

CHAPTER 97

GAME AND FISH

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97.484 ASSESSMENTS TO BE PAID FROM FUND.

Any assessments against the state of Minnesota under the provisions of section 106A.015, subdivision 2; 106A.025; 106A.315, subdivision 1; or 106A.615, shall be paid from money in the Wildlife Acquisition Fund herein created on all such lands or properties heretofore or hereafter acquired for wildlife habitat.

History: 1985 c 172 s 100

97.4841 MIGRATORY WATERFOWL STAMPS.

[For text of subds 1 and 2, see M.S.1984]

Subd. 3. **Fee.** A stamp shall be issued to each small game hunting license applicant or other person interested in waterfowl conservation upon the payment of a fee of \$5. Stamps shall be issued annually and shall be valid from March 1 through the last day of the following February.

[For text of subd 4, see M.S.1984]

History: 1Sp1985 c 13 s 220

NOTE: Subdivision 3, as amended by Laws 1985, First Special Session chapter 13, section 220, is effective for the licensing year beginning March 1, 1986, and for each licensing year thereafter. See Laws 1985, First Special Session chapter 13, section 378.

97.4842 TROUT AND SALMON STAMP.

[For text of subd 1, see M.S.1984]

Subd. 2. **Fee.** A stamp shall be issued to each fishing license applicant or other person interested in improvement of trout and salmon streams and lakes upon the payment of a fee of \$5. Stamps shall be issued annually and shall be valid from March 1 through the last day of the following February.

[For text of subd 3, see M.S.1984]

History: 1Sp1985 c 13 s 221

Subdivision 2, as amended by Laws 1985, First Special Session chapter 13, section 221, is effective for the licensing year beginning March 1, 1986, and for each licensing year thereafter. See Laws 1985, First Special Session chapter 13, section 378.

97.4843 PHEASANT STAMPS.

[For text of subd 1, see M.S.1984]

Subd. 2. **Stamp required.** (a) Except as provided in paragraph (b), no person who is otherwise required to possess a Minnesota small game license shall hunt or take pheasants within this state without first purchasing a stamp and having the stamp in possession while hunting or taking pheasants. Each stamp shall be validated by the signature of the licensee written across its face. The commissioner shall determine the form of the stamp and shall furnish and distribute stamps to

county auditors for sale by them and their authorized subagents as prescribed by order of the commissioner. The commissioner shall encourage the purchase of stamps by any persons interested in the improvement of pheasant habitat.

(b) The following persons are exempt from this subdivision:

(1) residents under age 18 or over age 65; and

(2) persons hunting on licensed private shooting preserves in Norman, Becker, Wadena, Cass, Crow Wing, Aitkin, or Carlton county, and locations north of the northern boundaries of these counties.

[For text of subds 3 and 4, see M.S.1984]

History: 1985 c 158 s 1

97.488 PROTECTION OF THREATENED AND ENDANGERED SPECIES.

[For text of subd 1, see M.S.1984]

Subd. 1a. **Application.** The provisions of subdivision 1 do not apply to plants on land classified for property tax purposes as class 2a or 2c agricultural land pursuant to section 273.13, or on ditches and roadways. The provisions of subdivision 1 do not apply to noxious weeds designated pursuant to sections 18.171 to 18.315 or to weeds otherwise designated as troublesome by the department of agriculture. When control of noxious weeds is necessary, it takes priority over the protection of endangered plant species, as long as reasonable effort is taken to preserve the endangered plant species first.

The taking or killing of an endangered plant species on land adjacent to class 3 or 3b agricultural land as a result of the application of pesticides or other agricultural chemical on the class 3 or 3b land shall not be a violation of subdivision 1, as long as reasonable care is taken in the pesticide or other chemical application to avoid impact on adjacent lands.

The accidental taking of an endangered plant, where the existence of the plant is not known at the time of the taking, shall not be a violation of subdivision 1.

For the purpose of this subdivision, class 3 or 3b agricultural land does not include timber land, waste land, or any land for which the owner receives a state paid wetlands or native prairie tax credit.

[For text of subds 2 to 8, see M.S.1984]

History: 1Sp1985 c 14 art 4 s 10

97.50 POLICE POWERS.

Subdivision 1. **Powers.** The commissioner, director, game refuge patrolmen, and conservation officers are authorized to:

(1) execute and serve all warrants and processes issued 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 a constable or sheriff;

(2) arrest, without a warrant, any person detected in the actual violation of any provisions of chapters 84, 84A, 85, 86A, 88 to 106, 361, and sections 18.341 to 18.436; 106A.005 to 106A.811; 609.66, subdivision 1, clauses (1), (2), (5), and (7); and 609.68; and

(3) take the person before any court in the county in which the offense was committed and make proper complaint.

When a person who is arrested for any violation of the provisions of law listed in clause (2), which is punishable as a misdemeanor, is not taken into custody and immediately taken before a court, the arresting officer shall prepare, in quadruplicate, written notice to appear before a court. The notice shall be in the form and has the effect of a summons and complaint. It 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. This place must be before a court which has jurisdiction within the county in which the offense is alleged to have been committed.

In order to secure release, without being taken into custody and immediately taken before the court, the arrested person must give his written promise to appear before the court 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 marked "SUMMONS" to the person arrested. The officer shall then release the person from custody.

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

[For text of subs 2 to 9, see M.S.1984]

History: 1985 c 84 s 3; 1985 c 172 s 101

97.55 VIOLATIONS, PENALTIES.

[For text of subs 1 to 3, see M.S.1984]

Subd. 4. [Repealed, 1985 c 217 s 6]

[For text of subs 5 to 15, see M.S.1984]

Subd. 16. Every person who illegally buys or sells game fish, big game, or small game, when the total amount of the sale or sales is \$300 or more, is guilty of a gross misdemeanor punishable by a fine of not less than \$3,000 nor more than \$10,000 or by imprisonment in the county jail for not less than 90 days or more than one year or by both such fine and imprisonment. A license to take wild animals possessed by the violator immediately becomes null and void and the violator forfeits all rights to take any wild animals in any manner for a period of three years after the date of conviction.

Subd. 17. **Misdemeanor for illegally taking or possessing muskellunge.** A person that takes or possesses a muskellunge in violation of chapters 97 to 102 is guilty of a misdemeanor and is subject to a fine up to \$1,000.

History: 1985 c 190 s 1; 1985 c 217 s 1

97.851 FEES FOR ADVANCED HUNTER EDUCATION COURSES.

The commissioner of natural resources, with the approval of the commissioner of finance, may impose a fee not to exceed \$10 for each person attending an advanced education course of instruction for hunters or trappers. The commissioner shall establish the fee under section 16A.128. Fees collected under this section must be deposited in the state treasury and credited to the game and fish fund.

History: 1Sp1985 c 13 s 222