

CHAPTER 100

QUADRUPEDS, BIRDS

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NOTE: For definitions, see section 97.40.

100.01-100.25 [Repealed, 1945 c 248 s 7]

100.26 UNPROTECTED ANIMALS. Subdivision 1. Weasel, wild cat, lynx, wolves, foxes, bears, gophers, porcupines, badgers; 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, except in the manner authorized by Minnesota Statutes 1961, Sections 18.021 to 18.035, and acts amendatory 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. Raccoon are unprotected animals on May 21, 1965, and all of the provisions of this subdivision are applicable to such animals except that they may be taken with the aid of artificial lights in the manner provided by law under section 100.29, subdivision 10.

Subd. 2. The English sparrow, blackbird, crow, starling, magpie, cormorant, common pigeon 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, except in the manner authorized by Minnesota Statutes 1961, Sections 18.021 to 18.035, and acts amendatory thereof.

[1945 c 248 s 4; 1949 c 150 s 28; 1949 c 629 s 1; 1959 c 444 s 1; 1965 c 481 s 1; 1965 c 768 s 8]

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 arrow only, between October 1st and October 31 and in any area of the state designated by the commissioner south of a line starting at the North Dakota border at Moorhead, east on Routes 10 and 210 to Brainerd and thence to Duluth between December 1st and December 31st;

(2) Deer, by legal firearms and with bow and arrow, for not more than nine days, between November 1 and November 21, except that in Itasca state park the deer season shall be open for not more than one year in two;

(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 statewide; and during such other times, within such areas, and subject to such restrictions as the commissioner by order may prescribe;

(2) 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 60 days in the aggregate for the area, 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, and beaver may be taken, by trapping only, for a period, or periods, not exceeding a total of 45 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 May 31st following.

Subd. 5. Except as otherwise expressly provided, quail, partridges or ruffed grouse, pheasants, prairie chicken or pinnated grouse, white breasted or sharp tailed grouse, Hungarian partridge or chukar 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. This provision is subject to the following exceptions:

The taking of partridges or ruffed grouse in any area during any open season for taking any species of big game therein with legal firearms is prohibited.

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. Provided in the counties of Grant, Traverse, Stevens, and all that part of Big Stone county, except that area bounded on the north by State Highway 7 from the East county line to the point where it intersects with United States Highway No. 75, thence southerly on said highway No. 75 to the South county line, during open season, and except on the first day of such open season, geese may be taken only between sunrise and 12 o'clock noon of each day.

NOTE: Subdivision 6 is subject to Laws 1965, Chapter 399, Section 2, which reads: "This act shall be effective only for a period of two years from July 1, 1965, to July 1, 1967."

Subd. 7. Badger, mink, squirrels, rabbits, hares, raccoon, 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.

Subd. 8. Protected wild animals may be taken in season by means of falconry under such regulations as the commissioner may prescribe.

[1945 c 248 s 4; 1947 c 609 s 21, 22; 1949 c 150 s 29; 1951 c 19 s 1; 1951 c 33 s 1; 1951 c 361 s 3; 1953 c 9 s 1; 1953 c 10 s 1; 1957 c 446 s 1; 1957 c 589 s 1; 1959 c 274 s 1; 1959 c 361 s 1; 1961 c 332 s 1; 1963 c 176 s 1; 1965 c 188 s 1; 1965 c 399 s 1; 1965 c 481 s 2]

NOTE: See also Section 97.48, Subdivision 23.

Laws 1965, Chapter 275, authorizes the commissioner to import Scandinavian grouse for a period of two years, and prohibits the taking of such grouse.

100.272 DEER, PARTY HUNTING. Notwithstanding any other provision of law to the contrary a hunter may hold only one license to take deer by firearms in any year, and the license is valid to take only one deer. However, where two or more persons who hold valid licenses to take deer by use of firearms are hunting as a party any member of the party may take or kill the number of deer that is equal to the number of valid licenses held by members of the party. In no case shall the total number of deer taken by members of the party exceed the total number of valid licenses held by members of the party.

