

CHAPTER 101

FISH

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NOTE: For definitions, see section 97.40.

101.01-101.40 [Repealed, 1945 c 248 s 7]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

Subd. 2. Except as otherwise provided, the following fish may be taken only by angling with a single line, transported and possessed, subject to all other provisions of chapters 97 to 102, between the dates set opposite each species:

Species

Large and small mouthed black bass

Dates—May 15th and Feb. 15th

Trout

Dates—As the commissioner may by order prescribe between Jan. 1st and Oct. 31st

Lake trout (land-locked salmon)

Dates—Jan. 1st and Oct. 31st

Wall-eyed pike

Dates—May 15th and Feb. 15th

Sauger (sand pike)

Dates—May 15th and Feb. 15th

Great Northern pike and pickerel

Dates—May 15th and Feb. 15th

Muskellunge

Dates—May 15th and Feb. 15th

Rock bass and white bass

Dates—No closed season

Crappies

Dates—No closed season

Sunfish and blue gill

Dates—No closed season

Catfish

Dates—No closed season

Bullheads

Dates—No closed season

Carp, dogfish, redhorse, sheepshead, suckers, eelpout, garfish, perch, whitefish, tullibees, buffalofish

Dates—No closed season.

Subd. 3. [Repealed, 1965 c 318 s 4]

Subd. 4. Subject to the limits prescribed, 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.

Subd. 6. Fish may be taken and possessed in such daily and possession limits as the commissioner shall prescribe by order.

[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; 1959 c 574 s 1; 1961 c 432 s 1; 1965 c 219 s 1; 1965 c 318 s 1-3; 1967 c 263 s 1; 1969 c 523 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 natural resources by regulation may prescribe; provided, however, that nothing herein contained shall restrict the power of the commissioner of natural resources 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; 1969 c 1129 art 3 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 148 meshes in depth of one fourth inch bar measure or more than 197 meshes in depth of $\frac{3}{16}$ inch bar measure or more than four feet in depth if material of smaller than $\frac{3}{16}$ inch bar measure is used; to take minnows from waters designated by the commissioner as trout lakes or streams without a special permit which the commissioner may issue when conditions warrant it; 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 from one hour after sunset to one hour before sunrise. Licensed itinerant minnow dealers may take minnows, except in streams and designated trout lakes, with a seine not more than 50 feet in length or more than 222 meshes in depth of one fourth inch bar measure or more than 296 meshes in depth of $\frac{3}{16}$ inch bar measure, or more than six feet in depth if material of smaller than $\frac{3}{16}$ inch bar measure is used.

Subd. 6. Except as otherwise specifically permitted, it shall be unlawful to use game fish, gold fish, or carp minnows for bait purposes and no live minnows imported from other states or countries may be used for bait purposes, propagation purposes (except as to or ornamental use in home aquariums) or any other pur-

pose which shall permit their being placed in any waters of the state, artificial ponds, stationary or mobile tanks or to possess or transport such minnows for sale or storage within the state or to transport live carp minnows for any purpose.

No minnows (except as to ornamentals) shall be transported from other states or countries into or through Minnesota, unless the possessor shall have first obtained a permit from the commissioner or his agent, showing the name and address of the owner, the number and kind of minnows to be transported, the point of entry into Minnesota, the destination, and the route to be followed through Minnesota, such permit shall be valid for not more than 12 hours after its date, and time of issuance.

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, 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 11:00 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, 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.

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. [Repealed, 1967 c 36 s 1]

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 drive motor boats thereover, or seine minnows therein, or to remove or mutilate any such posted notices, except under the direction of the commissioner.

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, whether or not used 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. Any dark house, fish house, or shelter used for the purpose of taking fish shall be licensed by the owner and shall have attached to the exterior a metal license tag, issued by the commissioner of natural resources, while such dark house, fish house or shelter is on the ice. It is also unlawful 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; to permit any such structure to remain on the ice after February 28; or to burn any such structure on the ice of any waters of this state except under the supervision of the department of natural resources. The department, upon request of the owner of said struc-

ture, shall allow burning only after determination by the department that no other reasonable course of action will allow the structure to be removed from the ice. After burning, the owner or those employed by him shall remove the remains of said structure from the ice by whatever means necessary. No person shall erect a dark house, fish house or shelter for taking fish within ten feet of a previously existing dark house, fish house or shelter for taking fish. The commissioner may by order extend the time for such structures to remain on the ice on international boundary waters or any part thereof to a later date. Copies of such orders shall be conspicuously posted on the shores of the affected waters as the commissioner directs. Any such structures 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 conservation officer to summarily confiscate and remove, burn or otherwise 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 conservation officer 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. When angling in a dark house it shall be unlawful to have a spear within the interior of a dark house, fish house, or shelter.

