

CHAPTER 97A

GAME AND FISH LAWS

- | | | | |
|---------|--|---------|---|
| 97A.015 | Definitions. | 97A.425 | Record and reporting requirements for dealers, tanners, and taxidermists. |
| 97A.021 | Construction. | 97A.431 | Moose licenses. |
| 97A.055 | Game and fish fund. | 97A.433 | Elk licenses. |
| 97A.061 | Payment in lieu of taxes. | 97A.441 | Licenses to be issued without a fee. |
| 97A.065 | Dedication of certain receipts. | 97A.445 | Exemptions from license requirement. |
| 97A.075 | Use of license revenues. | 97A.451 | License requirements and exemptions relating to age. |
| 97A.085 | Game refuges. | 97A.455 | Nonresident students; fishing, small game, and deer. |
| 97A.095 | Waterfowl protected areas. | 97A.465 | Military personnel; fishing and hunting. |
| 97A.105 | Game and fur farms. | 97A.471 | Nonresident courtesy licenses. |
| 97A.111 | Muskrat farms. | 97A.472 | Place of sale of nonresident licenses; restriction. |
| 97A.121 | Hunting in private shooting preserves. | 97A.475 | License fees. |
| 97A.135 | Acquisition of wildlife lands. | 97A.481 | License applications under oath. |
| 97A.201 | Enforcement. | 97A.485 | Issuance of licenses. |
| 97A.205 | Enforcement officer powers. | 97A.501 | Wild animals; general restrictions. |
| 97A.211 | Arrest procedures. | 97A.502 | Deer killed by motor vehicles. |
| 97A.215 | Inspections. | 97A.505 | Possession of wild animals. |
| 97A.221 | Confiscation of property. | 97A.525 | Transportation of wild animals by common carrier. |
| 97A.255 | Prosecutions. | 97A.535 | Possession and transportation of deer, bear, elk, and moose. |
| 97A.311 | Licenses. | 97A.545 | Transportation of game birds. |
| 97A.315 | Trespass. | 97A.551 | Transportation of fish. |
| 97A.325 | Penalties for unlawfully buying or selling wild animals. | | |
| 97A.331 | Penalties related to hunting. | | |
| 97A.405 | License requirements. | | |
| 97A.415 | License restrictions. | | |
| 97A.421 | Validity and issuance of licenses after conviction. | | |

97A.015 DEFINITIONS.

[For text of subs 1 to 17, see M.S.1986]

Subd. 18. **Enforcement officer.** "Enforcement officer" means the commissioner, the director of the enforcement division, a conservation officer, or a game refuge manager.

[For text of subs 19 to 24, see M.S.1986]

Subd. 25. **Game fish.** "Game fish" means walleye, sauger, yellow perch, channel catfish, flathead catfish; members of the pike family, Esocidae, including muskellunge and northern pike; members of the sunfish family, Centrarchidae, including largemouth bass, smallmouth bass, sunfish, rock bass, white crappie, black crappie, members of the temperate bass family, Percichthyidae, including white bass and yellow bass; members of the salmon and trout subfamily, Salmoninae, including Atlantic salmon, chinook salmon, coho salmon, pink salmon, kokanee salmon, lake trout, brook trout, brown trout, rainbow (steelhead) trout, and splake; members of the paddlefish family, Polyodontidae; members of the sturgeon family, Acipenseridae, including lake sturgeon, and shovelnose sturgeon. "Game fish" includes hybrids of game fish.

[For text of subs 26 to 42, see M.S.1986]

Subd. 43. **Rough fish.** "Rough fish" means carp, buffalo, sucker, sheepshead, bowfin, burbot, cisco, gar, goldeye, and bullhead.

[For text of subd 44, see M.S.1986]

Subd. 45. **Small game.** "Small game" means game birds, gray squirrel, fox squirrel, cottontail rabbit, snowshoe hare, jack rabbit, raccoon, lynx, bobcat, red fox and gray fox, fisher, pine marten, opossum, badger, cougar, wolverine, muskrat, mink, otter, and beaver.

[For text of subs 46 to 50, see M.S.1986]

Subd. 51. **Unloaded.** "Unloaded" means, with reference to a firearm, without ammunition in the barrels and magazine, if the magazine is in the firearm. A muzzle loading firearm with a flintlock ignition is unloaded if it does not have priming powder in a pan. A muzzle loading firearm with percussion ignition is unloaded if it does not have a percussion cap on a nipple.

