

CHAPTER 98

DIVISION OF GAME AND FISH; LICENSES

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98.01 to 98.44 [Repealed, 1945 c 248 s 7]

98.45 REQUIREMENT OF LICENSES. Subdivision 1. Except as specifically permitted in chapters 97 to 102, no person shall take, buy, sell, transport or possess any protected wild animals of this state, or aquatic plants, without first having procured a license as provided therefor in section 98.46 or 98.48. Every license shall be issued for the calendar year and shall be void after the last day of the open season or the lawful time within that calendar year during which the acts authorized may be performed. No license to take deer with a firearm, or beaver, shall be issued to any person after the third day of the open season provided therefor for that year. Only one license of each kind shall be issued to any one person in any calendar year, and no license shall be transferable except as expressly authorized.

Subd. 2. Every person to whom a license has been issued shall have the same upon his person while doing any act for which the license is required and while traveling to and from the grounds upon which such acts are performed, and shall exhibit the same to any game warden or peace officer upon his request at any time. No receipt for license fees or copy of any license or other evidence purporting to show the issuance of a license, except the license itself, shall be valid to entitle the holder to exercise the rights or privileges conferred by the license.

Subd. 3. No person shall at any time lend or transfer to another, or borrow or solicit from another, any license, coupon, or seal attached thereto or issued therewith, or use any license, coupon, or seal not issued to him, unless otherwise expressly authorized.

Subd. 4. Any person, whether a resident or not, who is not a citizen of the United States, may take, buy, sell, transport, or possess wild animals in this state, only as a non-resident. Any firearm in possession of such alien for any purpose, other than hunting as a non-resident, is contraband and subject to confiscation.

Subd. 5. When provision is not made for a license for non-residents to engage in activities requiring a license of residents, non-residents may not engage in such activities.

[1945 c 248 s 2; 1949 c 150 s 17]

98.46 LICENSES, FEES. Subdivision 1. Subject to all applicable provisions of law, the licenses specified in this section shall be issued upon payment of the fees herein specified.

Subd. 2. Fees for the following licenses, to be issued to residents only, shall be:

- (1) To take small game, \$2.00;
- (2) To take deer with firearms and bow and arrows, \$3.50;
- (3) To take fish by angling, \$1.50;
- (4) Sportsmen's license, to include the privilege of taking small game, fish by angling, deer with firearms and bow and arrows, and spearing fish from a dark house, \$8.50, plus any additional fee the licensee, at his option, desires to pay;
- (5) Combination husband and wife, to take fish by angling, \$2.00;
- (6) To take moose, \$5.25.

Subd. 3. Fees for the following licenses, to be issued to residents only, shall be:

- (1) Each individual over the age of 16 shall pay a license fee of \$1.00 to harvest wild rice;
- (2) A license fee of \$5.00 shall be paid for each boat used in the harvesting of wild rice. Individual or family license to harvest wild rice, \$1.00, but no license shall be required of a recipient of old age assistance or members of his immediate

family. Identification cards shall be issued without fee to each member of the family of the purchaser of a license to harvest wild rice. The term "immediate family" shall include husband and wife and minor children having their abode and domicile with the parent or legal guardian.

Subd. 4. Fees for the following licenses, to be issued to residents only, shall be:

- (1) To trap fur bearing animals, except beaver, \$3.00;
- (2) To buy or sell raw furs anywhere within the state, \$20.00;

(3) To buy or sell raw furs anywhere within the state as authorized in (2) and including the privilege of selling to resident manufacturers or to unlicensed non-residents, representing unlicensed non-residents as a broker or agent, or conducting a fur auction wherein sales are made to unlicensed non-residents or resident manufacturers, \$200, provided that no raw furs shall be delivered to any unlicensed non-resident until a registration card disclosing the purchaser's name and place of business, the number and species of fur and the name and place of business of the licensee from whom the purchase is being made has been forwarded by such licensee to the division of game and fish, and provided further that any employee, partner or officer buying or selling at the established place of business only for such licensee may secure a supplemental license for \$10;

(4) To trap beaver during an open season or by permit when doing damage, \$2.50.

