

CHAPTER 98

LICENSES, TAKING OF GAME AND FISH

98.45 Requirement.
 98.455 Bear hunting guide license.
 98.46 Fees.
 98.47 Exemptions.
 98.48 Special permits.

98.49 Forms.
 98.50 Issuance.
 98.501 Agents fee.
 98.51 Reports and records.
 98.52 Loss and revocation of licenses.

NOTE: For definitions, see section 97.40. For penalty provisions for chapter 98, see section 97.55.

98.01 [Repealed, 1945 c 248 s 7]
98.02 [Repealed, 1945 c 248 s 7]
98.03 [Repealed, 1945 c 248 s 7]
98.04 [Repealed, 1945 c 248 s 7]
98.05 [Repealed, 1945 c 248 s 7]
98.06 [Repealed, 1945 c 248 s 7]
98.07 [Repealed, 1945 c 248 s 7]
98.08 [Repealed, 1945 c 248 s 7]
98.09 [Repealed, 1945 c 248 s 7]
98.10 [Repealed, 1945 c 248 s 7]
98.11 [Repealed, 1945 c 248 s 7]
98.12 [Repealed, 1945 c 248 s 7]
98.13 [Repealed, 1945 c 248 s 7]
98.14 [Repealed, 1945 c 248 s 7]
98.15 [Repealed, 1945 c 248 s 7]
98.16 [Repealed, 1945 c 248 s 7]
98.17 [Repealed, 1945 c 248 s 7]
98.18 [Repealed, 1945 c 248 s 7]
98.19 [Repealed, 1945 c 248 s 7]
98.20 [Repealed, 1945 c 248 s 7]
98.21 [Repealed, 1945 c 248 s 7]
98.22 [Repealed, 1945 c 248 s 7]
98.23 [Repealed, 1945 c 248 s 7]
98.24 [Repealed, 1945 c 248 s 7]
98.25 [Repealed, 1945 c 248 s 7]
98.26 [Repealed, 1945 c 248 s 7]
98.27 [Repealed, 1945 c 248 s 7]
98.28 [Repealed, 1945 c 248 s 7]
98.29 [Repealed, 1945 c 248 s 7]
98.30 [Repealed, 1945 c 248 s 7]
98.31 [Repealed, 1945 c 248 s 7]
98.32 [Repealed, 1945 c 248 s 7]
98.33 [Repealed, 1945 c 248 s 7]
98.34 [Repealed, 1945 c 248 s 7]
98.35 [Repealed, 1945 c 248 s 7]
98.36 [Repealed, 1945 c 248 s 7]
98.37 [Repealed, 1945 c 248 s 7]

98.38 [Repealed, 1945 c 248 s 7]

98.39 [Repealed, 1945 c 248 s 7]

98.40 [Repealed, 1945 c 248 s 7]

98.41 [Repealed, 1945 c 248 s 7]

98.42 [Repealed, 1945 c 248 s 7]

98.43 [Repealed, 1945 c 248 s 7]

98.44 [Repealed, 1945 c 248 s 7]

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 a year beginning on the first day of March 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. Except as provided in this section, no license to take deer with firearm or with bow and arrow may be issued after the day prior to 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 first business day following the first 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 as authorized by order of the commissioner adopted pursuant to section 97.53 and except the non-resident short term angling license, may be issued to a person in any licensing year. No license may be transferred except as expressly authorized.

Subd. 2. Every person to whom a license is issued shall have it upon his person while doing any act for which the license is required and while traveling to and from the grounds upon which such acts are performed, and upon the request of any conservation officer or peace officer shall exhibit the license issued to him. No receipt for license fees, copy of any license, or any evidence purporting to show the issuance of a license is valid evidence so as to entitle the holder to exercise the rights or privileges conferred by a license. Every person who may take fish without a license by reason of his age being 65 years or over shall have on his person while taking fish and while traveling to and from the location where fish are taken a valid driver's license, nonqualification certificate, or other document showing proof of his age and residency, and upon the request of any conservation officer or peace officer shall exhibit the proof of age to him.

Subd. 3. No person may lend or transfer to another or borrow or solicit from another any license, coupon, tag, or seal attached thereto or issued therewith, or use any license, coupon, tag, or seal not issued to him unless otherwise expressly authorized.

Subd. 4. Except as provided in subdivision 6, a person who is not a citizen of the United States may take, buy, sell, transport, or possess wild animals in this state only as a nonresident. Any firearm in possession of such alien for any purpose, other than hunting as a nonresident, is contraband and subject to confiscation.

Subd. 5. When provision is not made for a license for nonresidents to engage in activities requiring a license of residents, nonresidents may not engage in such activities.

Subd. 6. An alien spouse or a nonresident child under the age of 21 of a resident of this state may take, buy, sell, transport, or possess wild animals as a

resident. Any other alien who has made a declaration of intention to become a citizen of the United States in accordance with the statutes of the United States relating to the naturalization of aliens, and who is qualified as a resident of the state except for citizenship, may take, buy, sell, transport, or possess wild animals as a resident.

Subd. 7. A non-resident who is a bona fide full-time student at a public or private educational institution in this state who resides in the state of Minnesota during the full term of the school year may take fish, or small game, and obtain licenses therefor as a resident upon such proof of his status as a student as the commissioner may prescribe.

Subd. 8. Any resident whose age is 65 years or over may purchase a small game license for 50 percent of the fee specified in section 98.46, subdivision 2, plus the surcharge authorized pursuant to section 97.482.

History: 1945 c 248 s 2; 1949 c 150 s 17; 1953 c 308 s 1; 1955 c 182 s 1; 1959 c 164 s 1; 1959 c 225 s 1; 1965 c 522 s 1; 1967 c 904 s 1; 1967 c 905 s 9; 1973 c 203 s 1; 1974 c 393 s 1; 1976 c 143 s 1; 1976 c 346 s 4; 1978 c 547 s 1,2; 1979 c 66 s 1; 1979 c 298 s 1

98.455 BEAR HUNTING GUIDE LICENSE.

No person shall for compensation engage in the business or occupation of placing bait for bear or guiding hunters in seeking to take bear without an annual license from the commissioner. The commissioner shall promulgate rules governing qualifications for, issuance and administration of licenses required by this section. No license shall be issued under this section after the day prior to the opening of the season for taking bear by firearms, and all license agents shall return all stubs and unsold license blanks to the county auditor at a time and in a manner to be determined by the commissioner.

