

## CHAPTER 102

## COMMERCIAL FISHING

Sec.		Sec.	
102.23	Possession, sale and transportation	102.27	Namakan and Sand Point Lakes; fishing
102.24	Mussels and clams	102.28	Lake Superior fishing
102.25	Inland, Mississippi and Minnesota river fishing	102.29	Interference with commercial fishing
102.26	Lake of the Woods and Rainy Lake fishing	102.30	Upper and Lower Red Lake; transportation, sale and disposal

NOTE: For definitions, see section 97.40.

**102.01-102.22** [Repealed, 1945 c 248 s 7]

**102.23 POSSESSION, SALE AND TRANSPORTATION.** Subject to all applicable provisions of chapters 97 to 102, mussels and clams and all fish taken under commercial fishing licenses may be possessed in any quantity, bought, sold or transported during any open seasons provided for such fishing, and for seven days thereafter. Such fish may be frozen or cured during the open season, and when so cured, may be transported, bought and sold at any time.

[1945 c 248 s 6; 1949 c 150 s 42]

**102.24 MUSSELS AND CLAMS.** Subdivision 1. Except as changed from time to time by order of the commissioner, under authority of section 97.48, subdivision 5, mussels of not less than one and three-fourths inches in greatest dimensions, including the pearly fresh water mussel, or clam, or Naiad, and the shells thereof, may be taken at any time except between March 1st and May 15th, subject to all other provisions of chapters 97 to 102.

Subd. 2. Except as otherwise authorized, not more than one boat or rig may be used for taking mussels by any licensee, and an additional boat for towing may be used when no mussel-taking apparatus is attached thereto. Not more than four crow-foot bars or bars having hooks attached thereto, such bars to be not more than 20 feet in length, shall be possessed by any licensee while taking mussels at any one time, and not more than two such bars shall be placed in the water by a licensee at any one time. Not more than one dredging apparatus shall be used, and no dredge, the openings of which are more than three feet in length, or the prongs or forks of which are more than four inches, shall be used, provided pitchforks may be used in gathering clam shells. All under-sized mussels, except pig-toes, shall be returned to the water without injury.

[1945 c 248 s 6; 1949 c 150 s 43]

**102.25 INLAND, MISSISSIPPI AND MINNESOTA RIVER FISHING.** Subdivision 1. Licenses to take rough fish from the Mississippi River from the St. Croix River junction to St. Anthony Falls, shall be restricted to the use of the following equipment and methods:

(1) Seines may be used only under regulations as prescribed by commissioner's order;

(2) Set lines may be used having not more than 100 hooks, but no licensee may operate more than one set line;

(3) Operations shall be conducted only in the flowing waters of the river and in such tributary backwaters as the commissioner may prescribe by regulation;

(4) The location of any net or seine shall not be changed from the place specified in the application for a license, without first notifying the commissioner of the proposed change;

(5) No net shall be raised, laid out, or landed, between sunset and sunrise the following morning;

(6) Seines shall be hauled to a landing immediately after being placed, and no two seines shall be joined together in the water.

Subd. 2. Licensed set lines to take rough fish, 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 River junction, shall be set in the flowing waters of the river only, staked only at one end,

and the location thereof shall not be changed from the place designated in the application for license except after notice to the commissioner and his approval thereof. No person shall use more than one such set line.

[1945 c 248 s 6; 1949 c 150 s 44; 1963 c 690 s 2]

**102.26 LAKE OF THE WOODS AND RAINY LAKE FISHING.** Subdivision 1. Unless otherwise changed by order of the commissioner under authority of section 97.48, subdivision 3, the following regulations and restrictions shall apply to all commercial fishing operations conducted in Lake of the Woods and Rainy Lake:

(1) Any variety of fish, except black bass, rock bass, muskellunge, crappies, sturgeon and sunfish, may be taken subject to all other restrictions contained in chapters 97 to 102.