[For text of subds 52 to 55, see M.S.1986]

History: 1987 c 149 art 1 s 2-6

97A.021 CONSTRUCTION.

[For text of subd 1, see M.S.1986]

Subd. 2. **Authority of commissioner.** A provision of the game and fish laws is subject to, and does not change or modify the authority of the commissioner to delegate powers, duties, and functions under section 84.083.

[For text of subds 3 and 4, see M.S.1986]

History: 1987 c 384 art 2 s 17

97A.055 GAME AND FISH FUND.

Subdivision 1. **Establishment; purposes.** The game and fish fund is established as a fund in the state treasury. The money in the fund is annually appropriated to the commissioner for the activities of the division of fish and wildlife and the division of enforcement.

[For text of subd 2, see M.S.1986]

History: 1987 c 149 art 1 s 7

97A.061 PAYMENT IN LIEU OF TAXES.

Subdivision 1. **Applicability; amount.** (a) The commissioner shall annually make a payment from the game and fish fund to each county having public hunting areas and game refuges. This section does not apply to state trust fund land and other state land not purchased for game refuge or public hunting purposes. The payment shall be the greatest of:

(1) 35 percent of the gross receipts from all special use permits and leases of land acquired for public hunting and game refuges;

(2) 50 cents per acre on land purchased actually used for public hunting or game refuges; or

(3) three-fourths of one percent of the appraised value of purchased land actually used for public hunting and game refuges.

(b) The payment must be reduced by the amount paid under subdivision 3 for croplands managed for wild geese.

(c) The appraised value is the purchase price for five years after acquisition. The appraised value shall be determined by the county assessor every five years after acquisition.

[For text of subds 2 and 3, see M.S.1986]

History: 1987 c 404 s 117

97A.065 DEDICATION OF CERTAIN RECEIPTS.

[For text of subd 1, see M.S.1986]

Subd. 2. **Fines and forfeited bail.** (a) Fines and forfeited bail collected from prosecutions of violations of the game and fish laws, sections 84.09 to 84.15, and 84.81

to 84.88, chapter 348, and any other law relating to wild animals, and aquatic vegetation must be paid to the treasurer of the county where the violation is prosecuted. The county treasurer shall submit one-half of the receipts to the commissioner and credit the balance to the county general revenue fund except as provided in paragraphs (b) and (c).

(b) The commissioner must reimburse a county, from the game and fish fund, for the cost of keeping prisoners prosecuted for violations under this section if the county board, by resolution, directs: (1) the county treasurer to submit all fines and forfeited bail to the commissioner; and (2) the county auditor to certify and submit monthly itemized statements to the commissioner.

(c) The county treasurer shall indicate the amount of the receipts that are assessments or surcharges imposed under section 609.101 and shall submit all of those receipts to the commissioner. The receipts must be credited to the game and fish fund to provide peace officer training for persons employed by the commissioner who are licensed under section 626.84, subdivision 1, clause (c), and who possess peace officer authority for the purpose of enforcing game and fish laws.

[For text of subd 3, see M.S.1986]

Subd. 4. [Repealed, 1987 c 149 art 1 s 54]

History: 1987 c 149 art 1 s 8; 1987 c 384 art 1 s 5; 1987 c 404 s 118

97A.075 USE OF LICENSE REVENUES.

Subdivision 1. **Deer and bear licenses.** (a) For purposes of this subdivision, "deer license" means a license issued under section 97A.475, subdivisions 2, clauses (4) and (5), and 3, clauses (2) and (3).

(b) At least \$2 from each deer license shall be used for deer habitat improvement.

(c) At least \$1 from each resident deer license and each resident bear license shall be used for deer and bear management programs, including a computerized licensing system.

[For text of subds 2 to 4, see M.S.1986]

History: 1987 c 149 art 1 s 9

97A.085 GAME REFUGES.

[For text of subds 1 to 4, see M.S.1986]

Subd. 5. **Game refuge for specified game.** The commissioner may, by order, designate a game refuge for only specified species. The game refuge must be posted accordingly.