History: 1980 c 571 s 3

98.46 FEES.

Subdivision 1. Subject to all applicable provisions of law, the licenses specified in this section shall be issued upon payment of the fees herein specified.

Subd. 2. Fees for the following licenses, to be issued to residents only, shall be:

- (1) To take small game, \$5;
- (2) To take deer or bear, or both, with firearms during the period in which the licensee may take deer, \$10;
- (3) To take deer or bear, or both, with bow and arrow during the period in which the licensee may take deer, \$10;
- (4) To take fish by angling, \$5;
- (5) Combination husband and wife, to take fish by angling, \$8;
- (6) To take moose, \$100 for an individual or for a party of not to exceed four persons;
- (7) To take bear only, \$7.50;
- (8) To take turkeys, \$10, in addition to a small game license.

Subd. 2a. The commissioner of natural resources shall issue Minnesota sportsman licenses by March 1, 1978. The licenses shall be issued to residents only. The fee for licenses shall be \$9 if the angling license is for one person and \$12 if the angling license is a combination husband and wife license. These fees do not include the surcharge authorized pursuant to section 97.482 nor the state waterfowl stamp required by section 97.4841.

The license shall authorize the licensee to:

- (1) Take small game;
- (2) Take fish by angling.

The game and fish subcommittee of the house of representatives and the fish and wildlife subcommittee of the senate shall study the feasibility of other combinations for sportsman's licenses prior to January 1, 1978.

Subd. 3. Fees for the following licenses, to be issued to residents only, shall be:

- (1) To harvest wild rice, \$4;
- (2) To buy and sell wild ginseng, \$5.

Subd. 4. Fees for the following licenses, to be issued to residents only, shall be:

- (1) To trap fur bearing animals, except beaver, \$5;
- (2) To buy or sell raw furs anywhere within the state including the privilege of selling to resident manufacturers or to unlicensed non-residents, representing unlicensed non-residents as a broker or agent, or conducting a fur auction wherein sales are made to unlicensed non-residents or resident manufacturers, \$50, provided that any employee, partner or officer buying or selling at the established place of business only for such licensee may secure a supplemental license for \$20;

(3) To trap beaver during an open season or by permit when doing damage, \$2.50;

- (4) To guide bear hunters, \$50.

Subd. 5. Fees for the following licenses, to be issued to residents only, shall be:

- (1) To spear fish from a dark house, \$5;
- (2) For any fish house or dark house used during the winter fishing season, \$3 for each fish house or dark house not rented or offered for hire, and \$10 for each fish house or dark house rented or offered for hire. Each such fish house or dark house shall have attached to the outside a metal tag at least two inches in diameter with a 3/16 inch hole in the center, which will be issued with a license. Each metal tag shall be stamped with a number to correspond with the fish house or dark house license and also shall be stamped with the year of issuance. The metal tag shall be attached to the fish house or dark house as designated by commissioner's order;

(3) To net whitefish, tullibees or herring from inland lakes or international waters, for domestic use only, for each net, \$3;

- (4) To conduct a taxidermist business, \$10;

(5) To maintain fur and game farms, including deer, \$10;

- (6) To take mussels or clams, \$25;

(7) To take, transport, purchase and possess for sale unprocessed turtles and tortoises within the state, \$25;

(8) To prepare dressed game fish shipments for nonresidents as provided by section 97.45, subdivision 6, as amended, \$10;

- (9) Minnow dealer, \$50 plus \$10 for each vehicle;

(10) Minnow dealer's helper, \$5 for each helper. Minnow dealer's helpers' licenses shall be issued to the minnow dealer and are transferable by the dealer at will to his own helpers;

- (11) Exporting minnow dealer, \$200, plus \$10 for each vehicle.

Each vehicle license shall cover a specified vehicle. The serial number, license number, make, and model shall be specified on the license which must be conspicuously posted in the vehicle licensed.

Subd. 5a. Fees for the following licenses, to be issued to nonresidents, shall be:

(1) For an exporting minnow hauler, \$400, plus \$10 for one vehicle license only.

(2) Each vehicle license shall cover a specified vehicle. The serial number, license number, make and model shall be conspicuously posted in the vehicle licensed.

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;

(3) For each 100 feet of seine in excess of 1,000 feet, \$2;

(4) For helper's license, \$5.

Subd. 7. Fees for the following licenses to net for commercial purposes in the boundary waters between Wisconsin and Minnesota 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 each gill net not exceeding 500 feet in length, \$10;

(2) For each gill net exceeding 500 feet, but not over 1,000 feet, \$20;

(3) For each fyke net or hoop net, \$10;

(4) For each bait or turtle net, \$1;

(5) For each set line, \$10 for each identification tag to be attached to each set line;

(6) For helper's license, \$5.

Subd. 8. Fees for the following licenses to take rough fish with set lines, or seines, in the Mississippi River from the St. Croix River junction to St. Anthony Falls, to be issued to residents only, shall be:

(1) For a seine not exceeding 500 feet, \$20; for a seine in excess of 500 feet, but not over 1,000 feet, \$30; for each 100 feet of seine or fraction thereof in excess of 1,000 feet, \$2;

(2) For each set line, \$10;

(3) For helper's license, \$5.

Subd. 9. A license to take rough fish with one set line, 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 junction, for domestic use, shall be issued to residents only, upon payment of the fee of \$10.

Subd. 9a. Licenses to net commercial fish in inland waters shall be issued annually and shall be valid for commercial fishing during the period from the day after Labor Day to the day preceding the opening of the season for the taking of walleye. License fees shall be \$50, plus:

(a) Fifty cents for each hoop net pocket;

(b) \$10 for each 1,000 feet of seine. Provided that in the license application to the commissioner, each applicant shall list the number of feet of seine of each depth for which he wishes to be licensed; and

(c) \$5 for each helper's license.

