

## CHAPTER 98

## LICENSES

**98.01-98.44** Repealed, 1945 c 248 s 7.

**98.45 REQUIREMENT**

**HISTORY.** 1945 c 248 s 2; 1949 c 150 s 17; 1953 c 308 s 1.

Restaurants and meat markets may sell at retail fish taken by licensed commercial fishermen on Lake of the Woods, Namakan Lake or Rainy Lake without being obliged to require a license. OAG July 28, 1947 (211-B-5).

Persons engaged in breeding, raising, selling or disposing of domesticated fur-bearing animals, as defined by Laws 1947, Chapter 226, coded as section 17.35, are under the exclusive jurisdiction of the commissioner of agriculture, dairy, and food; but the licensing for muskrat or skunk farms or farms raising animals other than those enumerated in section 17.35, are licensed by the department of conservation. OAG Nov. 12, 1947 (210-B-6).

A fur buyer's license is not necessary in order to buy the product of licensed fur farms as defined in Laws 1947, Chapter 226, coded as section 17.35. OAG Nov. 20, 1947 (209-E).

The fact that certain areas of the state are open to deer hunting for a shorter period of time than others and are not open until after other areas have been opened has no effect upon the limiting date for licenses. The open season for deer in Minnesota begins on November 12, 1949, and licenses may not be sold after November 14, 1949. OAG Nov. 3, 1949 (210-D-2).

A non-resident in order to take fish in Minnesota waters must have a non-resident license even though he is employed within the state of Minnesota; and if guilty of fishing without a proper license, may be prosecuted under the provisions of sections 98.45 and 98.46. OAG March 21, 1950 (209-H).

A hunter who takes deer and in so doing offends against the provisions of sections 98.45 and 100.27 may be prosecuted for both offenses. OAG Aug. 24, 1951 (208-G-13).

The act of locating deer by airplane, landing at a distance and returning to the location where the deer were seen and taking deer, is all a part of the one act of hunting deer by airplane and is prohibited. OAG Dec. 31, 1951 (210-D-2).

**98.46 FEES**

**HISTORY.** 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; 1949 c 150 s 18; 1949 c 506 s 1-4; 1949 c 649 s 1, 2; 1951 c 361 s 1, 2; 1951 c 671 s 2, 3; 1953 c 297 s 1; 1953 c 534 s 2.

Restaurants and meat markets need not secure a license from the division of game and fish in order to sell to their customers fish taken by licensed commercial fishermen on Lake of Woods, Namakan, or Rainy Lake, unless they come within the definition of wholesale fish buyer, shipper of fish from one place to another or international waters, or a fish peddler using a motor vehicle. OAG Sept. 29, 1947 (211-B-5).

If a local fur buyer represents an unlicensed, non-resident, as a broker or agent, he must secure the \$200 license under the provisions of section 1, subdivision 1, clause (9); but a resident of Minnesota under the \$20 license may buy furs in Minnesota and ship them out of the state to a nonresident buyer without securing the \$200 license. OAG Oct. 14, 1947 (209-E).

# MINNESOTA STATUTES 1953 ANNOTATIONS

## 98.47 LICENSES

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Section 98.46, Subdivision 1, Paragraph 8, applies only to protected wild animals. Domestic animals raised in captivity by a licensed fur farmer, as defined in section 35.45, may be bought or sold without a license. OAG Nov. 20, 1947 (209-E).

A fur buyer's license is not necessary in order to buy the product of licensed fur farms as defined in Laws 1947, Chapter 226, coded as section 17.35. OAG Nov. 20, 1947 (209-E).

The holder of a resident old age assistant or blind aid fishing license may take fish by angling. The statute does not authorize such licensee to fish from a dark house by spearing or netting. OAG Dec. 6, 1949 (209-C).

Not only the use but also the purchase of untagged nets is unlawful excepting minnow nets, landing nets, tag nets, or nets held in stock for sale by dealers. A tag or seal must be purchased each current year by the owner thereof even though it is not used. OAG March 2, 1950 (211-A-8).

A licensee to take a deer with bow and arrow is limited to the killing of one deer and if he takes one deer under such license, he cannot thereafter kill a deer by rifle. One deer is the limit no matter how killed. OAG Sept. 24, 1951 (210-D-2).

## 98.47 EXEMPTIONS

**HISTORY.** 1945 c 248 s 2; 1947 c 300 s 3; 1947 c 357 s 2; 1947 c 609 s 12, 13, 14; 1949 c 150 s 19; 1949 c 632 s 1; 1951 c 164 s 1; 1953 c 124 s 1; 1953 c 311 s 1.

Nonresidents under the age of 16, accompanied by a parent or legal guardian who has obtained a nonresident fishing license, may transport by motor vehicle a possession limit of fish taken in Minnesota to a point outside of the state. OAG Sept. 22, 1948 (209-H).

The holder of a resident old age assistance or blind aid fishing license may take fish by angling. The statute does not authorize such licensee to fish from a dark house by spearing or netting. OAG Dec. 6, 1949 (209-C).

## 98.48 SPECIAL PERMITS

**HISTORY.** 1945 c 248 s 2; 1947 c 609 s 15; 1949 c 150 s 20; 1949 c 407 s 1; 1953 c 77 s 1; 1953 c 447 s 1.

A rifle range or trap shoot more than two miles from a city does not require a permit under section 98.48 but must comply with the requirements of section 100.29 as amended by Laws 1951, Chapter 30. OAG Sept. 26, 1952 (209).

## 98.49 FORMS

**HISTORY.** 1945 c 248 s 2; 1949 c 150 s 21.

## 98.50 ISSUANCE

**HISTORY.** 1945 c 248 s 2; 1949 c 150 s 22; 1951 c 270 s 1; 1953 c 305 s 1.

Where a local business establishment was burglarized and \$100 of the money taken was due to the state from the sale of hunting license books, the agent must pay the \$100 to the county auditor and when the money has been so paid there can be no refundment by the county auditor or by the state. The agent may obtain relief only from the legislature. OAG Nov. 27, 1951 (209-C).

## 98.51 REPORTS AND RECORDS

**HISTORY.** 1945 c 248 s 2; 1947 c 609 s 16, 17; 1949 c 150 s 23.

## 98.52 LOSS AND REVOCATION OF LICENSES

**HISTORY.** 1945 c 248 s 2; 1949 c 150 s 24; 1951 c 209 s 1.

A wholesale fish buyer who fails to obtain a license and who is convicted for operating without a license may not obtain a license for one year after conviction. OAG April 10, 1952 (209-B).