

CHAPTER 101

FISH

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101.01-101.40 [Repealed, 1945 c 248 s 7]

101.41 SEASONS, LIMITS. Subdivision 1. Rock or lake sturgeon, shovelnose sturgeon or hackleback, spoonbill, or paddlefish, may not be taken, bought, sold, transported or possessed at any time except as may be specifically provided by order of the commissioner for boundary waters, provided that regulations applicable to the St. Croix boundary waters shall apply equally to the tributaries thereof.

590374 21 Subd. 2. Except as otherwise provided, the following fish may be taken only by angling with a single line except sunfish or blue gill, crappies, rock bass and white bass, rough fish, and whitefish, which may be taken with two lines, transported and possessed, subject to all other provisions of chapters 97 to 102, between the dates set opposite each species, and the number which may be taken each day or which may be possessed at any one time, subject to the aggregate limits imposed by subdivision 3, shall be prescribed in the following table:

Species	Daily	Possession
Large and small mouthed black bass	6	12
Dates May 29th and Feb. 15th		
Trout (except lake trout) and suckers in trout streams	15	25
Dates—May 1st and Sept. 15th		
Lake trout (land-locked salmon)	5	10
Dates—Jan. 1st and Sept. 30th		
Wall-eyed pike	8	12
Dates—May 15th and Feb. 15th		
Saugers (sand pike)	8	12
Dates—May 15th and Feb. 15th		
Great Northern pike and pickerel	8	12
Dates—May 15th and Feb. 15th		
Muskellunge	2	2
Dates—May 15th and Feb. 15th		
Rock bass and white bass	15	30
Dates—May 15th and Feb. 15th		
Crappies	15	30
Dates—May 15th and Feb. 15th		
Sunfish and blue gill	30	30
Dates—May 15th and Feb. 15th		
Catfish	10	15
Dates—May 15th and Feb. 15th		
Bullheads	50	50
Dates—May 15th and Feb. 15th		
Carp, dogfish, redhorse, sheepshead, suckers, eelpout, garfish, perch, whitefish, tullibees, buffalofish		No limit
Dates—May 15th and Feb. 15th		

Dates—May 15th and Feb. 15th provided, however, that rough fish may be taken by angling with a single line at such times between February 15 and May 15 each year in such waters and under such conditions as the commissioner may prescribe. The foregoing provisions as to two lines shall not relate to artificial plug baits or plugs with multiple hooks.

Subd. 3. No person shall take more than 15 game fish of all kinds in any one day, or have in possession more than 20 game fish of all kinds at any time, except that where the possession limit of a single species exceeds 20 and the

bag is not mixed, such greater possession limit is permitted. Game fish shall include all fish except sunfish or blue gill, crappies, rock bass and white bass, rough fish, whitefish and minnows.

Subd. 4. Subject to the limits prescribed in subdivision 2, all rough fish, catfish, whitefish, and northern pike or pickerel may be taken by spearing from dark houses through the ice, and rough fish may be taken by spearing, with or without dark houses, through the ice, between December 1st and February 15th, following. Minnows may be taken at any time by any means not prohibited; and all rough fish, except tullibees, and minnows legally taken and possessed may be bought and sold at any time.

Subd. 5. Whitefish, tullibees and herring may be taken, under the license provided therefor, from such inland waters or international waters of the state and at such times as the commissioner shall declare open by order, and possessed without limit, but neither bought nor sold, subject, however, to the following restrictions:

(1) No licensee may use more than two nets or any net exceeding 100 feet in length or three feet in width.

(2) The size of mesh of whitefish or tullibee nets shall not be less than three and one-half inches, extension measure, and of herring nets not less than one and three-fourths inches, extension measure.

(3) No net shall be set in water deeper than six feet at any point, measured from the lake bed to the top surface of the water or ice provided that in waters designated by the commissioner nets may be set so that portions thereof extend into deeper water, under such conditions as he shall prescribe for protection of game fish. At one end of each net there shall be a pole or stake projecting at least two feet above the surface of the water or ice.

(4) No net shall be set within 50 feet of another net.

(5) Any rough fish caught in a net may be retained by the licensee.