Subd. 10. Fees for the following licenses to net fish in Lake of the Woods, to be issued to residents only, shall be:

- (1) For each pound net or staked trap net, \$35;
- (2) For each fyke net with wings or lead not exceeding four feet in height, \$5;
- (3) For each fyke net with either wings or lead over four feet in height, an additional \$5 for each additional two feet or fraction thereof;
- (4) For each 100 feet of gill net, \$1.50;
- (5) For each submerged trap net, \$15;
- (6) For helper's license, \$5;
- (7) For each trawl, \$500.

Subd. 11. Fees for the following licenses to net fish in Rainy Lake, to be issued to residents only, shall be:

- (1) For each pound net, \$35;
- (2) For each 100 feet of gill net, \$1.50;
- (3) For helper's license, \$5.

Subd. 12. (a) Fees for the following licenses to fish commercially in Lake Superior, to be issued to residents only, shall be:

- (1) For not to exceed 1,000 feet (305 m) of gill net of mesh size not less than 2.25 inch (5.75 cm) nor more than 2.75 inch (7 cm) extension measure, \$50 plus \$1 for each additional 1,000 feet (305 m);
- (2) For not to exceed 1,000 feet (305 m) of gill net of mesh size not less than 4.5 inch (11.5 cm) mesh extension measure, \$50 plus \$1 for each additional 1,000 feet (305 m);
- (3) For a pound or trap net, \$50 plus \$1 for each additional pound or trap net;
- (4) For a helper's license, \$5.

(b) A license to fish commercially in Lake Superior shall be issued only to a resident who, except as herein provided:

- (1) Possesses 5,000 feet of gill net of mesh sizes permitted in section 102.28 or two pound nets;
- (2) Landed fish in the previous year with a value of at least \$1,500, except for those state waters from Duluth to Silver Bay upon the discretion of the commissioner; and
- (3) Engaged in commercial fishing for at least 50 days of the previous year.

An applicant for a license in 1978 must have met the requirements of subdivision 12, clause (b) during two of the previous three years.

An applicant shall be issued a license without meeting the requirements of subdivision 12, clause (b) if the applicant is 65 or more years of age and has held a license continuously since 1947. An applicant may be issued a license, at the discretion of the commissioner, if his failure to meet the requirements of subdivision 12, clause (b) resulted from illness or other mitigating circumstances, or he has reached the age of 65 and has been licensed at least ten of the previous 15 years. Persons receiving licenses under the provisions for applicants 65 years of age or more must be in attendance at the setting and lifting of nets. The commissioner may issue multiple licenses to individuals who meet the requirements of subdivision 12, clause (b), and have held multiple licenses prior to 1978.

(c) A license may be issued to an applicant who has not fished commercially on Lake Superior before, if the applicant:

- (1) Shows a bill of sale indicating the purchase of gear and facilities connected with an existing license; or

(2) Shows proof of inheritance of all the gear and facilities connected with an existing license; or

(3) Has served at least two years as a helper in a Minnesota Lake Superior licensed commercial fishing operation; and

(4) Has no record of conviction for violating chapters 97 to 102 in the preceding three years.

Subd. 13. For the following licenses to fish commercially in Namakan Lake and Sand Point Lake, to be issued to residents only, shall be:

(1) For each 100 feet of gill net, Namakan Lake only, \$1.50;

(2) For each pound, fyke or submerged trap net, \$15;

(3) For helper's license, \$5.

Subd. 14. Fees for the following licenses, to be issued to nonresidents, shall be:

(1) To take small game and unprotected quadrupeds with firearms and bow and arrows, \$25;

(2) To take deer and bear during the period in which the licensee may take deer, and unprotected quadrupeds with firearms and bow and arrows, \$60;

(3) To take deer and bear during the period in which the licensee may take deer, and unprotected quadrupeds with a bow and arrows only, \$25;

(4) To take bear, \$25.25;

(5) To take turkeys, \$30, in addition to a small game license;

(6) To hunt raccoon, \$100, in addition to nonresident small game license.

Subd. 15. Fees for the following licenses, to be issued to nonresidents, shall be:

(1) To take fish by angling, \$10;

(2) A short term individual license to take fish by angling for three consecutive days, \$5;

(3) Combination husband and wife, to take fish by angling, \$15;

(4) For any fish house used during the winter fishing season, \$15. A fish house licensed pursuant to this subdivision shall be identified as prescribed in subdivision 5. The house shall be collapsible and portable, and shall at no time be left unattended while on the ice. The provisions of section 101.42 not inconsistent herewith shall also apply to fish houses licensed pursuant to this subdivision.

Subd. 16. Fees for the following licenses, to be issued to non-residents, shall be:

To buy or sell raw furs, \$400, except that a license shall not be required to buy from those licensed under subdivision 4, clause (2).

To guide bear hunters, \$400.

Subd. 17. Fees for the following licenses, to be issued to either residents or nonresidents, shall be:

(1) To deal in live or engage in the business of preserving minnows; minnow retailer, \$5 plus \$10 for each vehicle used to transport minnows.

(2) To raise fish in a private hatchery, \$25.

(3) To take under state supervision sucker eggs from public waters, for private fish hatchery purposes:

(a) To take not to exceed 100 quarts, \$100;

(b) To take in excess of 100 quarts, \$2 per quart for such excess.

Subd. 18. Fees for the following licenses, to be issued to either residents or nonresidents shall be:

(1) For a wild rice dealer's license to buy wild rice within the state for resale to anyone except consumers, or to sell wild rice imported from outside the state to anyone within the state except consumers, \$50 if the amount of wild rice bought or sold by the licensee within the year covered by the license does not exceed 50,000 pounds, \$200 if such amount exceeds 50,000 pounds. For the purposes hereof the weight of wild rice in its raw state shall govern. All raw rice purchased by a dealer shall be reported in accordance with clauses (2), (3), (4), and (5) of this subdivision.

(2) Every application for a license under this subdivision shall be made on oath in writing in such form as the commissioner shall prescribe, stating the amount of wild rice, whether raw or processed, bought or sold by the applicant during the calendar year preceding the year for which the license is sought, the amount which the applicant estimates he will buy or sell under the license, and such other pertinent information as the commissioner may require. The license fee shall be paid in advance, based on such estimate, subject to adjustment as hereinafter provided; provided, that no license shall be issued for any year based on a lesser amount of wild rice than was bought or sold by the applicant during the preceding calendar year.

