

MINNESOTA STATUTES 1979 SUPPLEMENT

COMMERCIAL FISHING 102.285

[For text of subs 31 and 32, see M.S.1978]

Subd. 33. It shall be unlawful for any person, other than the trapper or his agent or landowner or lessee of the land or an agent of the commissioner, to remove or tamper with any trap legally set for the purpose of taking fur bearing animals or unprotected wild animals. A violation of this subdivision shall be a misdemeanor.

[1979 c 73 s 2; 1979 c 298 s 4-6]

CHAPTER 101. FISH

Sec.
101.42 Restrictions and prohibitions.

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[For text of subs 1 to 17, see M.S.1978]

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, trap, net, dip net, seine, or any other device capable of taking fish, which may be possessed between the hours of sunrise and sunset during the period of February 16 to April 30, inclusive, 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 and except that spears, dip nets, bows and arrows, and devices permitted in section 101.51 used for the taking of rough fish may be possessed between the hours of sunrise and sunset after April 30. This subdivision does not apply to nets used in the taking of trout and smelt in season or to seines or traps used for the taking of minnows for bait.

Subd. 18a. Dip nets shall not be used between one hour after sunset to one hour before sunrise, except for the taking of smelt in season and for landing game fish taken by angling.

[For text of subs 19 to 21, see M.S.1978]

[1979 c 70 s 2; 1979 c 298 s 7,8]

CHAPTER 102. COMMERCIAL FISHING

Sec.
102.285 Commercial fishing in inland waters.

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Subdivision 1. The commissioner shall by order regulate the taking, possession, transportation and sale of commercial fish and the licensing of commercial fishermen in inland waters. For the purposes of this section and section 98.46, subdivision 9a "inland waters" means all waters entirely located within the boundaries of the state and the border waters between Minnesota and North Dakota, South Dakota and Iowa, excluding those waters described in section 102.25. Licenses to net commercial fish in inland waters, except for helper's licenses, shall be issued only to Minnesota residents, provided that non-residents may be licensed to fish waters not previously assigned to residents. For purposes of this section and section 98.46, subdivision 9a, "commercial fish" are carp, buffalo fish, suckers, redhorse, sheepshead, dogfish, eelpout, tullibees, garfish, goldeyes, bullheads, smelt and whitefish.

Subd. 2. The commissioner shall delineate inland commercial fishing areas, taking into account the amount of water encompassed, the size and proximity of waters encompassed, the species to be removed and the type and quantity of fishing gear and equipment necessary to provide an adequate removal effort. The commissioner may change inland commercial fishing area boundaries by order prior to a new licensing period after complying with the publication requirements of section 97.53, subdivision 2.

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102.285 COMMERCIAL FISHING

Subd. 3. The commissioner shall assign licensed inland commercial fishermen to commercial fishing areas and each fisherman shall be obligated to fish his assigned area. The commissioner's assignment shall be valid as long as the assigned fisherman continues to purchase a license, continues to provide an adequate removal effort in a good and workmanlike manner and is not convicted of two or more violations of laws or rules governing inland commercial fishing operations during any one license period. In the fisherman assignment, the commissioner shall consider the proximity of the fisherman to the area, the type and quantity of fish gear and equipment possessed, knowledge of the affected waters, and general ability to perform the work well.

Subd. 4. Whenever an area is not assigned, or the fisherman licensed for that area is not fishing that area or is unable to fish that area, the commissioner shall have the authority to issue a special inland commercial fishing permit to any individual holding a valid inland commercial fishing license allowing the fisherman to fish that area and operate beyond the limits of his assigned area. The permit shall indicate the specific waters involved, the county, the species to be removed, the gear to be used and the time period of the total operation.

Subd. 5. A licensed inland commercial fisherman shall submit monthly reports on his licensed activities in each month to the commissioner, on forms provided by the commissioner, prior to the 15th of the following month. These reports shall be submitted regardless of whether or not any fishing activity took place unless the fisherman has a written release from this obligation signed by the commissioner.

Subd. 6. A license to take commercial fish shall become void upon the licensee's death, sale of the commercial fishing business, removal from the state, conviction of two or more violations of inland commercial fishing laws or rules within a license period or failure to apply for a new or renewal license prior to June 15 of any year. A commercial inland fishing license shall not be subject to the license revocation provisions of section 98.52. Commercial fishing rights and area assignments covered by a license which becomes void shall revert to the commissioner for reassignment.

Subd. 7. The commissioner shall consult with representatives of the inland commercial fishermen's trade association when disagreements arise in the areas of license issuance, problems with performance pursuant to the license, area assignments and the entry of new commercial fishermen into the inland commercial fishery.

[1979 c 242 s 2]

CHAPTER 104. FLOOD PLAIN MANAGEMENT

Sec.
104.05 Rules.

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In the manner provided by Minnesota Statutes 1967, Chapter 15, the commissioner shall promulgate rules necessary to carry out the purposes of sections 104.01 to 104.07, including but not limited to the following: (a) criteria for determining the flood plain uses which may be permitted without creating an unreasonable public hazard or unduly restricting the capacity of the flood plain to carry and discharge the regional flood; (b) variance procedures; (c) the establishment of criteria for alternative or supplemental flood plain management measures such as flood proofing, subdivision regulations, building codes, sanitary regulations, and flood warning systems. Notwithstanding the provisions of any rules promulgated pursuant to this section establishing a flood protection level higher than the elevation of the regional flood, a local governmental unit may elect to adopt and enforce a flood protection level at the elevation of the regional flood in its flood plain ordinance.

[1979 c 253 s 1]

CHAPTER 105. DIVISION OF WATERS, SOILS AND MINERALS

Sec.
105.37 Definitions.
105.38 Declaration of policy.
105.39 Authority and powers of commissioner.
105.391 Public waters inventory and classification.

Sec.
105.392 Water bank program.
105.42 Permits; work in public waters.
105.482 Dams; repair, reconstruction; grants.