[1945 c 248 s 5; 1945 c 583 s 1; 1949 c 150 s 33; 1949 c 631 s 1; 1951 c 210 s 1; 1951 c 674 s 1; 1953 c 280 s 2; 1955 c 234 s 1; 1955 c 813 s 1; 1957 c 7 s 1; 1957 c 434 s 1]

101.411 ROUGH FISH; SPEARING OR ARCHERY, LIMITATIONS. Any resident person permitted by law to take fish by angling may take rough fish by spearing or archery during such seasons at such times and in such waters subject to such limits and other conditions as the commissioner of conservation by regulation may prescribe; provided, however, that nothing herein contained shall restrict the power of the commissioner of conservation to close any waters for winter spearing or archery.

[1945 c 248 s 5; 1947 c 364 s 1; 1949 c 150 s 34; 1955 c 254 s 1]

101.42 RESTRICTIONS AND PROHIBITIONS. Subdivision 1. Except where a size limit is provided, all fish taken, regardless of size, may be possessed subject to all provisions of chapters 97 to 102.

Subd. 2. No line used in angling shall contain more than one hook, except that three artificial flies may be used in angling for large and small mouthed bass, trout, crappies, sunfish, or rock bass, and except that a single artificial bait or trolling spoon may contain more than one hook.

Subd. 3. Except as otherwise specifically permitted, it shall be unlawful to use artificial lights of any kind for the purpose of luring or attracting fish of any kind or for the purpose of seeing the fish within the water while spearing.

Subd. 4. Except as otherwise specifically permitted, it shall be unlawful to take fish with the use of any snagline or snaggpole, snaghook or cluster of fish hooks, designed to be placed in or drawn through the water for the purpose of catching such hooks into the body of fish.

Subd. 5. Except as otherwise specifically permitted, it shall be unlawful to take minnows with a seine more than 25 feet in length or more than four feet in depth; to take minnows from waters designated by the commissioner as trout lakes or streams; to possess or transport minnows for sale except with the use of equipment approved by regulations of the commissioner; or to take minnows from any waters containing game fish from one hour after sunset to one hour before sunrise. Licensed itinerant minnow dealers may take minnows with a seine not more than 50 feet in length or more than six feet in depth in waters licensed under private fish hatchery license and such waters as are designated by commissioner's order or regulation as primarily minnow lakes.

Subd. 6. Except as otherwise specifically permitted, it shall be unlawful to use game fish, gold fish or carp minnows, or any live minnows imported from other states for bait purposes, or to possess or transport the same for sale, or to transport live carp minnows for any purpose.

Subd. 7. Except as otherwise specifically permitted, it shall be unlawful to buy or sell any fish taken from the waters of this state, except rough fish and minnows, fish raised in a private hatchery when tagged or labeled as prescribed by the commissioner, fish taken under licensed commercial fishing operations, or lawfully taken and subject to sale from other states or countries; provided, black bass, rock bass, muskellunge, crappies, sturgeon and sunfish may not be bought or sold in this state.

Subd. 8. Except as otherwise specifically permitted, it shall be unlawful to take trout, except lake trout, on the opening day of the season prior to the hour of 10:00 A. M., Central Standard Time, or on any other day of the open season, between 10:00 P. M., Central Standard Time, and one hour before sunrise.

Subd. 9. Except as otherwise specifically permitted, it shall be unlawful to take fish of any variety from any stream designated by order of the commissioner as a trout stream, except during the open season for taking trout.

Subd. 10. Except as otherwise specifically permitted, it shall be unlawful to place carp of any size in any public waters of the state, or to return carp to any such waters after they are caught.

Subd. 11. Except as otherwise specifically permitted, it shall be unlawful to take fish by means of explosives, drugs, poisons, lime, medicated bait, fish berries, or other deleterious substances, or by nets, traps, tip-ups, trot lines, set lines, wires, springs, ropes or cables, except as expressly authorized. Possession of any such substances or contrivances by any persons on any waters of this state, their shores or islands, shall be presumptive evidence that the same are possessed in violation of this provision; provided, a line with a single hook, used for angling through the ice, shall not be deemed a set line if the owner of the line is within sight of the line.