(2) Pound nets and staked trap nets shall be of mesh not less than two and one-half inches nor more than four inches stretch measure in the pound or crib.

(3) Gill nets shall be of mesh not less than four inches stretch measure, and shall not be more than 30 meshes in width.

(4) Fyke nets shall be of mesh not less than two and one-half inches nor more than four inches stretch measure in the pot or crib, with hoop or opening not more than six feet in height, the wings not more than 100 feet in length, and a single lead not be more than 400 feet in length.

(5) Submerged trap nets shall be of mesh not less than two and one-half inches nor more than three inches stretch measure in the heart, pot, or crib, with pot or crib not exceeding 150 square feet in area, and lead not exceeding 300 feet in length. The depth of pot or lead shall not exceed 12 feet.

(6) Trawls may be used only on Lake of the Woods and shall be of such specification as the commissioner of conservation may prescribe. Such specifications shall include but not be limited to the following:

1. Not more than one trawl net shall be operated by a licensed trawler.

2. No member of the trawler crew may operate other commercial fishing gear on the same day that he is conducting trawling operations or possess fish caught in other commercial fishing gear while aboard the trawler.

3. The head rope of the trawl shall be no longer than 88 feet measured along that portion of the head rope on which the webbing is attached.

4. The mesh of the cod end or bag shall be of a size no smaller than 3½ inches or larger than 4 inches, stretch measure.

5. The walleyed pike catch shall not exceed 1,000 pounds in any calendar month and the total for the season shall not exceed 5,000 pounds. The sauger catch shall not exceed 5,000 pounds in any calendar month and 25,000 pounds during a season. At such times as these game fish quotas are exceeded, the operator shall suspend operations for the remainder of the month or season, whichever shall apply.

6. No northern pike shall be taken in trawling operations.

Subd. 2. No licensee shall be permitted to operate more than six pound nets or 4,000 feet of gill nets or eight submerged trap nets or ten fyke or staked trap nets, or one trawl, or one pound net station. No net of any kind shall be set except at a place consented to by the commissioner.

Subd. 3. The maximum amount of nets permitted to be licensed shall be as follows:

(1) In Lake of the Woods, 50 pound nets, 80,000 feet of gill nets or 160 submerged trap nets, 80 fyke or staked trap nets, and two trawls. Licenses for submerged trap nets may be issued in lieu of licenses for gill nets in the ratio of not more than one submerged trap net per 500 feet of gill net, and the maximum permissible amount of gill nets shall be reduced by 500 feet for each submerged trap net licensed. The commissioner may authorize submerged trap net licensees, before the beginning of the third season following the first exchange, to exchange such trap nets for gill nets. Licenses for trawls may be issued in lieu of licenses for gill nets. Trawl licenses may be issued for 1963 and 1964 only. The holder of a trawl license may be issued a gill net license in 1965 if the trawl license provision is not extended;

(2) In Rainy Lake, 20 pound nets, and 20,000 feet of gill nets;

(3) When any licensee has lost or surrendered his license for any reason, the commissioner shall not be required to issue licenses for the amount of netting previously authorized under such license;

(4) At any time when commercial fishing is prohibited in any of the international waters by Canadian authorities, such fishing may be prohibited in the Minnesota portions of such waters;

(5) The commissioner by regulation may limit the total amount of game fish that may be taken by commercial fishermen in Lake of the Woods in any one season and shall apportion said amount to each licensee in accordance with the number and length of nets licensed;

(6) The commissioner of conservation may limit by order the amount of game fish taken in trawls in Lake of the Woods.

Subd. 4. The commissioner may require any person licensed to take fish for commercial purposes in the waters covered by this section, when it can be done in connection with the licensed commercial fishing, to take eggs for propagation purposes under such regulations as he shall prescribe.