(3) Every licensee under this subdivision shall keep a correct and complete book record of all wild rice bought or sold by him during the period covered by his license, showing the date of each transaction, the names and addresses of all other parties thereto, and the amount of wild rice involved, whether raw or processed. Every such record shall be open for inspection by the commissioner, the coordinator of wild rice, or any conservation officer or agent of the commissioner at all reasonable times. Every licensee shall transmit to the commissioner within ten days after the end of each calendar month during the period covered by the license a written report, in such form as the commissioner shall prescribe, signed by the licensee, stating the total amount of wild rice bought or sold by him during such calendar month, whether raw or processed.

(4) No dealer licensee under this subdivision shall at any time buy or sell any wild rice for which a license is required hereunder in excess of the amount covered by his license. In case a licensee shall desire to buy or sell any wild rice in excess of such amount, he shall before doing so make application for a supplemental license covering the increased amount of wild rice involved, and such license shall be issued to him upon payment of the prescribed fee therefor, less credit for the fees paid for the previous license or licenses issued to him hereunder for the same calendar year. Upon the issuance of such supplemental license, such previous license or licenses shall be surrendered to the commissioner.

(5) The wilful making of a false statement in any application for a license under this subdivision or in any report required hereunder, or the wilful making of a false entry in any record required hereunder, or any other violation of or failure to comply with any provision of this subdivision shall be a misdemeanor, punishable as provided by section 97.55, subdivision 1. Upon a second conviction within a period of three years of any person of any offense under this subdivision, any license hereunder then held by him shall immediately become null and void, and no such license shall be issued to him for one year after the date of such conviction.

Subd. 19. Fees for the following licenses, to be issued to either residents or nonresidents, shall be:

- (1) To buy fish from licensed commercial fishermen on Lake Superior:
 - (a) For the purpose of selling to retailers, \$25;
 - (b) For the purpose of retail selling only, \$5.

(2) To buy fish from licensed commercial fishermen on Lake of the Woods, Namakan, Sand Point, or Rainy Lake:

(a) Wholesale fish buyer's license, \$100;

(b) Fish buyer's license to ship from one place to another on international waters only, \$10.

(3) To tan or dress raw furs, \$10;

(4) Fish peddler's license, to peddle with the use of a motor vehicle, any fish lawfully salable within the state, \$5. It shall be unlawful to misrepresent the species of any fish sold by any licensed fish peddler or his employee. Upon conviction of misrepresentation of the species of fish sold by any fish peddler licensed hereunder or his employee, his license shall be revoked, and such licensee shall not be eligible to obtain a fish peddler's license for the period of one year after said revocation. Misrepresentation shall include the following acts in addition to any other acts constituting misrepresentation in fact: (1) The designation of any fish by any name other than its common name in Minnesota; (2) The designation of any fish by any other name than its common name in the locality where it was taken if it is not generally known by any common name in Minnesota.

Subd. 20. Seals may be obtained upon payment of the following fee: Beaver, fisher or otter seals, 25 cents.

Subd. 21. The commissioner may by order require every licensee to tag at the place where trapped, beaver, fisher or otter. The tag will be of a type prescribed by the commissioner and bearing the license number of the owner and the year of its issue. Tags will be issued with the license at no additional cost. During the calendar years 1977 and 1978 the commissioner shall require the tagging of fisher in the manner designated in this subdivision.

Subd. 22. No deer, moose, or bear taken in this state shall be transported or possessed unless a tag of a type prescribed by the commissioner bearing the license number of the owner, the year of its issue, and such other information as the commissioner may require has been affixed to its carcass in a manner prescribed by the commissioner. The tag must be so affixed at the time the deer, moose, or bear is brought into any hunting camp, dwelling, farm yard, or other place of abode of any kind occupied overnight, or before being placed wholly or partially on a motor vehicle of any kind, or upon a conveyance towed by a motor vehicle of any kind. Provided, that deer taken by bow and arrow and moose shall be tagged by a conservation officer or other authorized agent as may be prescribed by the commissioner, in addition to the tag herein provided for.

Subd. 23. All applicants for licenses to buy raw furs shall, at the time of application for a license, furnish a corporate surety bond in favor of the state in the sum of \$1,000, conditioned upon the observance of all laws of this state relating to wild animals.

Subd. 24. It shall be unlawful without an appropriate license to do any act or to possess or use any substance, article, or equipment for any purpose or under any circumstances for which a license is provided by chapters 97 to 102.

Subd. 25. [Expired]

Subd. 26. No nonresident shall possess or transport a raccoon taken in this state unless a tag of a type prescribed by the commissioner is affixed to the carcass. The number of tags which the commissioner shall prescribe by order will be issued with every nonresident license to take raccoon, provided no such license or tags shall be issued after the fifth day from the commencement of the season for that licensing year.

History: 1945 c 248 s 2; 1947 c 283 s 1; 1947 c 300 s 2; 1947 c 357 s 1,2; 1947 c 424 s 2,3; 1947 c 559 s 1; 1947 c 609 s 9-11; 1949 c 150 s 18; 1949 c 506 s 1-4; 1949 c 649 s 1,2; 1951 c 361 s 1,2; 1951 c 671 s 2,3; 1953 c 297 s 1; 1953 c 534 s 2; 1955 c 559 s 4; 1955 c 761 s 1; 1957 c 511 s 1,2; 1957 c 540 s 2; 1959 c 163 s 1,2; 1959 c 287 s 1; 1959 c 363 s 2,3; 1959 c 684 s 3,4; 1961 c 456 s 1,2; 1961 c 477 s 5; 1963 c 394 s 1; 1963 c 476 s 1,2; 1963 c 688 s 1; 1963 c 690 s 1; 1963 c 691 s 4; 1965 c 328 s 1; 1965 c 502 s 1; 1965 c 522 s 2; 1967 c 35 s 1; 1967 c 755 s 1; 1967 c 904 s 2; 1967 c 905 s 9; 1969 c 129 s 2; 1969 c 149 s 1; 1969 c 807 s 1; 1969 c 846 s 1-3; 1969 c 942 s 2; 1969 c 986 s 1,2; 1971 c 354 s 2,3; 1971 c 607 s 2-4; 1973 c 206 s 1; 1973 c 240 s 1,2; 1974 c 465 s 2; 1975 c 107 s 2; 1976 c 16 s 9; 1976 c 55 s 4,5; 1976 c 346 s 5-16; 1977 c 240 s 1; 1977 c 310 s 2-5; 1977 c 317 s 3; 1978 c 547 s 3-7; 1978 c 594 s 3,4; 1979 c 73 s 1; 1979 c 94 s 3; 1979 c 104 s 1; 1979 c 242 s 1; 1979 c 289 s 3,4; 1980 c 517 s 1; 1980 c 571 s 4-6