Subd. 12. Except as otherwise specifically permitted, it shall be unlawful to possess any fish net, except minnow nets, landing nets, dip nets or nets held in stock for sale by dealers, unless there is attached a metal tag bearing the name and address of the owner when the net is not in use and the name and address of the operator when the net is in use, in accordance with regulations to be prescribed by the commissioner.

Subd. 13. Except as otherwise specifically permitted, it shall be unlawful to construct or maintain any dam or other obstruction except a boat pier in or over any public waters without first having secured a permit therefor from the commissioner, and without complying with all written directions of the commissioner concerning the construction or modification of any fishway around or over such dam or obstruction.

Subd. 14. Except as otherwise specifically permitted, it shall be unlawful to take any fish within 50 feet of any fishway

Subd. 15. Except as otherwise specifically permitted, it shall be unlawful to take fish from any waters designated or marked as spawning beds or fish preserves, or to remove or mutilate any such posted notices, except under the direction of the commissioner.

57 C415 v/ Subd. 16. Except as otherwise specifically permitted, it shall be unlawful to have on the ice on any waters of this state a dark house, fish house or shelter for the purpose of taking fish without the name and address of the owner plainly and legibly painted on the exterior in letters and figures at least three inches in height; to angle from a dark house or from a fish house or shelter unless it has at least two windows of clear, clean, colorless glass or other transparent material not less than ten by twelve inches in size on different sides of the structure, or equivalent unobstructed openings, so as to admit daylight to all parts of the interior; to use a dark house, fish house or shelter for taking fish unless the door thereto is constructed so that it can be opened from the outside at all times when in use; or to permit any such structure to remain on the ice after February 28. A fish house or shelter house used as a dark house shall be so constructed that the windows, shutters, blinds or darkening agency can only be closed or darkened from the outside of the house. Any such structure found or used on the ice in violation of any provision hereof may be seized and confiscated as provided by section 97.50, subdivision 5. It shall be the duty of every game warden to summarily confiscate and remove or destroy any such structure found on the ice after the time herein

limited. The contents of any such structure left on the ice shall be seized by the game warden and held for a period of 60 days after which articles which have not been claimed by the owner may be retained for the use of the division or sold at the highest price obtainable in the manner prescribed by the commissioner.

Subd. 17. Except as otherwise specifically permitted, it shall be unlawful to place, throw, discharge, or allow to run or fall into any of the waters of this state any refuse, sawdust, shavings, tan bark, lime, oil, tar, poison, chemical, or any other substance in such quantities causing injury to or detrimental to the propagation of any wild animal found in or upon such waters, or causing the flesh of any such wild animal to become tainted or unpalatable. Each day during which an act or operation in violation of this provision occurs or continues shall constitute a separate and distinct offense. Any recurrent or continuous violation shall be deemed a public nuisance and an action may be brought by the attorney general on the request of the commissioner to enjoin and abate such nuisance. This section shall not apply to chemicals used for pest control in the interest of the general welfare of the public.

Subd. 18. Except as otherwise specifically permitted, it shall be unlawful to have in possession in an automobile or any vehicle or on their person, or at or near any waters, a spear, net or any other device capable of taking fish, except when acting under permit or contract to trap or seine from the division of fisheries, during the period of February 16, to April 30, inclusive. This subdivision does not apply to nets used in the taking of trout and smelt in season.

[1945 c 248 s 5; 1947 c 308 s 1; 1947 c 609 s 24; 1949 c 150 s 35; 1949 c 389 s 1; 1949 c 634 s 1; 1951 c 443 s 1; 1953 c 236 s 1; 1953 c 381 s 1; 1953 c 539 s 1; 1955 c 278 s 1; 1957 c 124 s 1; 1957 c 513 s 1; 1957 c 411 s 1; 1957 c 572 s 1; 1957 c 532 s 1]

101.43 FISH SCREENS. No person, except with the permission of the commissioner, shall obstruct any creek, stream, or river, thereby preventing the passage of fish, by means of any rack or screen, and any obstructions in any such creek, stream or river shall be removed forthwith upon order of the commissioner, by the person erecting the same, or by the owner of the land upon which it is located.