[For text of subd 6, see M.S.1986]

Subd. 7. **Game refuge boundary posting.** (a) The designation of a state game refuge is not effective until the boundary has been posted with notices that measure at least 12 inches.

(b) The notices must be posted at intervals of not more than 500 feet or less along the boundary. The notices must also be posted at all public road entrances to the refuges, except where the boundary is also an international or state boundary in public waters. Where the boundary of a refuge extends more than 500 feet continuously through a body of water, instead of placing notices in the water, notices with the words, "Adjacent Waters Included," may be placed on the shoreline at the intersection of the boundary and the water 20 feet or less above the high water mark and at intervals of 500 feet or less along the shoreline.

(c) A certification by the commissioner or the director, or a certification filed with the commissioner or director by a conservation officer, refuge supervisor, or other

authorized officer or employee, stating that the required notices have been posted is prima facie evidence of the posting.

[For text of subd 8, see M.S.1986]

History: 1987 c 149 art 1 s 10,11

97A.095 WATERFOWL PROTECTED AREAS.

[For text of subd 1, see M.S.1986]

Subd. 2. **Waterfowl feeding and resting areas.** The commissioner may, by order, designate any part of a lake as a migratory feeding or resting area. Before designation, the commissioner must receive a petition signed by at least ten local resident licensed hunters describing the area of a lake that is a substantial feeding or resting area for migratory waterfowl, and find that the statements in the petition are correct, and that adequate, free public access to the lake exists near the designated area. The commissioner shall post the area as a migratory waterfowl feeding and resting area. A person may not enter a posted migratory waterfowl feeding and resting area during the open migratory waterfowl season with watercraft or aircraft propelled by a motor, other than an electric motor of less than 30 pounds thrust. The commissioner may, by order, further restrict the use of electric motors in migratory waterfowl feeding and resting areas.

[For text of subd 3, see M.S.1986]

History: 1987 c 119 s 1

97A.105 GAME AND FUR FARMS.

Subdivision 1. **License requirements.** A person may breed and propagate fur-bearing animals, game birds, bear, moose, elk, caribou, or deer only on privately owned or leased land and after obtaining a license. Any of the permitted animals on a game farm may be sold to other licensed game farms. "Privately owned or leased land" includes waters that are shallow or marshy, are not actually navigable, and are not of substantial beneficial public use. Before an application for a license is considered, the applicant must enclose the area to sufficiently confine the animals to be raised in a manner approved by the commissioner. A license may be granted only if the commissioner finds the application is made in good faith with intention to actually carry on the business described in the application and the commissioner determines that the facilities are adequate for the business.

[For text of subds 2 to 8, see M.S.1986]

History: 1987 c 121 s 1; 1987 c 404 s 119

97A.111 MUSKRAT FARMS.

[For text of subd 1, see M.S.1986]

Subd. 2. **Issuance of license.** (a) The commissioner shall investigate the application filed and may require the applicant to produce evidence of the facts stated. The commissioner shall issue a muskrat farm license to an applicant if the commissioner determines that:

- (1) the applicant is the owner of the land;
- (2) the applicant intends to establish and operate a muskrat farm; and
- (3) the establishment of a muskrat farm in the proposed area will conserve the natural resources.

(b) The license must describe the land and certify that the licensee is entitled to use the land to breed, raise, trap, and trade muskrats.

[For text of subds 3 to 6, see M.S.1986]

Subd. 7. **Annual report.** By March 31 of each year, the licensee must submit a signed report to the commissioner covering the preceding license year. The report must be completed on a form furnished by the commissioner stating the license number, the number and value of muskrats killed, transported, and sold from the muskrat farm, and other information required by the commissioner.

History: 1987 c 149 art 1 s 12,13

97A.121 HUNTING IN PRIVATE SHOOTING PRESERVES.

[For text of subds 1 to 4, see M.S.1986]

Subd. 5. **Marking harvested game.** Harvested game, except ducks that are marked in accordance with regulations of the United States Fish and Wildlife Service, must be tagged with a self-sealing tag, identifying the private shooting preserve. The commissioner shall issue the tags at a cost of 15 cents each. The tag must remain attached on the bird while the bird is transported.

[For text of subd 6, see M.S.1986]

History: 1987 c 149 art 1 s 14

97A.135 ACQUISITION OF WILDLIFE LANDS.