Subd. 5. Possession of any net or equipment declared illegal under the provisions of chapters 97 to 102 or under any order of the commissioner issued by authority of section 97.48, subdivision 3, at any place within ten miles of any portion of Lake of the Woods or Rainy Lake, shall be unlawful, and such nets or equipment shall be confiscated whenever found.

[1945 c 248 s 6; 1947 c 503 s 1, 2; 1949 c 150 s 45; 1955 c 559 s 1-3; 1963 c 691 s 1-3]

**102.27 NAMAKAN AND SAND POINT LAKES; FISHING.** Subdivision 1. Unless otherwise changed by order of the commissioner, under authority of section 97.48, subdivision 3, whitefish, and rough fish may be taken by licensed commercial fishermen from Namakan Lake and Sand Point Lake; provided, that gill nets shall not be used therefor in Sand Point Lake.

Subd. 2. The maximum amount of nets permitted to be licensed in Namakan Lake shall be 7,000 feet of gill net, with a mesh not less than four inches stretch measure, and 12 pound, fyke or submerged trap nets.

Subd. 3. The maximum amount of nets permitted to be licensed in Sand Point Lake shall be 12 pound, fyke, or submerged trap nets.

[1945 c 248 s 6; 1949 c 150 s 46; 1957 c 511 s 3-5; 1961 c 560 s 12]

**102.28 LAKE SUPERIOR FISHING.** Subdivision 1. Herring, lake trout, ciscoes, chubs, alewives, whitefish, Menominee whitefish, smelt and rough fish may be taken by licensed commercial fishermen from Lake Superior, in accordance with the following provisions.

Subd. 2. Chubs and live bait may be taken by gill nets not less than 1¼ inch mesh and not to exceed 1¾ inch mesh, flexible rule measure, which nets may be used throughout the year for taking bait for set lines only and when set as floats may be set in any water in Lake Superior excepting those restricted by the commissioner of conservation. When set on the bottom for taking bait, the nets must be set in water not less than 40 fathoms in depth.

Pound or trap nets may be used for the taking of Menominee whitefish, herring, ciscoes, chubs, alewives, smelt, and rough fish in Lake Superior, including St. Louis Bay, under such rules and regulations as the commissioner may prescribe.

Subd. 3. Gill nets for taking lake trout and whitefish shall be not less than 4½ inch mesh, flexible rule measure. The commissioner may by regulation limit the total amount of gill net to be licensed for the taking of lake trout and whitefish and may limit the amount of net to be operated by each licensee.

Subd. 4. Gill nets for taking herring and ciscoes shall not be less than 2¼ inch mesh and shall not exceed 2¾ inch mesh, flexible rule measure.

Subd. 5. The commissioner of conservation is hereby authorized and directed to issue special permits to duly licensed commercial fishermen not exceeding 20 in number for the purpose of taking trout and whitefish spawn during the closed season for the propagation of trout and lake trout in Lake Superior and adjacent waters under such rules and regulations as may be prescribed by him.

[1945 c 248 s 6; 1949 c 150 s 47; 1963 c 69 s 1-4; 1963 c 688 s 2]

**102.29 INTERFERENCE WITH COMMERCIAL FISHING.** No person shall knowingly place or maintain any obstruction which will hinder, prevent, or interfere with any licensed commercial fishing operation, or take or remove any fish from nets licensed under provisions of chapters 97 to 102, or knowingly injure, disturb, or interfere with such nets.

[1945 c 248 s 6; 1949 c 150 s 48]

# MINNESOTA STATUTES 1965

1165

COMMERCIAL FISHING 102.30

**102.30 UPPER AND LOWER RED LAKE; TRANSPORTATION, SALE AND DISPOSAL.** The commissioner of conservation may permit the transportation, sale and disposal of fish taken within the Red Lake Indian Reservation on Upper Red Lake and Lower Red Lake and from waters within the Nett Lake also known as Bois Forte Indian Reservation under such rules, regulations and conditions as the commissioner may prescribe.

[1949 c 324 s 1; 1963 c 500 s 1]