98.47 EXEMPTIONS.

Subdivision 1. Residents who have attained the age of 65 years may take fish by angling or spearing without a license. Residents under the age of 16 years may take fish and trap fur bearing animals except beaver or otter without procuring a license. Residents under the age of 13 years may take small game without a license. Residents under the age of 16 years and over 12 may take small game provided they have in their possession while hunting a valid firearm safety certificate. Residents under 14 must be accompanied by a parent or guardian while hunting. No hunting license shall be issued to any resident under the age of 16, except that such residents who possess a valid certificate may purchase a big game hunting license. Nonresidents under the age of 16 years may take fish by angling without procuring a license, if their parent or legal guardian has obtained a nonresident fishing license. Fish so taken shall be included in the daily and possession limit of the parent or legal guardian. Any nonresident under the age of 16 years who is attending a camp adjacent to any public waters of the state conducted by a social, charitable, or welfare organization or institution, not for profit, may take fish by angling in such waters or other adjacent waters without procuring a license, provided the organization or institution conducting the camp shall have a certificate from the commissioner that the camp is qualified hereunder, describing the waters affected as determined by the commissioner, and each such nonresident shall carry with him at all times while taking or attempting to take fish by angling in such waters a certificate identifying him and describing the waters, in such form as the commissioner shall prescribe, signed and dated by the officer or agent of the organization or institution in charge of the camp within the current calendar year.

Subd. 2. Any resident in the military or naval forces of the United States, or in any reserve or component thereof, either now or hereafter organized, who is stationed outside of the state and is within the state upon regularly granted leave or furlough, may hunt and fish at such times without having procured the regular license so to do, provided he or she carries on his person his official leave or furlough papers in lieu of the license required of other residents, and provided further such hunting and fishing be in conformity with all other provisions of chapters 97 to 102, and he obtains the seals, tags, or coupons required of other licensees, to be furnished without charge. This subdivision does not apply to the taking of moose.

Subd. 3. A resident license for taking fish or game may be issued, in the discretion of the commissioner, to any person in the military or naval forces of the United States, or any reserve or component thereof, now or hereafter organized, who has been officially transferred to, and is stationed within the state. This subdivision does not apply to the taking of moose.

Subd. 4. A courtesy nonresident license for taking fish or game may be issued in the discretion of the commissioner, without charge, to any person officially employed in the game and fish or conservation department of another state or of the United States, who is within the state to assist or consult or cooperate with the commissioner, or to the officials of other states, the United States, foreign countries, or officers or representatives of conservation organizations or publications while in the state as guests of the governor or commissioner. This subdivision does not apply to the taking of moose.

Subd. 5. Licenses to take fish or small game in or upon any boundary waters may be granted to nonresidents upon the same terms and conditions as licenses granted by the adjacent state or province to nonresidents of such state or province for such waters; provided, that the fees for such licenses granted by this state shall not be less than the fees for corresponding resident licenses.

Subd. 6. Except as otherwise expressly provided, the license to take small game shall be required of all persons taking the same, and the license to trap fur bearing animals shall be required in addition where traps are used. The license to take fish by angling shall be required of all persons taking the same, but spearing and netting licenses shall be required in addition where those means are used.

Subd. 7. No license to take fish commercially in international waters extending from Pigeon Point West to the North Dakota boundary line shall be issued to any person or member of his household, or employee, engaged in the business of conducting a summer resort.

Subd. 8. A license to take fish by angling or spearing shall be issued to any citizen of Minnesota who is blind, or is a recipient of supplemental security income for the aged, blind, and disabled, or is a recipient of social security aid to the disabled under U.S.C. Title 42, Section 416, Paragraph (i)(1) or Section 423(d), or is a recipient of workers' compensation based on a finding of total and permanent disability, without charge.

Subd. 9. Helpers' licenses shall be issued under section 98.46, subdivision 7, clause (6), subdivision 8, clause (3), subdivision 10, clause (6), subdivision 11, clause (3), subdivision 12, clause (4), and subdivision 13, clause (3), to the holder of a master's license, and shall be transferable upon his application. Every person assisting the holder of a master's license, in going to and from fishing locations, or in setting or lifting nets, or removing fish from nets, shall have a helper's license, unless he be the holder of a master's license.

Subd. 10. The resident owner or lessee of any lands occupied by himself as a permanent abode, and any member of such person's immediate family residing with him, may take small game with legal firearms or bow and arrow and may trap protected fur bearing animals upon such lands without procuring a small game license, at any time not otherwise prohibited by law.

Subd. 11. A license to take fish shall be issued to any citizen of a foreign country who is attending any public, private or parochial school in this state as an exchange student, without any charge therefor.

Subd. 12. Any inmate of a state mental or correctional institution or a patient of a United States veteran's administration hospital may be permitted to fish during the open season, so long as they are inmates or patients, without obtaining a license but subject to the written consent of the superintendent or chief executive officer of such institution.

Subd. 13. A license for the taking of fish may be issued by the commissioner of natural resources to any person who is a ward of the commissioner of public welfare and who is institutionalized in an institution under the control of the commissioner of public welfare, upon application by the commissioner of public welfare to the commissioner of natural resources. Any license issued under this subdivision shall be issued without cost.

Subd. 14. [Repealed, 1973 c 101 s 2]

Subd. 15. A permanent license to take fish shall be issued without charge to any citizen of Minnesota, 16 years of age or older, who is mentally retarded and whose parent or guardian furnishes satisfactory evidence of the disability to the county auditor or a subagent of the county auditor, acting under the provisions of section 98.50.