[1965 c 124 s 1]

100.273 HUNTING PHEASANTS, ENTERING UPON AGRICULTURAL LANDS FORBIDDEN. Subdivision 1. During the season for taking of pheasants and sharp tailed grouse no person shall enter upon the lands of another which are

being used to raise agricultural products or upon land enclosing domestic stock of any kind for the purpose of hunting pheasants, or protected small game other than ruffed grouse, woodcocks and snowshoe rabbit unless and until the permission of the owner or lessee is obtained.

Subd. 2. No person while engaged in hunting small game shall destroy, cut or tear down any fence, building, grain or crops or wound or kill any domestic livestock.

Subd. 3. All peace officers shall enforce the provisions of this section.

Subd. 4. Violation of this section is a misdemeanor.

[1957 c 666 s 1-4]

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
Quail	10	15
Partridge (ruffed grouse), prairie chicken (pinnated grouse), pheasant, white breasted grouse (sharp tailed grouse), Hungarian partridge or Chukar 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; 1959 c 361 s 2]

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, except upon target ranges operated under a permit from the commissioner, unless unloaded and contained in a gun case, or unloaded and broken down:

(1) Any rifle, except a 22 caliber rim-fire rifle carried for the sole purpose of taking small game when lawful, or any 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;

(2) Any rifle in a territory open for the taking of deer with shotguns and slugs but not with rifles, during 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. Except as permitted by section 98.48, subdivision 10, it shall be unlawful to take any wild animal by means of discharging any firearm or bow and arrow thereat from a motor vehicle or airplane or snowmobile, or to transport any firearm except a pistol or revolver in a motor vehicle or airplane or snowmobile, unless the same is unloaded in both barrels and magazine and contained in a gun case or unless unloaded and contained in the trunk of the car with the trunk door closed or bow and arrow unless unstrung or contained in a case or unless contained in the trunk of the car with the trunk door closed; provided that any outboard motor attached to a floating craft used in the hunting of migratory waterfowl need not be removed when said watercraft with motor attached is beached, resting at anchor, or fastened within or tied immediately alongside of any type of fixed hunting blind, subject to the requirements of subdivision 17 of this section.

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 a habitual user of narcotics.

NOTE: See section 97.55, Subdivision 10.

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. Arrow heads for big game hunting must be made of all steel barblless design, the blade or blades of hiearbon steel not less than one inch wide for single two edge blade and not less than three

inch circumference for three or more blades, minimum weight of all types of 110 grain. Provided, that arrow heads with blades of mill tempered spring steel containing a plastic core or ferrule, conforming to the above dimensions, and with a minimum weight of 90 grain may be used. All arrow heads used for big game hunting shall be kept sharp.

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 the visible portion of the hunter's or trapper's cap and outer coat shall be bright red or blaze orange or covered therewith.

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, bow or other implement whereby big game could be killed, unless the firearm is unloaded in both barrels and magazine and properly encased or contained in the trunk of the car with the trunk door closed and in the case of a bow, unless the same is encased or unstrung or contained in the trunk of the car with the trunk door closed. When artificial lights are used to take raccoon when treed with the aid of dogs, the rifles used to take raccoon shall not be of a larger caliber than .22 rim-fire, and shotguns so used shall only contain shells with shot no larger than No. 4. Artificial lights to take raccoon when treed with the aid of dogs shall be legal.

NOTE: See section 97.55, subdivision 9.

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.

NOTE: See section 97.55, subdivision 9.

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 take wolves, bobcat, lynx, fox, or bear with the aid of any snare, except under a permit from the commissioner and under such regulations as he shall prescribe.

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 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. It shall be unlawful to place decoys in any public waters more than one hour before sunrise or to reserve or preempt a shooting location in public waters, or to so attempt, by the device of leaving decoys, or a boat, unattended in public waters between sunset and one hour before sunrise.

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. It shall be unlawful and a misdemeanor for any person to erect "no hunting," "no trapping," "no fishing," or other signs prohibiting trespass upon any lands or waters in or over which he has no right, title, interest, or license. Any person other than the duly constituted legal authority who shall so post any public lands, including tax forfeited lands, as above described shall be guilty of a misdemeanor.