The provisions of this subdivision are subject to the following exceptions:

A fishhouse or shelter may be used on the ice after February 28 if the season for taking any species of fish therefrom is open at the location thereof, provided no fishhouse or shelter be placed upon the ice prior to 7 o'clock a.m. and they are removed therefrom by 7 o'clock p. m. each day. Any such fish house or shelter left on the ice after 7 o'clock p. m. shall be subject to all the foregoing provisions hereof.

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.

Subd. 19. It is unlawful to drag boat anchors or other weights with a motor propelled boat through aquatic vegetation, except as authorized by law or by the commissioner's order.

Subd. 20. It shall be unlawful to take fish by angling with a set or unattended line except that a line with a single hook attached, used for angling through the ice, shall not be deemed an unattended line if the owner is within sight of the line.

[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; 1959 c 615 s 1; 1961 c 289 s 1; 1961 c 441 s 1; 1961 c 477 s 6; 1963 c 38 s 1; 1963 c 444 s 1; 1963 c 561 s 1; 1965 c 284 s 1; 1967 c 300 s 1; 1967 c 308 s 1; 1967 c 905 s 9; 1969 c 96 s 1; 1969 c 327 s 1, 2; 1969 c 806 s 1; 1969 c 807 s 2; 1969 c 808 s 1; 1969 c 1129 art 3 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]

101.44 FROGS; SEASON, REGULATION, LICENSES. 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. Except as otherwise provided under commissioner's regulations, not to exceed 150 frogs over six inches in length may be possessed in or transported through the state, except 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. The commissioner shall establish regulations dealing with the purchase, possession and transportation of frogs for purposes other than bait. The fee for this license shall be \$25 for resident; \$100 for non-residents. The commissioner may issue licenses to residents to take, possess, transport and sell frogs for purposes other than bait. The license fee shall be \$2.50.

[1945 c 248 s 5; 1949 c 150 s 37; 1959 c 295 s 1; 1969 c 607 s 1]

101.441 FROGS, PERMITS FOR SALE, IMPORT, AND RAISING. The commissioner of natural resources 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; 1969 c 1129 art 3 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 natural resources 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.

Subd. 2. [Repealed, 1959 c 574 s 2]

[1947 c 263 s 1; 1949 c 150 s 40; 1949 c 670 s 1; 1953 c 280 s 3; 1969 c 1129 art 3 s 1]

101.475 MUSKELLUNGE. Subdivision 1. The commissioner of natural resources, after notice and hearing, may designate not more than 40 lakes in the state, each of which is known to be the habitat of muskellunge, and provide special rules and regulations applicable only to these lakes for the management of fishing therein. Such special rules and regulations may include among other things prohibition of darkhouse spearing or angling or both in any one or more of these designated lakes, but must be designed and promulgated solely to further experiments, research and management of muskellunge in the state.

Subd. 2. The lakes so designated may not exceed in aggregate area 40,000 acres.

[1961 c 277 s 1, 2; 1965 c 193 s 1; 1969 c 812 s 1; 1969 c 1129 art 3 s 1]

101.48 TROUT. The commissioner of natural resources may open any stream or any portion thereof flowing into Lake Superior for taking brook, brown, rain-

bow, and steelhead trout at such times and under such regulations as he may prescribe during the month of April and between September 16 and November 30 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; 1959 c 440 s1; 1965 c 314 s 1; 1969 c 1129 art 3 s 1]

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

[1957 c 426 s 1; 1969 c 1129 art 3 s 1]

101.50 SALMON. The commissioner of natural resources is hereby authorized to prescribe by order seasons and limits and the manner of taking and possession of salmon from inland lakes or international waters.

[1963 c 190 s 1; 1969 c 1129 art 3 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 natural resources by regulation may prescribe; provided, however, that nothing herein contained shall restrict the power of the commissioner of natural resources to close any waters for under-water harpooning of rough fish.

[1955 c 563 s 1; 1969 c 1129 art 3 s 1]