Subd. 16. A permanent license to take fish shall be issued without charge to any Minnesota veteran as defined in section 197.447, who has a 100 percent service connected disability as defined by the United States veterans administration, and furnishes satisfactory evidence of his disability to the county auditor or a subagent of the county auditor, acting under the provisions of section 98.50.

Subd. 17. Residents who are receiving aid under the federal railroad retirement act of 1937, 45 United States Code Annotated, Section 228b(a)5, or who are former employees of the United States Postal Service who are receiving disability pay under USCA Title 5, Section 8337, may take fish by angling or spear without a license.

History: 1945 c 248 s 2; 1947 c 300 s 3; 1947 c 357 s 2; 1947 c 608 s 12-14; 1949 c 388 s 19; 1949 c 632 s 1; 1951 c 641 s 1; 1953 c 124 s 1; 1953 c 311 s 1; 1955 c 358 s 1; 1957 c 215 s 1; 1957 c 537 s 6; 1957 c 713 s 1; 1959 c 363 s 4; 1961 c 609 s 2; 1963 c 466 s 1; 1965 c 324 s 2; 1967 c 425 s 1; 1967 c 906 s 1; 1969 c 6 s 19; 1969 c 25 s 1; 1969 c 28 s 1; 1969 c 1129 art 10 s 2; 1971 c 76 s 1; 1971 c 156 s 1; 1971 c 607 s 5-7; 1973 c 101 s 1; 1973 c 130 s 1; 1973 c 414 s 1; 1973 c 717 s 9; 1974 c 248 s 1; 1974 c 393 s 2,3; 1975 c 359 s 23; 1976 c 16 s 10; 1977 c 267 s 1; 1979 c 102 s 13; 1980 c 571 s 7-9

98.48 SPECIAL PERMITS.

Subdivision 1. The commissioner may issue special permits without fee, to collect specimens of eggs, nests, or wild animals for scientific or exhibition purposes, to any municipal corporation, incorporated society of natural history, high school, college or university, maintaining a zoological collection.

Subd. 2. The commissioner may issue special permits, without fee, to hold field dog trials by any responsible association organized for that purpose, and for training retrieving dogs by the use of firearms and live ammunition on domestic birds, or banded game birds which have been legally purchased from licensed game farms, under such restrictions as he may prescribe.

Subd. 3. The commissioner may issue special permits, without fee, to take, possess and transport wild animals in such manner and under such conditions as he may prescribe for scientific, educational or exhibition purposes, or for use as pets, provided no wild or native deer may be taken or possessed for propagation, exhibition or pet purposes, except those now lawfully possessed for such purposes. All animals possessed under authority of this provision, as well as deer now contained on game farms, private and public parks and zoos, and their progeny, or possessed as pets, may be disposed of only as prescribed by the commissioner.

Subd. 4. The commissioner may issue special permits, with or without a fee, to take any wild animals from game refuges, wildlife management areas or state parks in accordance with rules and regulations prescribed by him.

Subd. 5. The commissioner may issue special permits, with or without a fee, to take any protected wild animals which are doing damage to private or public property, in accordance with rules and regulations prescribed by him, except that the regular license and seal provisions shall apply to the taking of beaver.

Any special permit issued by the commissioner to take beaver which are doing damage to private or public property shall state the number of beaver which may be so taken under the permit.

Subd. 6. The commissioner may issue special permits, with or without a fee, to take muskrats from shallow marshes or sloughs when in danger of freezing out or starving in the winter, in accordance with rules and regulations prescribed by him.

Subd. 7. The commissioner may issue special permits, without fee, to keep and possess a raccoon and to use the same for the purpose of training dogs for hunting raccoons.

Subd. 8. The commissioner may issue special permits, without fee, to establish and conduct rifle ranges or trap shooting premises by duly organized gun clubs of ten or more members on lands owned or leased for that purpose by such clubs within two miles of any city of the first class, and may issue special permits, without fee, to the owner or lessee of any privately owned land within the boundaries of a state game refuge for trap or target shooting.

Subd. 9. (a) The commissioner may issue special permits, with fee, to gather or harvest any aquatic plants, or plant parts, other than wild rice from public waters of the state, to transplant any aquatic plants into other public waters, or to destroy any harmful or undesirable aquatic vegetation or organisms in public waters by such means and under such conditions as he may prescribe for protection of such waters and desirable species of fish, vegetation, and other forms of aquatic life therein and for the protection of the public.

(b) Each application for a permit shall be accompanied by a permit fee when required by a fee schedule established by the commissioner pursuant to rules and regulations adopted after public hearing and published in the manner provided by section 97.53. The schedule may provide exemptions from fees, maximum fees not to exceed \$50 per permit based upon the cost of receiving, processing, analyzing and issuing the permit and additional costs which may be imposed subsequent to the application for inspecting and monitoring the activities authorized by the permit. No fee may be imposed on any state or federal governmental agency applying for a permit. All money received pursuant to this subdivision shall be deposited in the game and fish fund.

(c) The commissioner shall promulgate, by January 1, 1975, after public hearing and shall publish in the manner provided by section 97.53, rules and regulations containing standards and criteria governing the issuance and denial of permits for activities affecting aquatic plants including, but not limited to, provisions to insure that aquatic plant control is consistent with shoreland conservation ordinances, lake management plans and programs, wild and scenic river plans, penalties for failure to comply with permit regulations and enforcement procedures.

Subd. 10. The commissioner may issue special permits, without fee, to take animals on which the state pays a bounty from an airplane, or snowmobile.

Subd. 11. The commissioner may issue special permits, without fee, to authorize the director of the United States Fish and Wildlife Service and his duly authorized agents or any other authorized officer or agent of the United States to conduct fish cultural operations, rescue work, and all fishing and other operations necessary therefor, any other laws of the state to the contrary notwithstanding.

Subd. 12. MS 1957 [Renumbered, subd 14]

Subd. 12. The commissioner may issue special permits, without fee, to shoot or hunt from a standing vehicle, to licensed hunters who are physically unable to walk with or without crutches, braces or other mechanical support because of a temporary or permanent disability; provided however that any such permittees shall be subject to all laws, rules, regulations and orders for the taking of game which are not inconsistent with this subdivision. A temporary disability shall qualify an applicant for an annual permit pursuant to this subdivi-

sion. A disability once established as permanent shall qualify an applicant for a permanent permit pursuant to this subdivision.