Subd. 22. It shall be unlawful to take any wild animal on any agricultural land with a firearm within 500 feet of any building occupied by a human being or by livestock, or within 500 feet of any stockade or corral containing livestock without the consent or permission of the owner or occupant of such premises, or within 500 feet of any burning area.

Subd. 23. It shall be unlawful to take protected wild animals with the aid of ferrets.

Subd. 24. It shall be unlawful to destroy or molest the burrow or den of any wild animal between November 1 and April 1 without a permit.

Subd. 25. It shall be unlawful to tend any trap set for wild animals between the hours of 6:00 p.m. and 6:00 a.m.

Subd. 26. Except as expressly permitted by the commissioner, it is unlawful to take any species of protected quadrupeds or birds with a crossbow, or to have a crossbow in possession out of doors or in a motor vehicle in any territory which is open at the time for taking any such quadrupeds or birds, or in any territory where there is an open season for taking deer with firearms for ten days preceding and five days succeeding such season, unless the crossbow is unstrung and contained in a case or in the trunk of a motor vehicle with the door closed.

Subd. 27. It is unlawful to send or receive any message by radio from any aircraft or motor vehicle or by means of any portable radio for the purpose of assisting in or facilitating the taking of any wild animal, unless all such radio and walkie-talkie equipment is registered with the commissioner of conservation and a permit for use of such equipment is issued to the applicant to take unprotected animals. Upon justified complaint as to the misconduct of a permit holder in their hunting activities, to the commissioner of conservation, the commissioner shall immediately cancel the permit and demand that it be surrendered to the department of conservation.

[1945 c 248 s 4; 1947 c 609 s 23; 1949 c 150 s 31; 1951 c 30 s 1; 1951 c 380 s 1; 1951 c 458 s 1; 1953 c 31 s 1; 1953 c 375 s 1; 1955 c 26 s 1; 1955 c 119 s 1; 1955 c 502 s 1; 1955 c 560 s 1; 1955 c 562 s 1; 1955 c 589 s 1; 1955 c 755 s 1; 1955 c 779 s 1; 1957 c 598 s 1; 1957 c 683 s 1; 1959 c 95 s 1; 1959 c 260 s 1; 1961 c 104 s 2; 1961 c 409 s 1, 2; 1963 c 47 s 1; 1965 c 449 s 1; 1965 c 481 s 3]

100.295 SETTING OF TRAPS IN CERTAIN AREAS. The setting of any trap within 150 feet of any stream, lake, or navigable water, within 30 days prior to the open season for trapping mink and muskrat is hereby prohibited except by special permit issued by the commissioner.

[1955 c 786 s 1]

100.30 POSSESSION, SALE, 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]

100.303 PELTS, SKINS, OR HIDES TAKEN ON INDIAN RESERVATIONS.

The pelts of fur bearing animals and the skins or hides of other protected wild animals taken on any Indian reservation in this state, except the Fond du Lac reservation of the Chippewa Indian tribe, may be transported, sold, or otherwise disposed of under such rules, regulations, and conditions as the commissioner of conservation may prescribe.

[1951 c 178 s 1]

100.31 FIREARMS, BOWS AND ARROWS; DISCHARGE ON HIGHWAYS.

No person shall discharge any firearm or bow and arrow 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.

[1949 c 635 s 1; 1955 c 492 s 1]

PRIVATE SHOOTING PRESERVES

100.32 PRIVATE SHOOTING PRESERVES, LICENSING. The commissioner of conservation is authorized and empowered to issue operating licenses or permits for shooting preserves, which shall be privately owned and operated, provided that the establishment of the preserve is determined by the commissioner to be in the public interest, and provided it be operated in accordance with the provisions hereof and subject to such rules and regulations as may be reasonably necessary to carry out the purposes of sections 100.32 to 100.37.

[1963 c 238 s 1]

100.33 GAME AVAILABLE. Game which may be released and hunted upon a licensed preserve shall be confined to pheasant, quail, chukar partridge, turkey, mallard, and black duck which have been pen hatched and raised, and such other pen hatched and raised species as the commissioner may add from time to time.

