

93.58 Publication of act

Sections 93.52 to 93.58, as amended or repealed by Laws 1973, Chapter 650, Article 20, together with the other sections of Laws 1973, Chapter 650, Article 20, shall be published once during the first week of each month in a legal newspaper in each county in the months of October, November, and December of the year 1973 by the commissioner of natural resources at county expense. Sections 93.52 to 93.58 also shall be published by the commissioner of natural resources at least once in 1973 in two publications related to mining activities which have nationwide circulation. Failure to publish as herein provided shall not affect the validity of sections 93.52 to 93.58 or the other sections of Laws 1973, Chapter 650, Article 20.

[1973 c 650 Art. XX s 7]

GAME AND FISH**CHAPTER 97. GAME AND FISH**

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97.431	Indian reservations; special provisions relating to hunting, fishing, trapping and wild ricing rights of Indians [New].	97.486	Repealed.
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97.431 Indian reservations; special provisions relating to hunting, fishing, trapping and wild ricing rights of Indians

Subdivision 1. Purpose. The purpose of this section is to give recognition and effect to the rights of the Leech Lake Band of Chippewa Indians which are preserved by federal treaty and which relate to hunting, fishing, and trapping, and to the gathering of wild rice on the Leech Lake Indian reservation. These rights have been recognized and given effect by the decision of the United States District Court in the following entitled actions: Leech Lake Band of Chippewa Indians, et al. v. Robert L. Herbst, No. 3-69 Civ. 65; and United States of America v. State of Minnesota, No. 3-70 Civ. 228. The state of Minnesota desires to settle all outstanding issues and claims relating to the above rights.

Subd. 2. Definitions. For the purposes of this section the following terms have the meanings given them:

- (a) "Band" means the Leech Lake Band of Chippewa Indians;
- (b) "Committee" means the reservation business committee of the Leech Lake Band of Chippewa Indians;
- (c) "Reservation" means the Leech Lake Indian reservation as described in the settlement agreement;
- (d) "Settlement agreement" means the document entitled "Agreement and Settlement" on file and of record in the United States District Court for the District of Minnesota, Third Division, in the following entitled actions: Leech Lake Band of Chippewa Indians, et al. v. Robert L. Herbst, No. 3-69 Civ. 65; and United States of America v. State of Minnesota, No. 3-70 Civ. 228.

Subd. 3. Ratification of settlement agreement. Notwithstanding the provisions of any other law to the contrary, the state of Minnesota by this section ratifies and affirms the agreement set forth in the settlement agreement.

Subd. 4. Commissioner's powers and duties. Notwithstanding the provisions of any other law to the contrary, the commissioner of natural resources, on behalf of the state of Minnesota, shall take all actions, by order or otherwise, which are necessary to carry out the duties and obligations of the state of Minnesota arising from the agreement entered into by the parties to the settlement agreement. These actions include but are not limited to the following:

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(a) The implementation of the exemption of members of the band and other members of the Minnesota Chippewa tribe from state laws relating to hunting, fishing, trapping, the taking of minnows and other bait, and the gathering of wild rice while within the reservation, together with exemption from related possession and transportation laws, to the extent necessary to effectuate the terms of the settlement agreement;

(b) The establishment of a system of special licenses and related license fees for persons who are not members of the Minnesota Chippewa tribe for the privilege of hunting, fishing, trapping, or taking minnows and other bait, within the reservation. All money collected by the commissioner for special licenses shall be deposited in the state treasury and credited to the Leech Lake Band special license account, which is hereby created. All money in the state treasury credited to the Leech Lake Band special license account, less any deductions for administrative costs authorized by the terms of the settlement agreement, is appropriated to the commissioner who shall remit the money to the committee pursuant to the terms of the settlement agreement;

(c) To the extent necessary to effectuate the terms of the settlement agreement, the promulgation of regulations for the harvesting of wild rice within the reservation by non-Indians;

(d) To the extent necessary to effectuate the terms of the settlement agreement, the establishment of policies and procedures for the enforcement by conservation officers of the conservation code adopted by the band; and

(e) The arbitration of disputes arising under the terms of the settlement agreement.

[1973 c 124 s 1]

97.45 Transportation restricted

[For text of subds. 1 to 3, see M.S.1971]

Subd. 4. Any licensed resident may transport by common carrier to any point in the county of his residence, consigned to himself only, not more than three separate shipments of undressed birds, each of which may contain all of the birds which could lawfully be taken within the state on any single day, but not to contain more than a single day's limit of any species. Such resident may transport during any one open season and the next following two days, or at any time thereafter under conditions which the commissioner may prescribe, one deer and one moose, which has been lawfully taken and possessed, and may transport the head or hide of such deer or moose for mounting or tanning purposes to a point within or without the state; but if such deer or moose is not transported by common carrier, the licensee must accompany such deer or moose.

