

CHAPTER 99

GAME REFUGES, GAME AND FUR FARMS

Sec.
99.25 Game refuges; establishment, vacation
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99.01-99.24 [Repealed, 1945 c 248 s 7]

99.25 GAME REFUGES; ESTABLISHMENT, VACATION. Subdivision 1. All state parks are hereby designated as state game refuges.

Subd. 2. The commissioner may designate by order any land or water areas, more than 50 percent of which are in public ownership, as state game refuges.

Subd. 3. All lands, or any part thereof, described in a petition which is subscribed by either the owner, the lessee, or the person in possession of each tract in the area, may be designated as a state game refuge by order of the commissioner, provided the certificate of the auditor of the county where the lands are situated stating that the persons named in the petition are all of the owners, lessees or persons in possession of the land described, according to the records of the county, and his information, shall accompany said petition.

Subd. 4. All lands, or any part thereof, described in a petition, subscribed by 50 or more residents of the county or counties wherein the lands are situated, may be declared a state game refuge by order of the commissioner, after he has held a public hearing upon the petition and has found that by reason of the depletion of protected wild animals the same are in danger of extermination or that the public interest will be best served by the establishment of the refuge. Such public hearing shall be held at a time and place designated in notices posted in five of the most conspicuous places within the proposed game refuge at least 15 days in advance of the hearing, and published at least once in a legal newspaper in each county in which the lands are situated at least seven days in advance of the hearing.

Subd. 5. No game refuge of less than 640 acres of contiguous lands and water shall be established under any of the provisions of subdivisions 2, 3, and 4; provided, that upon petition subscribed by either the owner, the lessee, or the person in possession of each tract in the area a game refuge of lesser area may be established bordering on or including a lake, stream, pond, marsh or other body of water or watercourse found suitable for wild life habitat.

Subd. 6. All refuges established under this section shall include all public waters, all state, federal or public lands, railroad lines, railroad rights of way, and public highways within the boundaries thereof, and may include adjacent public waters, state, federal or public lands, in the discretion of the commissioner.

Subd. 7. No state game refuge shall become effective as such until the boundaries thereof have been posted with notices consisting of black letters upon a white background at least 12 inches in diameter. Such signs shall proclaim the area as a state park, or state game refuge, as the case may be, and shall be posted at intervals of not more than 30 rods around the boundaries, as well as at all public road entrances to such areas, except where the boundary of a state game refuge is an international boundary in public waters, or a state boundary line in public waters. In any case where the boundary of a state game refuge extends for more than 30 rods continuously through any stream or body of water, in lieu of placing any such signs in such waters, it shall be sufficient to place such signs, with the following words appended, "Adjacent Waters Included," on the shore of said waters not more than one rod above the high water mark thereof at the intersection of said boundary therewith, and at intervals of not more than 30 rods along the intervening shore. The certificate of the commissioner, the director, or a game warden, refuge supervisor or patrolman, or other authorized officer or employee stating the completion of such posting, or a certified copy of such certificate filed with the commissioner or director shall be prima facie evidence of such posting.

Subd. 8. Any state game refuge may be vacated, or modified as to boundary, by order of the commissioner, upon observance of the same formalities as are required for its establishment; provided, that any refuge established under subdivision 2 or 3 may be vacated or modified by order of the commissioner, in his discretion.

39 C. 248 s 3; 1947 c 609 s 18, 19; 1949 c 150 s 25; 1949 c 390 s 1, 2; 1951 c 62 s 1; 1953 c 102 s 1

99.26 GAME REFUGES; PROTECTION. Subdivision 1. Except as otherwise permitted by chapters 97 to 102, no person shall take any wild animal, except fish, upon any state game refuge, nor carry any firearm thereon unless unloaded and contained in a case or unloaded and broken down.

Subd. 2. Whenever the commissioner shall find that any species of protected wild animal on any refuge, including state parks, has attained an abundance in excess of the capacity of such refuge to support it, or causing substantial damage to agricultural or forest crops in the vicinity, or is threatening the well-being and continued production of that species or of other protected wild animals, or when he has determined that there is a harvestable surplus of wild animals, he may include such refuge or any part thereof in the open territory prescribed for the taking of such species, during the succeeding regular open season, and may prescribe any reasonable regulations for the hunting or trapping thereof.