Subd. 5. Fees for the following licenses, to be issued to residents only, shall be:

- (1) To spear fish from a dark house, \$1.00;
- (2) To net whitefish, tullibees or herring from inland lakes or international waters, for domestic use only, for each net, \$1.00;
- (3) To conduct a taxidermist business, \$2.00;
- (4) To maintain fur and game farms, including deer, \$5.00;
- (5) To take mussels or clams, \$5.00.

Subd. 6. Fees for the following licenses to net for commercial purposes in the boundary waters between Wisconsin and Minnesota from Lake St. Croix to the Iowa border, to be issued to residents only, shall be:

- (1) For each 100 feet of seine not exceeding 500 feet, \$1.00;
- (2) For each 100 feet of seine in excess of 500 feet, but not over 1,000 feet, \$2.00;
- (3) For each 100 feet of seine in excess of 1,000 feet, but not over 1,500 feet, \$3.00;
- (4) For each 100 feet of seine in excess of 1,500 feet, but not over 2,000 feet, \$4.00;
- (5) For each 100 feet of seine in excess of 2,000 feet, but not over 2,500 feet, \$5.00;
- (6) For each 100 feet of seine in excess of 2,500 feet, but not over 4,000 feet, \$6.00.

Subd. 7. Fees for the following licenses to net for commercial purposes in the boundary waters between Wisconsin and Minnesota from Lake St. Croix to the Iowa border, to be issued to residents only, shall be:

- (1) For each gill net not exceeding 500 feet in length, \$2.50;
- (2) For each gill net exceeding 500 feet, but not over 1,000 feet, \$5.00;
- (3) For each fyke net or hoop net, \$5.00;
- (4) For each bait or turtle net, \$1.00;
- (5) For each set line, \$1.25 for each identification tag to be attached to each set line;
- (6) For helper's license, \$5.00.

Subd. 8. Fees for the following licenses to take rough fish with set lines, or seines, in the Mississippi River from the St. Croix River junction to St. Anthony Falls, to be issued to residents only, shall be

- (1) For each seine, \$10.00;
- (2) For each set line, \$5.00;
- (3) For helper's license, \$5.00.

Subd. 9. A license to take rough fish with one set line, containing not more than ten hooks, in the Minnesota River from Mankato to its junction with the Mississippi River, and in the Mississippi River from St. Anthony Falls to the St. Croix junction, for domestic use, shall be issued to residents only, upon payment of the fee of \$1.00.

Subd. 10. Fees for the following licenses to net fish in Lake of the Woods, to be issued to residents only, shall be:

- (1) For each pound net or trap net, \$35.00;
- (2) For each fyke net, with both wings or lead, four feet or less, \$5.00;
- (3) For each fyke net with either wings or lead, over four feet, an additional \$5.00 for each additional two feet or fraction thereof;
- (4) For each 100 feet of gill net, \$1.50;
- (5) For helper's license, \$5.00.

Subd. 11. Fees for the following licenses to net fish in Rainy Lake, to be issued to residents only, shall be:

- (1) For each pound net, \$35.00;
- (2) For each 100 feet of gill net, \$1.50;
- (3) For helper's license, \$5.00.

Subd. 12. Fees for the following licenses to fish commercially in Lake Superior, to be issued to residents only, shall be:

- (1) For a boat 18 feet or less in length, \$10;
- (2) For a boat over 18 feet, but no more than 24 feet in length, \$25;
- (3) For a boat over 24 feet in length, but not more than 35 feet in length, \$50.

Subd. 13. Fees for the following licenses to fish commercially in Namakan Lake, to be issued to residents only, shall be:

- (1) For each 100 feet of gill net, \$1.50;
- (2) For helper's license, \$5.00.

Subd. 14. Fees for the following licenses, to be issued to non-residents, shall be:

- (1) To take small game and unprotected quadrupeds with firearms and bow and arrows, \$25.00;
- (2) To take deer and unprotected quadrupeds with firearms and bow and arrows, \$50.25;
- (3) To take deer and unprotected quadrupeds with a bow and arrows only, \$10.25;
- (4) To take moose in the Northwest Angle, \$50.25.

Subd. 15. Fee for the following license, to be issued to non-residents, shall be:

- (1) To take fish by angling, \$4.00.

Subd. 16. Fee for the following license, to be issued to non-residents, shall be:

- (1) To buy or sell raw furs, \$200, except that a license shall not be required to buy from those licensed under subdivision 4 (3).