[1973 c 449 s 1]

[For text of subds. 5 and 6, see M.S.1971]

Subd. 7. Any nonresident licensee may transport by any means, consigned to himself only, to any point within or without this state, not to exceed the number of undressed game birds which he is entitled to possess at any one time, and one deer, lawfully taken and possessed within this state, and provided that the nonresident licensee shall accompany such game birds or deer except when they are being transported by common carrier. Common carriers are hereby permitted to carry such wild animals as baggage.

[1973 c 449 s 2]

[For text of subd. 8, see M.S.1971]

Subd. 9. Undressed game birds, lawfully taken and possessed in adjacent states, may be brought into the state, and may then be shipped by common carrier to any point within the state by residents of this state, or by nonresidents to any point without the state, provided each such shipment shall be tagged or sealed by a state conservation officer in the manner prescribed by the commissioner. Licensed residents may ship game birds or one fish law-

fully in their possession to any point within or without the state to any person upon procuring a permit so to do from the commissioner or his authorized agent under such regulations as the commissioner may prescribe.

[1973 c 449 s 3]

[For text of subd. 10, see M.S.1971]

Subd. 11. No shipment of small or big game, under subdivisions 4 or 7, shall be accepted by any carrier until the agent thereof shall have examined the license of the shipper.

[1973 c 449 s 4]

Subd. 12. All shipments of protected wild animals by common carrier, or carried as baggage, shall have attached a statement signed by the licensee showing his name, address and license number and the number and species of wild animals contained. If fish are contained, the statement also shall show the number of pounds thereof and the shipment shall have attached to it any shipping coupon required by law.

[1973 c 449 s 5]

[For text of subds. 13 to 15, see M.S.1971]

97.48 Commissioner, general powers

[For text of subds. 1 and 2, see M.S.1971]

Subd. 3. The commissioner is authorized and shall have the power to make any and all regulations for the taking, possession and transportation of wild animals, fish and mussels from any boundary waters between Minnesota and adjacent states, and from international waters. These regulations may include but need not be limited to the following: Restrictions on the limits of fish which may be taken, possessed, or transported from Minnesota-Canada boundary waters by a person possessing both a Minnesota angling license and an angling license from a Canadian province adjacent to Minnesota which has jurisdiction over the taking, possession, and transportation of fish.

[1973 c 98 s 1]

[For text of subds. 4 to 11, see M.S.1971]

Subd. 12. The commissioner shall acquire by gift, lease, purchase, or condemnation in the manner prescribed under sections 117.011 to 117.232, in the name of the state, any personal or real property required for game farms or hatcheries, and to construct, maintain, operate and alter suitable buildings or other works thereon.

[1973 c 35 s 24]

Subd. 13. The commissioner shall acquire by gift, lease, easement, purchase, or condemnation in the manner prescribed under sections 117.011 to 117.232, in the name of the state, lands or any interest in lands suitable and desirable for establishing and maintaining public hunting grounds, game refuges and food and cover planting areas, and to make all improvements thereon deemed by him advisable, provided that not more than one third of the total area so acquired in any county for a public hunting grounds, game refuge, food and cover planting area, or other wildlife management area shall be established as a refuge.

[1973 c 35 s 25]

97.486 [Repealed, 1973 c 720 s 61 subd. 2]

97.4861 Contracts for removal of rough fish

Notwithstanding any provision of law to the contrary, no contract shall be awarded for the removal of rough fish except in accordance with requirements of law regarding the awarding of a contract after competitive bidding. A contractor of rough fish pursuant to this subdivision may sell or otherwise dispose of the rough fish which he acquires from the state.

[1973 c 720 s 61 subd. 1]

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97.50 Police powers

Subdivision 1. The commissioner, director, game refuge patrolmen, and conservation officers are hereby authorized and empowered to execute and serve all warrants and processes issued by any justice of the peace or magistrate or by any court having jurisdiction under any law relating to wild animals, wild rice, use of water, conservation, protection or control of public waters, state-owned dams or other works affecting public waters or water pollution, in the same manner as any constable or sheriff may do so, and to arrest, without a warrant, any person detected in the actual violation of any provisions of chapters 84, 97 to 102, 105 and 106, and section 609.68, and acts amendatory thereof, and to take such person before any court in the county in which the offense was committed and make proper complaint.

When a person is arrested for any violation of the provisions of the above named chapters, punishable as a misdemeanor, and is not taken into custody and immediately taken before a court or magistrate, the arresting officer shall prepare, in quadruplicate, written notice to appear before a court or magistrate. This notice has the effect of, and serves as, a summons and complaint. The notice shall be in the form of a summons and complaint and shall contain the name and address of the person arrested, the offense charged, and the time and the place he is to appear before the court or magistrate. This place must be before a court or magistrate who has jurisdiction within the county in which the offense charged is alleged to have been committed.