Subdivision 1. **Public hunting and wildlife areas.** (a) The commissioner or the commissioner of administration shall acquire and improve land for public hunting, game refuges, and food and cover planting. The land may be acquired by a gift, lease, easement, purchase, or condemnation. At least two-thirds of the total area acquired in a county must be open to public hunting. The commissioner may designate land acquired under this subdivision as a wildlife management area for the purposes of the outdoor recreation system.

(b) The commissioner of administration may transfer money to the commissioner for acquiring wildlife lands to qualify for Pittman-Robertson funds. The transferred money is reappropriated to the commissioner for the wildlife land acquisition.

[For text of subd 2, see M.S.1986]

History: 1987 c 149 art 1 s 15

97A.201 ENFORCEMENT.

Subdivision 1. **Enforcement by the commissioner.** The commissioner shall execute and enforce the laws relating to wild animals. The commissioner may delegate execution and enforcement of the wild animal laws to the director and enforcement officers.

[For text of subd 2, see M.S.1986]

History: 1987 c 149 art 1 s 16

97A.205 ENFORCEMENT OFFICER POWERS.

An enforcement officer is authorized to:

(1) execute and serve court issued warrants and processes relating to wild animals, wild rice, public waters, water pollution, conservation, and use of water, in the same manner as a constable or sheriff;

(2) enter any land to carry out the duties and functions of the division;

(3) make investigations of violations of the game and fish laws;

(4) take an affidavit, if it aids an investigation;

(5) arrest, without a warrant, a person who is detected in the actual violation of

the game and fish laws, a provision of chapters 84A, 85, 86A, 88 to 106A, 361, sections 89.51 to 89.61; or 609.66, subdivision 1, clauses (1), (2), (5), and (7); and 609.68; and

(6) take an arrested person before a court in the county where the offense was committed and make a complaint.

History: 1987 c 109 s 12; 1987 c 384 art 1 s 6

97A.211 ARREST PROCEDURES.

Subdivision 1. **Notice to appear in court.** (a) A person must be given notice to appear in court for a misdemeanor violation of the game and fish laws, chapter 84, 105, or 106A, or section 609.68 if:

(1) the person is arrested and is released from custody prior to appearing before a court; or

(2) the person is subject to a lawful arrest and is not arrested because it reasonably appears to the enforcement officer that arrest is unnecessary to prevent further criminal conduct and that there is a substantial likelihood that the person will respond to a notice.

(b) The enforcement officer shall prepare, in quadruplicate, a written notice to appear in court. The notice must be in the form and has the effect of a summons and complaint. The notice must contain the name and address of the person charged, the offense, and the time and the place to appear in court. The court must have jurisdiction within the county where the offense is alleged to have been committed.

Subd. 2. **Release after arrest.** A person arrested for a misdemeanor violation of the game and fish laws, chapter 84, 105, or 106A or section 609.68 may obtain release by signing the written notice prepared by the arresting officer promising to appear in court. The officer shall deliver a copy marked "SUMMONS" to the person arrested. The officer must then release the person from custody.

[For text of subd 3, see M.S.1986]

History: 1987 c 149 art 1 s 17,18

97A.215 INSPECTIONS.

Subdivision 1. **Storage of wild animals.** (a) When an enforcement officer has probable cause to believe that wild animals possessed or stored in violation of the game and fish laws are present, the enforcement officer may enter and inspect any commercial cold storage warehouse, hotel, restaurant, ice house, locker plant, butcher shop, and other building used to store dressed meat, game, or fish, to determine whether wild animals are kept and stored in compliance with the game and fish laws.

(b) When an enforcement officer has probable cause to believe that wild animals taken or possessed in violation of the game and fish laws are present, the officer may:

(1) enter and inspect any place or vehicle; and

(2) open and inspect any package or container.

[For text of subs 2 and 3, see M.S.1986]

History: 1987 c 169 s 1

97A.221 CONFISCATION OF PROPERTY.