Subd. 13. The commissioner may issue special permits without fee for the training of hunting dogs in the field at any time during the year on land owned by the trainer or on land that written permission to use shall have been obtained from the owner, which permission must be carried on the person of the trainer while field training dogs. Permittee shall be subject to all provisions of section 100.29, subdivision 20, not inconsistent with this subdivision.

Subd. 14. The commissioner shall have the power to make rules and regulations and prescribe the form of the permits provided for in this section.

Subd. 15. The commissioner may issue special permits, without fee, to any individual, to any lake improvement association or group of riparian owners who have obtained the written consent of each and every riparian owner of the lake or pond affected, to apply fish toxicants to waters of the state for the purpose of reclamation at their own expense. The commissioner may, by posting, authorize the seasons, limits and methods of taking fish prior to the introduction of fish toxicants.

History: 1945 c 248 s 2; 1947 c 609 s 15; 1949 c 150 s 20; 1949 c 407 s 1; 1953 c 77 s 1; 1953 c 447 s 1; 1955 c 26 s 1; 1955 c 535 s 1; 1957 c 528 s 1; 1961 c 52 s 1; 1961 c 174 s 1; 1961 c 176 s 1; 1963 c 338 s 1; 1965 c 283 s 1; 1967 c 59 s 1; 1969 c 412 s 1-3; 1974 c 267 s 1; 1975 c 296 s 1; 1976 c 49 s 1

98.49 FORMS.

Subdivision 1. The form of all licenses and applications therefor shall be determined, and blanks shall be furnished to all agents authorized to issue licenses, by the commissioner. Coupons or stubs with proper markings and designations, as may be necessary to carry out the provisions of law relating thereto, shall be attached to the license blanks.

Subd. 2. Applications for all licenses shall be made on oath in writing, and all information required by the form, as prescribed by the commissioner, shall be furnished. Any officer or agent authorized to issue licenses shall have authority to administer oaths upon such application, and no licenses shall be issued by any agent without actually administering the oath.

History: 1945 c 248 s 2; 1949 c 150 s 21

98.50 ISSUANCE.

Subdivision 1. County auditors are hereby appointed agents of the commissioner for the sale of licenses to take big and small game and fish, and to trap fur-bearing animals, and to harvest wild rice, to residents of the state, and to take big and small game and fish, to nonresidents of the state. Each county auditor may appoint subagents within his county or within adjacent counties to sell such licenses, and upon such appointment the auditor shall notify the commissioner forthwith of the name and address of the subagent. Such appointments may be revoked by the auditor at any time, and he shall revoke any agency upon demand of the commissioner. The auditor shall furnish license blanks on consignment to any subagent who furnishes a surety bond in favor of the county in an amount at least equal to the value of the license blanks to be consigned to that subagent. The county auditor shall be responsible for all license blanks issued to, and license fees received by, his agents, except in a county to which Laws 1951, Chapter 381, applies, or in a county wherein the county auditor does not retain fees paid for such license purposes. In such county the responsibility imposed above upon the county auditor is imposed upon the county.

Subd. 2. The commissioner may require county auditors to furnish such additional corporate surety bonds as in his opinion may be required to secure

the state, in addition to the auditor's official bond. The commissioner shall prescribe rules and regulations setting up such accounting and procedural requirements as he may deem necessary to assure the efficient handling of licenses and license fees, and all county auditors and other agents shall strictly comply therewith. The commissioner may by order adopted pursuant to section 97.53 establish such standards and other requirements for the establishment and revocation of subagencies as he may deem necessary to assure the efficient distribution of licenses throughout the state, and all county auditors shall strictly comply therewith.

Subd. 3. [Repealed, 1976 c 143 s 7]

Subd. 4. [Repealed, 1961 c 561 s 17]

Subd. 5. Any resident desiring to sell the licenses referred to in subdivision 1 may either purchase for cash or obtain on consignment license blanks from a county auditor in groups of not less than five non-resident, and ten resident license blanks. In addition to the basic license fee, he shall collect a fee for issuing each license in the amount of 75 cents for the license to take deer and for the sportsman license authorized in section 98.46, subdivision 2a, and 50 cents for all other licenses. The state migratory waterfowl stamp required by section 97.4841 shall be considered to be a "license" within the meaning of this subdivision except when such stamp and a small game license are issued in the same transaction in which case the stamp shall be considered a part of the small game license and only one issuing fee shall be collected. In selling such licenses, he shall be deemed an agent of the county auditor and the commissioner, and he shall observe all rules and regulations promulgated by the commissioner for the accounting for and handling of such licenses.

The county auditor shall promptly deposit all moneys received from the sale of licenses with the county treasurer, and shall promptly transmit such reports as may be required by the commissioner, together with his warrant on the county treasurer for 100 percent of the surcharge imposed by section 97.482 plus 96 percent of the price to the licensee, exclusively of said surcharge and the issuing fee, for each license sold or consigned by him and subsequently sold to a licensee during the accounting period. The county auditor shall retain as his commission four percent of all license fees, excluding issuing fees for licenses consigned to subagents. In addition, for licenses sold for cash directly to the licensee, the auditor shall collect the same issuing fee as a subagent. Unsold license blanks in the hands of any agent shall be redeemed by the commissioner if presented for redemption within the time prescribed by the commissioner therefor. Any license blanks not presented for redemption within the period prescribed shall be conclusively presumed to have been sold, and the agent possessing the same or to whom they are charged shall be accountable therefor. The commissioner shall collect the same issuing fee as a subagent for licenses sold directly through a license distribution center operated by the department of natural resources. The issuing fees so collected by the commissioner shall be credited to the game and fish fund.

Subd. 6. The commissioner shall prescribe rules and regulations for the issuance of duplicate licenses to persons whose licenses have been lost or destroyed, but no such duplicate license shall be issued until the applicant has taken oath covering the facts of loss or destruction of the license.

Subd. 7. In addition to other penalties, any agent to sell licenses, who violates any provision of law or regulation of the commissioner relating to the sale, handling or accounting for such licenses, shall forfeit his agency or his right to sell or handle licenses for a period of one year.