[1963 c 238 s 2]

100.34 LOCATION AND BOUNDARIES OF PRESERVES. Subdivision 1. For the purposes of sections 100.32 to 100.37, the state shall be zoned. Zone A shall consist of all that portion of the state lying north and east of the following described highways: No. 52 from Moorhead to Big Lake, No. 25 to Norwood, No. 212 to its intersection with No. 101, thence on No. 101 and No. 13 to the intersection with No. 65, thence south along highway No. 65 to Owatonna and southeast along highway No. 218 to the Iowa border. Zone B shall consist of all areas lying south and west of said line. The commissioner may, by duly published order, transfer additional areas from zone A to zone B.

Subd. 2. No license for a preserve established in zone B shall authorize the shooting of pheasants unless the commissioner shall find, after holding a public hearing in the county where the preserve is to be established, that there is no danger of shooting a substantial number of wild pheasants thereon.

Subd. 3. Each preserve in zone A shall contain a minimum of 100, but not more than 1,000 contiguous acres, including water area if any. Each preserve in zone B shall include a minimum of 100 acres and a maximum of 400 contiguous acres, including water area if any. Preserves confined to the releasing of ducks only may be licensed upon a minimum of 50 contiguous acres, including water area.

Subd. 4. The boundaries of licensed preserves shall be fenced and designated in such manner as shall be prescribed in the rules and regulations of the commissioner.

[1963 c 238 s 3]

100.35 LICENSE OR PERMIT; HUNTERS' LICENSES; TAGS; RECORDS; LIMITS. Subdivision 1. The fee for a shooting preserve license or permit shall be \$50.

Subd. 2. The license or permit shall specify the species which may be released and taken upon the preserve.

Subd. 3. Each person hunting on any preserve shall have a hunting license as required by law for the hunting of game birds, provided that nonresidents who do not have a small game nonresident hunting license may obtain a special shooting preserve license to be issued by the state, good for the entire preserve season, to be issued at a fee identical with a small game resident hunting license.

Subd. 4. Each preserve operator may determine the persons permitted to hunt upon the preserve. Shooting preserve operators may establish their own shooting limitations and restrictions on the age, sex, and number of each species that may be taken by each person, together with the charge therefor, and regulations relative to shooting hours, provided that no such limitations or restrictions shall conflict herewith or with any authorized regulation of the commissioner.

Subd. 5. All harvested game except ducks which are marked in accordance with regulations of the United States fish and wildlife service shall be tagged with a selfsealing tag to be issued by the department at a cost of five cents. The tags shall be so numbered or otherwise identified that each preserve using them can be identified and such tag shall be maintained on each bird shot until either consumed on the premises or if removed therefrom, until actually prepared for consumption.

Subd. 6. Each shooting preserve operator shall maintain a registration book listing the names, addresses, and hunting license numbers of all shooters, the date on which they hunted, the amount and species of game taken, and the tag numbers affixed to each carcass. An accurate record likewise must be maintained of the total number, by species, of game raised, purchased and released, and the date and number of all species released. These records shall be open to inspection by a representative of the conservation department at all reasonable times.

Subd. 7. The commissioner shall provide by reasonable rules and regulations the minimum number of each species, authorized to be taken upon the preserve, which shall be released, and the percentage of such species which shall be permitted to be taken. He shall prescribe reasonable regulations for marking or identifying the birds to be released.

[1963 c 238 s 4]

100.36 SEASON UPON PRESERVES. The season for shooting upon licensed preserves shall be from September 1 until the succeeding March 31 in the discretion of the licensee, unless the commissioner, after a public hearing upon a protest, shall determine that the season shall be curtailed because of danger to the population of wild game birds.

[1963 c 238 s 5]

100.37 REVOCATION OF LICENSE OR PERMIT. The commissioner of conservation may revoke any shooting preserve license or permit issued under the authority of sections 100.32 to 100.37 when the licensee or persons he has authorized to hunt on the area shall have been convicted of a violation of any of the provisions of sections 100.32 to 100.37. After such revocation, a new license or permit may be issued if in the discretion of the conservation department the circumstances warrant.

[1963 c 238 s 6]