Subd. 3. Removal or defacement of any state park or state game refuge sign, except under the authority of the commissioner, is prohibited.

Subd. 4. Whenever a petition, signed by ten residents, asserting that they are licensed Minnesota hunters and that any duly established game refuge or any portion thereof is primarily a migratory waterfowl refuge, shall be presented to the commissioner, the commissioner, upon finding the correctness of the facts so asserted, shall, by order, designate such game refuge or any portion thereof as a migratory waterfowl refuge, and such refuge or portion thereof shall thereupon be duly posted as a migratory waterfowl refuge. When so posted, it shall be unlawful for any person to enter upon any such migratory waterfowl refuge during the open season for the taking of migratory waterfowl, unless accompanied by a state game warden or refuge patrolman.

59 C 772 Subd. 5. Whenever a petition signed by ten residents, asserting that they are licensed Minnesota hunters and that any described water area in the public waters of this state constitutes a substantial feeding and resting ground for migratory waterfowl, shall be presented to the commissioner, the commissioner, upon finding the correctness of the facts so asserted, may, by order, effective until December 31, 1958, designate not to exceed five lakes including Lake Christina in Grant and Douglas Counties and Lake Heron in Jackson County, or any portions thereof, as a migratory waterfowl feeding and resting area, and such area shall thereupon be duly posted as a migratory waterfowl feeding and resting area. When so posted, it shall be unlawful for any person to enter upon such migratory waterfowl feeding and resting area during the open migratory waterfowl season with any boat propelled by a motor.

[1945 c 248 s 3; 1947 c 609 s 20; 1949 c 150 s 26; 1949 c 390 s 1, 2; 1955 c 680 s 1; 1957 c 228 s 1; 1957 c 577 s 1]

99.27 GAME AND FUR FARMS. Subdivision 1. Breeding and propagating fur-bearing animals, game birds or deer, shall be authorized under license only upon privately owned or leased lands and waters. "Private waters," as used herein, includes all bodies of waters or streams, whether meandered or not, of a shallow, swampy, marshy, or boggy nature, not navigable in fact, and of no substantial beneficial use to the general public. The owner or lessee, applying for the license, shall have first enclosed the area, in the manner approved by the commissioner, sufficiently to confine the respective birds or animals to be raised thereon. Licenses shall be granted only in cases where the commissioner finds the application is made in good faith with intention to actually carry on the business described in the application and where the facilities, in his judgment, are adequate therefor.

Subd. 2. Upon issuance of a license, the licensee of a game or fur farm shall be deemed the owner of all wild animals and their progeny, of the kinds specified in the license, which are within the enclosure, except wild game birds.

Subd. 3. Any such license, shall be transferable with the title or leasehold of the lands used for the purposes of the license, provided a verified written report thereof is made to the commissioner, accompanied by a copy of any deed, assign-

ment, lease or other instrument transferring the corresponding title or leasehold in the premises. No transfer of less than the whole interest in the license shall be valid. Every bona fide partner or associate in the ownership or operation of the farm or ranch shall obtain a separate license. When a portion of the title or leasehold of the land or water is transferred and such portion complies with the original requirements for obtaining the license, the entire license may be transferred by complying with all the provisions hereof.

Subd. 4. Every application for license, and every report of transfer, shall be filed with the commissioner.

Subd. 5. No foxes or mink shall be bought or sold by any licensee for breeding or propagating purposes that have not been pen-bred for two successive generations. No live beaver shall be transported, except under special permit from the commissioner, to be issued in accordance with rules and regulations prescribed by him.

Subd. 6. No sale or contract for sale of any live animals raised or contained on any licensed fur or game farm shall be valid unless such animals are actually delivered to the purchaser, or if not delivered, unless and until they are segregated, identified, and kept separately, subject to the rights of the purchaser under the sale or contract for sale, which sale or contract must be in writing. After such segregation and identification, the animals sold, and their offspring, shall be assessed as personal property of the purchaser. The licensee must notify such purchaser within 30 days of the death of any animal, and must notify him of the number of increase before July 20th of each year.

Subd. 7. The pelts and products of all wild animals raised on fur or game farms may be sold or transported only in such manner and with such tags or seals affixed thereto as shall be prescribed by the commissioner. Failure to comply with any of the provisions of this section shall subject to confiscation all wild animals owned by the licensee which are found upon the premises of such game or fur farm.