Subd. 17. Fees for the following licenses, to be issued to either residents or non-residents, shall be:

- (1) To sell live minnows:
 - (a) Local minnow dealer, \$2.50;
 - (b) Itinerant minnow dealer, \$25.00 plus \$10.00 for each vehicle used in addition to one;
 - (c) Itinerant minnow dealer's helper, \$2.50.
- (2) To raise fish in a private hatchery, \$5.00.

Subd. 18. Fee for the following license, to be issued to either residents or non-residents, shall be:

- (1) To buy wild rice within the state for resale to anyone except consumers, or to sell wild rice imported from outside the state to anyone within the state except consumers, or to process for resale wild rice not harvested by the processor himself, \$50.

Subd. 19. Fees for the following licenses, to be issued to either residents or non-residents, shall be:

- (1) To buy fish from licensed commercial fishermen on Lake Superior for the purpose of resale, \$25;
- (2) To buy fish from licensed commercial fishermen on Lake of the Woods, Namakan, or Rainy Lake:
 - (a) Wholesale fish buyer's license, \$100;
 - (b) Fish buyer's license to ship from one place to another on international waters only, \$10;
 - (c) Fish peddler's license to peddle fish with the use of a motor vehicle, within the state only, \$5.00.
- (3) To tan or dress raw furs, \$2.00.

Subd. 20. Coupons, tags, or seals may be obtained upon payment of the following fees:

- (1) One non-resident shipping coupon for each individual or combination non-resident fishing license, \$1.00;
- (2) Beaver or otter seals, \$1.00;
- (3) Tags or seals to be attached to each net as required by section 101.43, subdivision 12, 25 cents.

Subd. 21. Within the time designated by the commissioner, not exceeding ten days after the close of a beaver or otter trapping season, or the expiration of a beaver trapping permit, every licensee or permittee having taken beaver or otter, shall present each skin and such other portions of every such beaver or otter as may be required by the commissioner, to the inspection of a state game warden, who shall affix to each skin a metal locking seal, in the presence of the licensee or permittee.

Subd. 22. No deer taken in this state shall be transported or possessed unless a metal locking seal bearing the license number of the owner and the year of its issue has been affixed to its carcass between the tendon and the bone and around the bone of the leg so that such seal cannot be removed without breaking the lock. The seal must be so placed and locked at the time the deer is brought into any hunting camp, dwelling, farm yard, or other place of abode of any kind occupied overnight, or in the event such deer is brought out to a road, then before the same is placed upon or in any vehicle of any kind.

Subd. 23. All applicants for licenses to buy raw furs shall, at the time of application for a license, furnish a corporate surety bond in favor of the state in the sum of \$1,000, conditioned upon the observance of all laws of this state relating to wild animals.

Subd. 24. It shall be unlawful without an appropriate license to do any act or to possess or use any substance, article, or equipment for any purpose or under any circumstances for which a license is provided by chapters 97 to 102.

Subd. 25. The provisions of this act relating to an increase in the license fee to be issued to residents only for the purpose of taking fish by angling and for an increase in the resident license fee for a combination license issued to husband and wife to take fish by angling and the provisions relating to increasing the non-resident license fee to take fish by angling, shall take effect January 1, 1950.

[1945 c 248 s 2; 1947 c 283 s 1; 1947 c 300 s 2; 1947 c 357 s 1, 2; 1947 c 424 s 2, 3; 1947 c 559 s 1; 1947 c 609 s 9, 10, 11; 1949 c 150 s 18; 1949 c 506 s 1, 2, 3, 4; 1949 c 649 s 1, 2]

98.47 EXEMPTIONS TO LICENSE REQUIREMENTS. Subdivision 1. Residents under the age of 16 years may fish without procuring a license, and residents under the age of 16 may hunt and trap fur bearing animals except beaver or otter without procuring a license. Non-residents under the age of 16 years may take fish without procuring a license, if accompanied by a parent or legal guardian who has obtained a non-resident fishing license.

