10

provided that not more than one hen pheasant shall be taken in any one day, nor more than two had in possession.

[1945 c 248 s 4; 1949 c 150 s 30]

**100.29 RESTRICTIONS AND PROHIBITIONS.** Subdivision 1. It shall be unlawful to take protected wild animals, except raccoon, with the use of a gun or bow and arrows between sunset and one-half hour before sunrise.

Subd. 2. It shall be unlawful to take protected wild animals with a gun larger in bore than a 10 gauge or not fired from the shoulder.

Subd. 3. It shall be unlawful to have in possession out of doors, unless unloaded and contained in a gun case, or unloaded and broken down, any rifle, or shotgun with slugs, in any territory wherein there is an open season for taking deer with firearms, for a period of ten days preceding and five days succeeding such season.

Subd. 4. It shall be unlawful to use, own or possess any type of silencer for a firearm, or to possess any firearm equipped to have a silencer attached.

Subd. 5. It shall be unlawful to take any wild animal or discharge any firearm thereat from a motor vehicle or airplane, or to transport any firearm except a pistol or revolver in a motor vehicle or airplane, unless the same is unloaded in both barrels and magazine and taken apart or contained in a gun case.

Subd. 6. It shall be unlawful to hunt protected wild animals with a firearm or bow and arrows while visibly intoxicated, under the influence of narcotics, or if an habitual user of narcotics.

Subd. 7. It shall be unlawful to hunt deer during the bow and arrow season while in possession of, or having under control, any firearm, or with any bow drawn, held or released by a mechanical device, or to hunt deer with any poisoned arrow or arrow with explosive tip or with an arrow other than a sharpened steel, broad head blade, not less than seven-eighths inches nor more than one and one-half inches in width.

Subd. 8. It shall be unlawful to hunt or trap, or assist therein, in any territory open for the taking of deer with the use of fire arms, during such open season, unless at least 50 per cent of the visible portion of the hunting cap, and at least 50

per cent of the jacket, excluding the sleeves, shall be red or covered with red, providing that from and after October 1, 1949, the visible portion of the hunting cap or jacket shall be scarlet or bright red or covered therewith, and any hunting coat shall be scarlet or bright red or made of a material the area of which is at least three-quarters solid scarlet or bright red.

Subd. 9. It shall be unlawful to take deer or any other wild animal during deer season in open deer hunting territory with a rifle or firearm which discharges a projectile, the diameter of which is less than twenty-three hundredths of an inch, or to use any cartridge less than one and three-fourths inches in length, and not containing a soft point or expanding bullet, the measurement to include the cartridge or shell and the bullet seated in the usual manner, provided cartridges of 35 caliber or larger may be used, regardless of length, or to use shells containing buckshot, or fine shot except for game birds.

Subd. 10. It shall be unlawful to throw or cast the rays of a spotlight, headlight, or other artificial light on any highway, or in any field, woodland, or forest, for the purpose of spotting, locating or taking any wild animal, except raccoons when treed with the aid of dogs, while having in possession or under control, either singly or as one of a group of persons, any firearm or other implement whereby big game could be killed, unless the same is unloaded in both barrels and magazine and properly encased or broken down.

Subd. 11. It shall be unlawful to knowingly transport, either singly or as one of a group of persons, any big game animal taken in violation of chapters 97 to 102 or fur bearing animal or raw fur illegally purchased.

Subd. 12. It shall be unlawful to take deer with the aid of any snare, trap, set gun or swivel gun.

Subd. 13. It shall be unlawful to snare for wolves or other wild animals in any runway used by deer, or to use any snare with a greater maximum diameter than 12 inches, or with the top of the loop higher than 24 inches above the ground, or to use a spring pole with any snare.

Subd. 14. It shall be unlawful to take deer from any artificial scaffold, platform, or other construction higher than six feet above the ground, or with the aid of dogs or horses.

Subd. 15. It shall be unlawful to take any raccoon in any manner in a den or hollow tree or cut down any tree inhabited or occupied by raccoon; or to set any trap for raccoon in or under water or in any muskrat runway; or to set fire to any tree or use smoke to take raccoons or squirrels.

Subd. 16. It shall be unlawful to trap, net or snare any protected birds, or to use any bird lime, swivel or set gun, for taking such birds; to flush protected birds by dragging a rope, wire, or other instrumentality across a field inhabited by them.

Subd. 17. It shall be unlawful to take migratory waterfowl and rails in open water when the hunter is not within a natural growth of weeds, rushes, flags or other vegetation sufficient to partially conceal the hunter or boat, or from a permanent artificial blind or sink box built in public waters, provided pursuing or shooting wounded birds in open water in a boat or canoe is permitted.

Subd. 18. It shall be unlawful to place decoys or erect blinds in public waters more than one hour before the open season for waterfowl.

Subd. 19. Any person may, and it shall be the duty of every game warden to, kill any dog pursuing or killing deer or moose, and no action for damages shall be maintained against the person for the killing.

Subd. 20. Hunting dogs may not be taken afield for the purpose of training between April 16th and July 14th, and no person taking a dog afield for training purposes except in open season for game birds, who carries any firearms, shall have any cartridges or shells, except blanks, on his person.

Subd. 21. No person shall enter any growing or standing grain not his own, with intent to take any wild animal, or permit any dog with which he shall be hunting to do so, without permission of the owner or person in charge thereof. No person shall at any time enter upon any land not his own with intent to take any wild animals after being notified, either orally or by printed notices, by the owner, occupant, or lessee, not to do so. No person, while hunting, fishing or trapping wild animals, shall enter or leave the lands of another, or pass from one portion of such lands to another portion, through a closed gate, without returning said gate to its original

position, nor shall any person cut any wire or tear down or destroy any fence. Where printed notices are used, they shall bear letters not less than two inches high and shall be signed by the owner, occupant, or lessee, and shall be posted at intervals of not more than 30 rods upon the boundaries of the area so protected.

[1945 c 248 s 4; 1947 c 609 s 23; 1949 c 150 s 31]

**100.30 POSSESSION, SALE AND TRANSPORTATION.** The skins of all fur bearing animals, the hides of deer or moose, and the flesh of beaver, muskrat, raccoon, rabbits and hares, legally taken and bearing such seals or tags as may be required by chapters 97 to 102, may be bought, sold and transported at any time, provided the flesh of animals enumerated herein, except muskrats, shall not be transported outside of the state of Minnesota.

[1945 c 248 s 4; 1949 c 150 s 32]

**100.31 PROHIBITION AGAINST DISCHARGE OF FIREARMS FROM PUBLIC HIGHWAY.** No person shall discharge any firearm upon, over, or across any improved public highway at any big game animal, or while such person is within the limits of the right-of-way of any improved public highway.