

MINNESOTA STATUTES 1977 SUPPLEMENT

98.52 LICENSES, TAKING OF GAME AND FISH

a conviction other than a conviction related to big game.

[For text of subds 2 to 4, see M.S.1976]

[1977 c 110 s 2]

CHAPTER 100. QUADRUPEDS, BIRDS

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100.26 Unprotected animals.

Subdivision 1. Weasel, coyote (brush wolf), gopher, porcupine, badger, 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 section 18.022. It shall be unlawful to intentionally drive, chase, run over or kill with any motor propelled vehicle any unprotected animals.

[For text of subds 2 and 3, see M.S.1976]

[1977 c 310 s 8]

100.27 Seasons.

Subdivision 1. Except as otherwise specifically provided, there shall be no open season on elk, caribou, antelope, marten, or wolverine.

Subd. 2. Deer, moose and bear 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 and bear by bow and arrow; legal muzzle loading firearms as defined in section 100.29, subdivision 3, clause (2), or both, between September 1 and December 31 and in any areas of the state designated by the commissioner. Legal muzzle loading firearms shall be permitted by the commissioner on public lands only;

(2) Deer, by legal firearms and with bow and arrow, between November 1 and December 15, with the length of the season to be determined by the commissioner; and

(3) Moose, between January 1 and December 31 in any of the calendar years 1976 through 1979 as determined by the commissioner, by legal firearms and with bow and arrow, in areas of the state, and under such restrictions and on such dates as the commissioner may by order provide; for purposes of this section a split season in any one calendar year shall be considered as one season.

Subd. 3. The commissioner shall prescribe by order the areas within the state and any other restrictions under which the following animals may be taken and possessed, subject to all other provisions of chapters 97 to 102, between the dates, if any, set opposite the species:

(1) Grey and fox squirrels, October 15 and December 31 statewide; and during any other times, within any areas, and subject to any other restrictions as the commissioner by order may prescribe;

(2) Jack rabbits, cottontail rabbits and varying hare or snowshoe rabbits, September 16 and March 1;

(3) Raccoon, October 15 and December 31 statewide. Notwithstanding the restrictions imposed by this subdivision, raccoon may be treed without being taken by the use of dogs at any time during the year, except for those restrictions found in section 100.29, subdivision 20;

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(4) Lynx, or bobcat with the length of the season, if any, for either species determined by the commissioner based upon population estimates of either species within the state;

(5) Fox, provided that no fox may be removed from a den or trapped within 300 feet of a fox den during the period from April 1 and ending August 31 of each year;

(6) Fisher.

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 the areas of the state, during the times between November 1st and April 30th of the following year and subject to any other restrictions which the commissioner shall prescribe. Beaver may be taken, by trapping only, in the areas of the state, during the times between December 1st and April 30th of the following year and subject to any other restrictions which the commissioner shall prescribe.

Subd. 5. Except as otherwise expressly provided, quail, partridges or ruffed grouse, Canada spruce grouse, pheasants, prairie chicken or pinnated grouse, white breasted or sharp tailed grouse, Hungarian partridge, chukar partridge, or turkeys (*meleagris gallopavo*) may be taken and possessed, subject to all other provisions of chapters 97 to 102, only in the areas of the state and during the times between September 16 and December 31, which the commissioner shall prescribe. The commissioner may by order prescribe an additional period for the taking of turkeys in the spring.

[For text of subd 6, see M.S.1976]

Subd. 7. Mink, squirrels, rabbits, hares, raccoon, lynx, bobcat, fox, 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, other than squirrels, rabbits, and hares, the entire carcass, including the hide, shall be turned over and surrendered to the nearest conservation officer or employee of the division within 24 hours of the time the animal was killed.

[For text of subd 8, see M.S.1976]

Subd. 9. In addition to the season prescribed in subdivision 2, clause (6), bear may be taken in such areas of the state, under such restrictions, and on such dates as the commissioner may, by order, provide. Nothing in this subdivision shall prevent a person from taking a bear to protect his property. Such taking shall be reported to a conservation officer within 48 hours. Bear so taken may thereafter be disposed of in the same manner as provided in section 97.50, subdivision 5, for the disposition of wild animals unlawfully taken.

[1977 c 174 s 1,2; 1977 c 310 s 9-13]

100.28 Limits.

Subdivision 1. Not more than one deer shall be taken by any licensee during any one year.

[For text of subd 2, see M.S.1976]

[1977 c 310 s 14]

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. It shall be unlawful to take pheasants between sunset and 9 a.m.

[For text of subds 2 to 4, see M.S.1976]

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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 completely contained in a gun case expressly made for that purpose which is fully enclosed by being zipped, snapped, buckled, tied, or otherwise fastened, with no portion of the firearm exposed, or unless unloaded and contained in the trunk of the car with the trunk door closed. It is also unlawful to transport the following in a motor vehicle, airplane, or snowmobile: (1) a bow and arrow unless unstrung or completely contained in a case or unless contained in the trunk of the car with the trunk door closed; (2) a muzzle loading firearm unless fully unloaded and completely contained in a gun case expressly made for that purpose which is fully enclosed by being zipped, snapped, buckled, tied, or otherwise fastened, with no portion of the firearm exposed, and in the closed trunk of a car or rearmost location of a vehicle. A muzzle loading firearm with a flintlock ignition is fully unloaded if it has no priming powder in any pan and a muzzle loading firearm with percussion ignition is fully unloaded if it has no percussion cap on any nipple. Subject to the requirements of subdivision 17, migratory waterfowl may be taken from a floating craft including those propelled by motor, sail and wind, or both, if the motor is shut off and the sails are furled, the progress of the craft caused by such propulsion has ceased, and the craft is drifting, beached, moored, resting at anchor, or is being propelled by paddle, oars, or pole.

[For text of subds 6 to 31, see M.S.1976]

Subd. 32. It shall be unlawful to take or attempt to take any bird by setting or operating a steel jaw leg-hold trap mounted on a pole, post, tree stump, or any other elevated perch more than three feet above the ground; provided that nothing contained herein shall prohibit the taking of the great horned owl from April 1 to October 15 inclusively, by means of a padded jaw trap as prescribed by the commissioner, mounted at any height which is constructed and set so that the trapped owl may rest on the ground, by a person who is licensed to operate a private game farm pursuant to section 99.27 and who also possesses a permit to take this bird issued by federal authorities pursuant to 16 U.S.C. 704; provided further that uninjured birds shall be released alive and that injured birds receive appropriate veterinary treatment.

[1977 c 93 s 1; 1977 c 252 s 1; 1977 c 310 s 15]

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101.42 Restrictions and prohibitions.

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[For text of subds 1 to 7, see M.S.1976]

Subd. 8. Except as otherwise specifically permitted, it shall be unlawful to take trout, except lake trout, on any day of the open season between 11 p.m. and one hour before sunrise.

[For text of subds 9 to 21, see M.S.1976]

[1977 c 310 s 16]