Subdivision 1. **Property subject to confiscation.** (a) An enforcement officer may confiscate:

(1) wild animals, wild rice, and other aquatic vegetation taken, bought, sold, transported, or possessed in violation of the game and fish laws or chapter 84; and

(2) firearms, bows and arrows, nets, boats, lines, poles, fishing rods and tackle, lights, lanterns, snares, traps, spears, dark houses, fish houses, and wild rice harvesting equipment that are used with the owner's knowledge to unlawfully take or transport wild animals, wild rice, or other aquatic vegetation.

(b) An enforcement officer must confiscate nets and equipment unlawfully possessed within ten miles of Lake of the Woods or Rainy Lake.

(c) Confiscated property may be disposed of, retained for use by the division, or sold at the highest price obtainable as prescribed by the commissioner.

[For text of subd 2, see M.S.1986]

History: 1987 c 149 art 1 s 19

97A.255 PROSECUTIONS.

[For text of subd 1, see M.S.1986]

Subd. 2. **Burden of proof.** In a prosecution that alleges animals have been taken, bought, sold, transported, or possessed in violation of the game and fish laws, the burden of establishing that the animals were domesticated, reared in a private preserve, raised in a private fish hatchery, taken for scientific purposes, lawfully taken, or received as a gift, is on the defendant.

Subd. 3. [Repealed, 1987 c 149 art 1 s 54]

[For text of subd 4, see M.S.1986]

History: 1987 c 149 art 1 s 20

97A.311 LICENSES.

[For text of subs 1 to 3, see M.S.1986]

Subd. 4. **License agent suspension.** In addition to other penalties, a license agent that violates a law, rule, or order of the commissioner relating to license sales, handling, or accounting forfeits the right to sell and handle licenses for a period of one year.

History: 1987 c 149 art 1 s 21

97A.315 TRESPASS.

[For text of subd 1, see M.S.1986]

Subd. 2. **License revocations.** (a) If a person is convicted of trespassing under subdivision 1 while exercising or attempting to exercise an activity licensed under the game and fish laws or requiring snowmobile registration under section 84.82, the applicable license and registration are null and void.

(b) A person convicted of a gross misdemeanor under subdivision 1, paragraph (b), may not be issued a license to take game for two years after the conviction.

History: 1987 c 149 art 1 s 22

97A.325 PENALTIES FOR UNLAWFULLY BUYING OR SELLING WILD ANIMALS.

Subdivision 1. **Gross misdemeanor for sales of \$300 or more.** (a) A person that buys or sells protected wild animals in violation of the game and fish laws where the sales total \$300 or more is guilty of a gross misdemeanor. The person is subject to the penalty in section 97A.301, subdivision 2, except that the fine may not be less than \$3,000 or more than \$10,000.

(b) Licenses possessed by a person convicted under this subdivision are null and void and the person may not take wild animals for three years after the conviction.

[For text of subs 2 to 4, see M.S.1986]

History: 1987 c 149 art 1 s 23

97A.331 PENALTIES RELATED TO HUNTING.

Subdivision 1. **Hunting while under the influence of alcohol or a controlled substance.** A person that violates the provision of section 97B.065 relating to hunting while under the influence of alcohol or a controlled substance is guilty of a gross misdemeanor.

[For text of subs 2 to 6, see M.S.1986]

History: 1987 c 149 art 1 s 24

97A.405 LICENSE REQUIREMENTS.

[For text of subd 1, see M.S.1986]

Subd. 2. **Personal possession.** A person to whom a license is issued must have the license in personal possession while acting under the license and while traveling from the area where the licensed activity is performed. If possession of a license is required, a person must exhibit the proper license when requested by a conservation officer or peace officer. A receipt for license fees, a copy of a license, or evidence showing the issuance of a license does not entitle a licensee to exercise the rights or privileges conferred by a license.

[For text of subd 3, see M.S.1986]

History: 1987 c 149 art 1 s 25

97A.415 LICENSE RESTRICTIONS.

Subdivision 1. **One license per person.** Only one trapping and big game license of each kind may be issued to a person in a license year unless authorized by commissioner's order.

[For text of subs 2 and 3, see M.S.1986]

History: 1987 c 149 art 1 s 26

97A.421 VALIDITY AND ISSUANCE OF LICENSES AFTER CONVICTION.

Subdivision 1. **General.** (a) The license of a person convicted of a violation of the game and fish laws relating to the license or wild animals covered by the license is void when:

(1) a second conviction occurs within three years under a license to take small game or to take fish by angling or spearing;

(2) a third conviction occurs within one year under a minnow dealer's license; or

(3) the conviction occurs under a license not described in clause (1) or (2).