Subd. 8. [Repealed, 1967 c 50 s 2]

Subd. 9. This section does not apply to the issuance of licenses to take moose. Wherever applicable in this section the term "license" also includes application for a license to take moose.

Subd. 10. (a) A written application shall be made by each subagent to the appropriate county auditor in a manner approved by the commissioner, who shall require the applicant to deposit with the state treasurer, securities of the United States government or the state of Minnesota or to execute and file a bond, with a corporate surety approved by the commissioner, to the appropriate county auditor and to the state of Minnesota in an amount to be fixed by the commissioner and approved by the attorney general and which shall be conditioned for the payment when due of all license fees, penalties and accrued interest arising by reason of any delinquent money which may be due to the appropriate county auditor and the state of Minnesota for said fees. The bond shall cover all places of business within the state where license fees are received by the subagent.

(b) When the surety upon any bond issued pursuant to the provisions of this chapter shall have fulfilled the conditions of such bond and compensated the state for any loss occasioned by any act or omission of any subagent under this chapter, such surety shall be subrogated to all the rights of the state in connection with the transaction wherein such loss occurred.

(c) If a subagent cannot or does not choose to acquire a bond of the type required then the county auditor may demand prepayment for such licenses prior to delivery of them to the subagent. Such license may be returned by the subagent to the auditor for a refund within time limits established by the commissioner.

History: 1945 c 248 s 2; 1949 c 150 s 22; 1951 c 270 s 1; 1953 c 305 s 1; 1955 c 181 s 1; 1955 c 370 s 1; 1955 c 694 s 1,2; 1963 c 707 s 1; 1967 c 50 s 1; 1969 c 88 s 1,2; 1969 c 302 s 1,2; 1971 c 607 s 8; 1971 c 945 s 1; 1974 c 410 s 1; 1976 c 143 s 2-6; 1977 c 310 s 6; 1977 c 317 s 4

98.501 AGENTS FEE.

The basic license fee for each license referred to in section 98.50, subdivision 1, shall be increased by the amount of the seller's fee permitted by section 98.50, subdivision 5, for that particular license. The seller shall collect his fee by retaining the permitted fee from the purchase price of a license. Each license shall contain an explanation of the amount of the license fee which is retained by the seller of the license as his fee.

History: 1977 c 310 s 7

98.51 REPORTS AND RECORDS.

Subdivision 1. When requested to do so by the commissioner, any person who has taken any protected quadruped or bird shall on or before the last day of January each year, mail or deliver to the commissioner a written report on a form furnished him, stating the number and kind of each protected quadruped or bird taken during the preceding calendar year.

Subd. 2. Every person who is required by chapters 97 to 102 to obtain a license for buying or selling any wild animals or other things or substances, or for tanning or dressing raw furs, or mounting specimens of wild animals, shall keep a correct and complete book record in the English language of all transactions and activities covered by the license as carried on by the licensee. Such records shall show from whom obtained and to whom disposed of, giving the post-office addresses, together with the date of receipt, shipping or sale of such animals, a detailed account as to the number and kinds thereof contained in each shipment, purchase, or sale, and the serial number of each seal, tag, or

permit, where such seal, tag, or permit is required to be affixed to the wild animals handled, and the trapping license number if the wild animal handled is a protected animal, but if the trapper is exempt from the license requirement, such fact shall be noted. Provided a licensed fur dealer, buying for one employer only, at his established place of business, need not keep a separate book record if the employer shall first notify the commissioner in writing of the fact of such employment and his agreement to identify in his own records each transaction of the employee so excepted. All records required hereby shall be open for inspection by the commissioner, director, or their agents at all reasonable hours. They shall be kept intact for a period of two years after the expiration of any license issued.

Subd. 3. Every person who is required to keep the records provided for in subdivision 2 shall furnish the commissioner the following reports on forms supplied by the commissioner: (1) a notarized annual report of operations during the preceding calendar year to be submitted on or before January 15 of each year; and (2) such other reports as the commissioner may require for statistical purposes.

History: 1945 c 248 s 2; 1947 c 609 s 16,17; 1949 c 150 s 23; 1965 c 507 s 1; 1969 c 805 s 1; 1975 c 167 s 2

98.52 LOSS AND REVOCATION OF LICENSES.

Subdivision 1. Except as otherwise provided herein, the license of any person who is convicted of violating any provisions of chapters 97 to 102, or any order or regulation duly prescribed by the commissioner under authority thereof, relating to the license or to the wild animals covered thereby, shall immediately become null and void, and no big game license of any kind shall be issued to such person for three years after the date of:

(1) A conviction for a violation relating to big game which is classified as a gross misdemeanor, or for doing any act without a big game license for which chapters 97 to 102 require a big game license, or;

(2) A second conviction within a three year period for any other violation of chapters 97 to 102 relating to big game.

No license of the kind related to the conviction shall be issued to such person for one year after the date of conviction if the license is other than a big game license. Every person convicted of doing anything without a license for which chapters 97 to 102 require a license, shall forfeit his right to secure such a license for a period of one year from a conviction other than a conviction related to big game.

Subd. 2. The provisions of subdivision 1 shall apply to licenses to take small game or to take fish by angling or by spearing, only upon a second conviction within a period of three years. In the case of a minnow dealer's license, revocation shall be limited to instances of three or more convictions within any twelve month period.

Subd. 3. Where, in his opinion, the public welfare will not be injured, the commissioner may reinstate the following types of licenses which have become null and void by operation of subdivision 1:

- (1) To maintain and operate fur and game farms or private fish hatcheries;
- (2) To take fish commercially in Lake of the Woods, Rainy Lake, Namakan Lake, or Lake Superior;
- (3) To buy fish from licensed commercial fishermen in Lake of the Woods, Rainy Lake, Namakan Lake, or Lake Superior;
- (4) To sell live minnows.

Subd. 4. Any person convicted of violating the provisions of section 100.29, subdivision 6, shall not be licensed to hunt with a firearm or bow and arrows for five years from date of conviction.

Subd. 5. [Repealed, 1976 c 133 s 2]

History: 1945 c 248 s 2; 1949 c 150 s 24; 1951 c 209 s 1; 1961 c 104 s 1; 1977 c 110 s 2; 1978 c 547 s 8; 1978 c 594 s 5,6; 1979 c 247 s 1