In order to secure release, without being taken into custody and immediately taken before the court or magistrate, the arrested person must give his written promise so to appear before the court or magistrate by signing, in quadruplicate, the written notice prepared by the arresting officer. The officer shall retain the original of the notice and deliver the copy thereof marked "summons" to the person arrested. Thereupon the officer shall release the person from custody.

On or before the return day the officer shall make a return thereof to the court or magistrate before whom the notice or summons is returnable. If the person so summoned fails to appear on the return day the court or magistrate shall issue a warrant for his arrest, and upon his arrest proceedings shall be had as in other cases.

[1973 c 171 s 1]

[For text of subds. 2 to 4, see M.S.1971]

Subd. 5. The commissioner, director, game refuge patrolmen, and conservation officers are hereby authorized and empowered to seize and confiscate in the name of the state, any wild animals or wild rice or other aquatic vegetation taken, bought, sold, transported or possessed in violation of chapters 84 and 97 to 102, and to seize, confiscate and dispose of all guns, firearms, bows and arrows, nets, boats, lines, rods, poles, fishing tackle, lights, lanterns, snares, traps, spears, dark houses, or wild rice harvesting equipment used, by the owner or any other with his knowledge, in unlawfully taking or transporting such wild animals or wild rice or other aquatic vegetation. Articles which have no lawful use may be summarily destroyed. All other articles may be retained for use of the division, or sold at the highest price obtainable, in the manner prescribed by the commissioner.

[1973 c 548 s 1]

[For text of subds. 6 to 10, see M.S.1971]

97.83 Use of firearms in taking wild animals, when forbidden

Subdivision 1. Except as hereinafter provided, it is unlawful for any person under the age of 16, unless accompanied by a parent or guardian, to have in his possession or under his control any firearm or air gun of any kind for hunting or target practice or any other purpose. Any person between the ages of 14 to 16, who has a certificate herein provided for is hereby exempt-

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ed. No certificate shall be issued to a person under 12 years of age. A person aged 11 may take the course for the certificate and if successful may receive the certificate upon becoming age 12. However, this section shall not apply to any person using firearms on land owned or occupied as a usual place of abode, by himself, parent or guardian. The provisions of section 98.47, subdivision 10 and section 609.66 are not affected hereby, except that it is lawful for any person participating in the foregoing course of instruction to carry a properly encased and unloaded firearm to and from class and to handle the same during such instruction. Also, such person shall be allowed participation in organized target shooting programs conducted under qualified adult supervision. For the purposes of this subdivision the word "guardian" is defined as legal guardian or any other person over the age of 18 who has been selected by the parent or legal guardian to supervise the person under the age of 16 while he has in his possession or under his control any firearm or air gun of any kind for hunting or target practice or any other purpose.

[1973 c 725 s 4]

[For text of subds. 2 and 3, see M.S.1971]

CHAPTER 98. LICENSES, TAKING OF GAME AND FISH

Sec. 98.45	Requirement.	Sec. 98.46	Fees.
		98.47	Exemptions.

98.45 Requirement

Subdivision 1. Except as specifically permitted in chapters 97 to 102, no person may take, buy, sell, transport, or possess any protected wild animals of this state or any aquatic plants without first procuring a license therefor as provided in section 98.46 or in section 98.48. Every license is issued for the calendar year and is void after the last day of the open season or the lawful time within that year during which the acts authorized may be performed. No license to take beaver or otter may be issued to any person after the third day of the open season provided therefor for that year. Except as provided in this section, no license to take deer with firearm may be issued after the first day of the regular rifle season, and all license agents shall return all stubs and unsold license blanks to the county auditor on the second day of such season. A resident who is discharged from the military or naval forces of the United States, or any active reserve or component thereof, during the regular season for taking deer by firearm or within ten days before its commencement, may be issued, at any time during the firearm deer season and upon a showing of his official discharge paper, a license to take deer with firearm. Only one license of each kind, except the non-resident short term angling license, may be issued to a person in any calendar year. No license may be transferred except as expressly authorized.

[1973 c 203 s 1]

[For text of subds. 2 to 7, see M.S.1971]

98.46 Fees

[For text of subds. 1 to 5, see M.S.1971]

Subd. 6. Fees for the following licenses to net for commercial purposes in the boundary waters between Wisconsin and Minnesota from Taylors Falls to the junction of the Mississippi River and Lake St. Croix and from Lake St. Croix to the Iowa border, which, except in the case of helpers licenses, shall be issued to residents only, shall be:

- (1) For a seine not exceeding 500 feet, \$20;
- (2) For a seine in excess of 500 feet, but not over 1,000 feet, \$30;