[1945 c 248 s 3; 1949 c 150 s 27]

99.28 MUSKRAT FARMS. Subdivision 1. The owner of any lands within the state suitable for the breeding and propagation of muskrats shall have the right upon complying with the provisions of this section to establish, operate and maintain on said lands a muskrat farm, for the purpose of breeding, propagating, trapping and dealing in muskrats.

Subd. 2. Such owner desiring to establish, operate and maintain a muskrat farm, shall file with the commissioner of conservation a verified declaration describing the lands which such applicant desires to use for the purpose of breeding and propagating muskrats, and setting forth the title of the applicant and the number of acres embraced in the tract.

Subd. 3. Upon the filing of such declaration the commissioner of conservation shall forthwith investigate the same and may require the applicant to produce satisfactory evidence of the facts therein stated. If upon such examination it shall appear that the applicant is the owner of said lands, and the applicant intends in good faith to establish, operate and maintain a muskrat farm, and that the establishment of the proposed area as a muskrat farm is desirable in the furtherance of a sound program of conserving the natural resources of the state, the commissioner of conservation shall issue a license to the applicant describing such lands, and certifying that the licensee is lawfully entitled to use the same for the breeding, propagating, trapping and dealing in of muskrats thereon.

Subd. 4. The licensee shall become the owner of all of the muskrats on said lands and of all of their offspring remaining thereon, and subject to the provisions of subdivision 11, to take and trap the same at any time or in any manner which he sees fit and deems to be to the best advantage of his business, and to sell and transport at any time said muskrats or the pelts taken from them. All such pelts so transported shall be tagged with a tag to be furnished by the commissioner of conservation to the licensee at cost. Such tags shall be numbered to correspond with the number of the license held by the licensee.

Subd. 5. The holder of any such license shall pay an annual license fee of \$2.50 for any such farm upon which muskrats are taken on said owner's premises.

Subd. 6. Within 30 days after the date of the issuance of any such license, the licensee shall erect posts or stakes at intervals of not more than 30 rods along the boundary of the land embraced in said license, wherever the same are not already enclosed, and shall post and maintain upon said posts, stakes or other enclosures at intervals of not more than four rods notices furnished by the com-

missioner of conservation proclaiming the establishment of a muskrat farm. For such notices the licensee shall pay to the commissioner of conservation the sum of 12 cents each.

Subd. 7. Such license shall be prima facie evidence in all courts and proceedings of the lawful right of the licensee therein named, his or its successors or assigns, for the term of the license, to establish and operate a muskrat farm upon said premises, and shall entitle the licensee therein named or his successors or assigns, to the exclusive right for and during said term to breed and propagate muskrats thereon, and to the exclusive and sole ownership of any property in all muskrats caught or taken therefrom. Such license shall expire on December 31 of each year, but may be renewed from year to year upon payment by the licensee of the annual license fee, at the discretion of the commissioner.

Subd. 8. Any person other than the licensee or his agents who shall hunt or trap muskrats upon any lands described in any such license, shall be liable to the licensee in the sum of \$25, in addition to all damage which he may cause said farm or to the rats and property thereon, but all actions for such trespass shall be brought by such licensee.

Subd. 9. On or before the first day of March of each year, each such licensee shall make a report, verified by affidavit, to the commissioner of conservation covering the period from January 1 to December 31 of the previous year, upon blanks furnished by the commissioner of conservation stating the number of his license and the total number and value of muskrats killed, transported or sold from said muskrat farm, and such other information as the commissioner may require.

Subd. 10. Nothing in this section shall be construed to affect any public right of hunting, trapping, fishing or navigation except as herein expressly provided.

Subd. 11. Any person operating a muskrat farm under licenses granted by the provisions of this chapter, shall not trap any animals for pelting purposes except on a permit granted by and under the supervision of the commissioner of conservation, and all skins of such animals so taken during the closed season shall be distinctively tagged or marked by the commissioner of conservation. No muskrats on licensed farms shall be taken at any time by firearm or spear.

Subd. 12. Any person operating a muskrat farm who moves his posts or expands his farm without the consent of the commissioner, shall be guilty of a misdemeanor.

[1955 c 417 s 1]