Subd. 2. Any resident in the military or naval forces of the United States, or in any reserve or component thereof, either now or hereafter organized, who is stationed outside of the state and is within the state upon regularly granted leave or furlough, may hunt and fish at such times without having procured the regular license so to do, provided he or she carries on his person his official leave or furlough papers in lieu of the license required of other residents, and provided further such hunting and fishing be in conformity with all other provisions of Chapters 97 to 102, and he obtains the seals, tags, or coupons required of other licensees, to be furnished without charge.

Subd. 3. A resident license for taking fish or small game may be issued, in the discretion of the commissioner, to any person in the military or naval forces of the United States, or any reserve or component thereof, now or hereafter organized, who has been officially transferred to, and is stationed within the state.

Subd. 4. A courtesy non-resident license for taking fish or game may be issued in the discretion of the commissioner, without charge, to any person officially employed in the game and fish or conservation department of another state or of the United States, who is within the state to assist or consult or cooperate with the commissioner, or to the officials of other states, the United States, foreign countries, or officers or representatives of conservation organizations or publications while in the state as guests of the governor or commissioner.

Subd. 5. Licenses to take fish or small game in or upon any boundary waters may be granted to non-residents upon the same terms and conditions as licenses granted by the adjacent state or province to non-residents of such state or province for such waters; provided, that the fees for such licenses granted by this state shall not be less than the fees for corresponding resident licenses.

Subd. 6. Except as otherwise expressly provided, the license to take small game shall be required of all persons taking the same, and the license to trap fur bearing animals shall be required in addition where traps are used. The license to take fish by angling shall be required of all persons taking the same, but spearing and netting licenses shall be required in addition where those means are used.

Subd. 7. No license to trap beaver shall be issued to any person to whom a fur buyer's license shall have been issued and in force, and no license to take fish commercially in international waters extending from Pigeon Point West to the North Dakota boundary line shall be issued to any person or member of his household, or employee, engaged in the business of conducting a summer resort.

Subd. 8. A license to take fish shall be issued to any citizen of Minnesota receiving old age assistance, or who is blind, without charge.

Subd. 9. Helpers' licenses shall be issued under section 98.46, subdivision 7 (6), subdivision 8 (3), subdivision 10 (5), subdivision 11 (3), subdivision 13 (2), and subdivision 17 (1) to the holder of a master's license, and shall be transferable upon his application. Every person assisting the holder of a master's license, in going to and from fishing locations, or in setting or lifting nets, or removing fish from nets, shall have a helper's license, unless he be the holder of a master's license.

Subd. 10. The resident owner or lessee of any lands occupied by himself as a permanent abode, and any member of such person's immediate family residing with him, may take small game by hunting upon such lands without procuring a license, in any manner and at any time not otherwise prohibited by law.

[1945 c 248 s 2; 1947 c 300 s 3; 1947 c 357 s 2; 1947 c 608 s 12, 13, 14; 1949 c 150 s 19; 1949 c 632 s 1]

98.48 SPECIAL PERMITS. Subdivision 1. The commissioner may issue special permits without fee, to collect specimens of eggs, nests, or wild animals for scientific or exhibition purposes, to any municipal corporation, incorporated society of natural history, high school, college or university, maintaining a zoological collection.

Subd. 2. The commissioner may issue special permits, without fee, to hold field dog trials by any responsible association organized for that purpose.

Subd. 3. The commissioner may issue special permits, without fee, to take, possess and transport protected wild animals for scientific, educational or exhibition purposes, or for use as pets, provided no wild or native deer may be taken or possessed for propagation, exhibition or pet purposes, except those now lawfully possessed for such purposes. All animals possessed under authority of this provision, as well as deer now contained on game farms, private and public parks and zoos, and their progeny, or possessed as pets, may be disposed of only as prescribed by the commissioner.

Subd. 4. The commissioner may issue special permits, upon payment of a fee prescribed by him, to take any unprotected wild animals or fur bearing animals from game refuges or state parks in accordance with rules and regulations prescribed by him.

Subd. 5. The commissioner may issue special permits, without fee, to take any protected wild animals which are doing damage to private or public property, except that as to beaver the regular license and seal provisions shall apply.

Subd. 6. The commissioner may issue special permits, upon payment of a fee prescribed by him, to take muskrats from shallow marshes or sloughs when in danger of freezing out or starving in the winter, in accordance with rules and regulations prescribed by him.