[1945 c 248 s 5; 1949 c 150 s 36]

c295 ~ 1 **101.44 FROGS, SEASON AND REGULATIONS.** Except as otherwise permitted, frogs may not be taken or possessed during the months of April and the first 15 days of May. During the open season, frogs not exceeding six inches in length, measured from tip of nose to tip of hind toes, legs fully extended, may be possessed in any numbers, bought, sold, and transported for angling purposes only. Not to exceed 150 frogs over six inches in length may be possessed in or transported through the state, except by common carrier, but frogs or parts thereof, lawfully taken outside of the state, may be imported into this state by common carrier and may be possessed in any quantity and sold during the open season. It shall be unlawful to use cloth screens or other similar contrivances in catching frogs. Provided, the taking of frogs may be prohibited in such areas of the state and during such periods as the commissioner may by order prescribe. Provided, further, that no person shall be permitted to take or possess frogs unless legally entitled to take fish within the state.

[1945 c 248 s 5; 1949 c 150 s 37]

101.441 FROGS, PERMITS FOR SALE, IMPORT, AND RAISING. The commissioner of conservation may issue permits for the importing, raising and sale of frogs for human consumption in the state of Minnesota under such regulations as he shall prescribe.

[1953 c 427 s 1]

101.45 TURTLES AND TORTOISES. Except as otherwise prohibited, turtles and tortoises may be taken, possessed, bought, sold and transported in any manner at any time, provided, that every net, trap or other device used in the taking of turtles or tortoises in any of the public waters of this state shall be so constructed as freely to permit the escape of fishes through openings having at least a diameter of not less than three and one-half inches, or, in case of a net, having a mesh of not less than three and one-half inches bar measure, or seven inches extension measure; provided, further, that any fish which may be caught in any such net, trap, or other device shall be promptly released and returned to the water unharmed.

[1945 c 248 s 5; 1949 c 150 s 38]

101.46 DEAD FISH DISPOSAL. It shall be the duty of the commissioner to remove, bury or otherwise dispose of dead fish which have accumulated in any public waters or upon their shores in such quantities as to constitute a public nuisance or to be detrimental to game fish in the waters.

[1945 c 248 s 5; 1949 c 150 s 39]

101.47 OVERCROWDED LAKES. Subdivision. 1. The commissioner of conservation is authorized to establish a list of lakes and rivers not including more than six in any one county, or more than 100 at any one time in the state, which lakes or rivers have been found by the director of game and fish to contain an unbalanced fish population or to contain species of fish which by overcrowding have become stunted. The seasons, limits and methods of taking fish from the lakes and rivers so listed may be prescribed by the commissioner by order duly published in the county where any such lakes and rivers lie. Such regulations may be changed from time to time by similarly published order, and within the limitations hereby prescribed, the list of lakes and rivers herein provided for may be changed or amended from time to time in the discretion of the commissioner.

9 C 574 s 2 Subd. 2. The commissioner of conservation, upon recommendation of an area conservation supervisor of the division of game and fish, may authorize year around fishing for sunfish or blue gill and crappies in any or all lakes of this state.

[1947 c 263 s 1; 1949 c 150 s 40; 1949 c 670 s 1; 1953 c 280 s 3]

151 C 440 w/ **101.48 TROUT.** The commissioner of conservation may open that portion of those streams on the north shore of Lake Superior which empty into Lake Superior and which have a natural barrier within three-fourths of a mile from the lake, from such natural barrier to Lake Superior, for the purpose of the taking of brook, brown, rainbow and steelhead trout therefrom, at such times and under such regulations as he may prescribe, during the month of April and between September 16th and October 31st each year by persons authorized by law to take fish within the state.

[1947 c 341 s 1; 1949 c 150 s 41; 1951 c 13 s 1]

101.49 GRAYLING. The commissioner of conservation is hereby authorized to prescribe seasons and limits for the taking and possession of grayling.

[1957 c 426 s 1]

101.51 HARPOONING ROUGH FISH. Any resident person permitted by law to take fish by angling may also take carp and other rough fish by impaling or by harpooning by the following method: rubber powered gun, spring gun, compressed air or CO₂ gun with a tethered or controlled harpoon with a line not to exceed 20 feet, during such seasons at such times and in such waters subject to such limits and other conditions as the commissioner of conservation by regulation may be prescribed; provided, however, that nothing herein contained shall restrict the power of the commissioner of conservation to close any waters for underwater harpooning of rough fish.

[1955 c 563 s 1]