Subd. 7. The commissioner may issue special permits, without fee, to keep and possess a raccoon and to use the same for the purpose of training dogs for hunting raccoons.

Subd. 8. The commissioner may issue special permits, without fee, to establish and conduct rifle ranges or trap shooting premises by duly organized gun clubs of ten or more members on lands owned or leased for that purpose by such clubs within two miles of any city of the first class.

Subd. 9. The commissioner may issue special permits, without fee, to gather or harvest any aquatic plants or bulbs other than wild rice from public waters of the state, to transplant the same into other public waters, or to destroy any aquatic vegetation or plants in public waters.

Subd. 10. The commissioner may issue special permits, without fee, to take animals on which the state pays a bounty from an airplane.

Subd. 11. The commissioner may issue special permits, without fee, to authorize the director of the United States Fish and Wildlife Service and his duly authorized agents or any other authorized officer or agent of the United States to conduct fish cultural operations, rescue work, and all fishing and other operations necessary therefor, any other laws of the state to the contrary notwithstanding.

Subd. 12. The commissioner shall have the power to make rules and regulations and prescribe the form of the permits provided for in this section.

[1945 c 248 s 2; 1947 c 609 s 15; 1949 c 150 s 20; 1949 c 407 s 1]

98.49 FORMS. Subdivision 1. The form of all licenses and applications therefor shall be determined, and blanks shall be furnished to all agents authorized to issue licenses, by the commissioner. Coupons or stubs with proper markings and designations, as may be necessary to carry out the provisions of law relating thereto, shall be attached to the license blanks.

Subd. 2. Applications for all licenses shall be made on oath in writing, and all information required by the form, as prescribed by the commissioner, shall be furnished. Any officer or agent authorized to issue licenses shall have authority to administer oaths upon such application, and no licenses shall be issued by any agent without actually administering the oath.

[1945 c 248 s 2; 1949 c 150 s 21]

98.50 ISSUANCE OF LICENSES. Subdivision 1. County auditors are hereby appointed agents of the commissioner for the sale of licenses to take big and small game and fish, and to trap fur-bearing animals, to residents of their respective counties, and to take big and small game and fish, to non-residents of the state. Each county auditor may appoint sub-agents within his county to sell such licenses, and upon such appointment, the auditor shall notify the commissioner forthwith of the name and address of the sub-agent. Such appointments may be revoked by the auditor at any time and he may require such security of the agent as he deems advisable, and he shall revoke any agency upon demand of the commissioner. The county auditor shall be responsible for all license blanks issued to, and license fees received by, his agents.

Subd. 2. The commissioner may require county auditors to furnish such additional corporate surety bonds as in his opinion may be required to secure the state, in addition to the auditor's official bond. The commissioner shall prescribe rules and regulations setting up such accounting and procedural requirements as he may deem necessary to assure the efficient handling of licenses and license fees, and all county auditors and other agents shall strictly comply therewith.

Subd. 3. The commissioner may appoint agents to issue non-resident licenses of any kind outside of the state, require adequate security to insure a proper accounting therefor, and revoke such appointments at any time.

Subd. 4. The commissioner may appoint agents throughout the state to sell resident licenses to take fish, large or small game, or trap fur bearing animals, to residents of the state living in counties other than the county in which the agent is appointed. Before any such license shall be sold, the agent shall require the submission of documentary evidence positively identifying the applicant as a resident of the state. Such agent shall pay cash to the commissioner for all books of licenses obtained by him and may deduct eight per cent from the price established by law as his commission.

Subd. 5. Any resident desiring to sell the licenses referred to in subdivision 1 may purchase blanks from the county auditor in groups of not less than five non-resident, and ten resident license blanks, for cash, and he shall be entitled to a discount of eight per cent from the price established by law. In reselling such licenses, he shall be deemed an agent of the county auditor and the commissioner, and he shall observe all rules and regulations promulgated by the commissioner for the accounting for and handling of such licenses.

The county auditor shall promptly deposit all moneys received from the sale of licenses with the county treasurer, and shall promptly transmit such reports as may

be required by the commissioner, together with his warrant on the county treasurer for 90 per cent of all license fees received during the accounting period. The other ten per cent shall be the agent's commission, the county auditor retaining two per cent of the fees for licenses sold for cash and resale, and five per cent of licenses not sold for cash. Unsold license blanks in the hands of any agent shall be redeemed by the commissioner if presented for redemption within the time prescribed by the commissioner therefor. Any license blanks not presented for redemption within the period prescribed shall be conclusively presumed to have been sold, and the agent possessing the same or to whom they are charged shall be accountable therefor.

Subd. 6. The commissioner shall prescribe rules and regulations for the issuance of duplicate licenses to persons whose licenses have been lost or destroyed, but no such duplicate license shall be issued until the applicant has taken oath covering the facts of loss or destruction of the license.

Subd. 7. In addition to other penalties, any agent to sell licenses, who violates any provision of law or regulation of the commissioner relating to the sale, handling or accounting for such licenses, shall forfeit his agency or his right to sell or handle licenses for a period of one year.

[1945 c 248 s 2; 1949 c 150 s 22]

98.51 REPORTS AND RECORDS. Subdivision 1. Every person who has taken any protected quadruped or bird shall on or before the last day of January each year, mail or deliver to the commissioner a written report on a form furnished him, stating the number and kind of each protected quadruped or bird taken during the preceding calendar year.

Subd. 2. Every person who is required by chapters 97 to 102 to obtain a license for buying or selling any wild animals or other things or substances, or for tanning or dressing raw furs, or mounting specimens of wild animals, shall keep a correct and complete book record in the English language of all transactions and activities covered by the license as carried on by the licensee. Such records shall show from whom obtained and to whom disposed of, giving the post-office addresses, together with the date of receipt, shipping or sale of such animals, a detailed account as to the number and kinds thereof contained in each shipment, purchase, or sale, and the serial number of each seal, tag, or permit, where such seal, tag, or permit is required to be affixed to the wild animals handled. Provided a licensed fur dealer, buying for one employer only, at his established place of business, need not keep a separate book record if the employer shall first notify the commissioner in writing of the fact of such employment, and his agreement to identify in his own records each transaction of the employee so excepted. All records required hereby shall be open for inspection by the commissioner, director, or their agents at all reasonable hours. They shall be kept intact for a period of two years after the expiration of any license issued.

Subd. 3. Every person who is required to keep the records provided for in subdivision 2 shall furnish the commissioner such reports as he may require for statistical purposes, on blanks to be furnished by the division for that purpose.

[1945 c 248 s 2; 1947 c 609 s 16, 17; 1949 c 150 s 23]

98.52 LOSS AND REVOCATION OF LICENSES. Subdivision 1. Except as otherwise provided herein, the license of any person who is convicted of violating any provisions of Chapters 97 to 102, or any order or regulation duly prescribed by the commissioner under authority thereof, relating to the license or to the wild animals covered thereby, shall immediately become null and void, and no license of the same kind shall be issued to such person for one year after the date of conviction. Every person convicted of doing anything without a license for which Chapters 97 to 102 require a license, shall forfeit his right to secure such a license for a period of one year from conviction.

Subd. 2. The provisions of subdivision 1 shall apply to licenses to take small game or to take fish by angling or by spearing, only upon a second conviction within a period of three years.

Subd. 3. Where, in his opinion, the public welfare will not be injured, the commissioner may reinstate the following types of licenses which have become null and

void by operation of subdivision 1, provided such authority to reinstate shall not extend to persons who have been so convicted during the preceding three year period:

- (1) To maintain and operate fur and game farms or private fish hatcheries;
- (2) To take fish commercially in Lake of the Woods, Rainy Lake, Namekan Lake, or Lake Superior;
- (3) To buy fish from licensed commercial fishermen in Lake of the Woods, Rainy Lake, Namekan Lake, or Lake Superior.

Subd. 4. Any person convicted of violating the provisions of Section 100.29, Subdivision 6, shall not be licensed to hunt with a firearm or bow and arrows for five years from date of conviction.

Subd. 5. The hunting or trapping license of any person failing to wear the red as required by section 100.29, subdivision 8, shall be canceled, and no such licenses shall be issued to any person found violating those provisions, for one year from the date of violation. Any officer authorized to inspect licenses shall take the licenses of any offender of that provision into his possession, mark them void, together with the date of the offense, and turn them in to the director. No other penalty shall be imposed.

[1945 c 248 s 2; 1949 c 150 s 24]