(b) Except for big game licenses and as otherwise provided in this section, for one year after the conviction the person may not obtain the kind of license relating to the game and fish law violation.

[For text of subs 2 to 5, see M.S.1986]

Subd. 6. **Applicability to moose or elk licenses.** In this section the term "license" includes an application for a license to take either moose or elk.

History: 1987 c 149 art 1 s 27; 1987 c 373 s 3

97A.425 RECORD AND REPORTING REQUIREMENTS FOR DEALERS, TANNERS, AND TAXIDERMISTS.

Subdivision 1. **Requirement.** A person required to have a license under the game and fish laws to buy or sell wild animals, to tan or dress raw furs, or to mount specimens of wild animals, must keep complete records of all transactions and activities covered by the license and submit reports to the commissioner.

Subd. 2. **Records.** (a) The records must show:

(1) the names and addresses of persons from whom wild animals were obtained and to whom they were transferred;

(2) the dates of receipt, shipment, and sale of wild animals;

(3) detailed descriptions of the number and type of wild animals purchased, sold, and shipped;

(4) serial numbers of seals, tags, or permits required to be attached to the wild animals; and

(5) trapping license numbers for protected fur-bearing animals, unless the trapper is exempt from the license requirement, which must be noted.

(b) A licensed fur dealer, buying for one employer at the employer's place of business, is not required to keep separate records if the employer notifies the commissioner in writing that the employer will account for the fur dealer.

(c) The records required under this section must be available for inspection by the commissioner, the director, or their agents at all reasonable times. The records must be preserved and available for two years after the expiration of a license that required them.

(d) Records required of persons licensed to buy or sell wild animals, or to tan or dress raw furs, must be kept in a book supplied by the commissioner.

Subd. 3. **Reports.** Except for persons licensed to mount specimens of wild animals, an annual report covering the preceding license year must be submitted to the commissioner by March 15. The commissioner may require other reports for statistical purposes. The reports must be on forms supplied by the commissioner.

History: 1987 c 149 art 1 s 28

97A.431 MOOSE LICENSES.

[For text of subs 1 and 2, see M.S.1986]

Subd. 3. **Application for license.** An application for a moose license must be on a form provided by the commissioner and accompanied by a \$3 nonrefundable application fee per person. A person may not make more than one application for each season. If a person makes more than one application, the person is ineligible for a license for that season after determination by the commissioner, without a hearing.

[For text of subd 4, see M.S.1986]

History: 1987 c 373 s 4

97A.433 ELK LICENSES.

Subdivision 1. **Number of licenses.** The commissioner shall include the number of licenses to be issued in an order setting the dates for an elk season.

Subd. 2. **Eligibility.** Persons eligible for an elk license shall be determined under this section and commissioner's order. A person is eligible for an elk license only if the person:

(1) is a resident;

(2) is at least age 16 before the season opens; and

(3) has never been issued an elk license.

Subd. 3. **Application for license.** An application for an elk license must be on a form provided by the commissioner and accompanied by a \$10 nonrefundable application fee per person. A person may not make more than one application for each season. If a person makes more than one application, the person is ineligible for a license for that season after determination by the commissioner, without a hearing.

Subd. 4. **Separate selection; eligibility.** The commissioner may conduct a separate selection for up to 20 percent of the elk licenses to be issued for an area. Only owners

of, and tenants living on, at least 160 acres of agricultural or grazing land in the area are eligible for the separate selection. Persons that are unsuccessful in a separate selection must be included in the selection for the remaining licenses. Persons who obtain an elk license in a separate selection must allow public elk hunting on their land during the elk season for which the license is valid.

History: 1987 c 373 s 5

97A.441 LICENSES TO BE ISSUED WITHOUT A FEE.

[For text of subs 1 to 4, see M.S.1986]

Subd. 5. **Angling; disabled veterans.** A person authorized to issue licenses must issue, without a fee, a permanent license to take fish by angling to a resident who is a veteran, as defined in section 197.447, and that has a 100 percent service connected disability as defined by the United States Veterans Administration upon being furnished satisfactory evidence.

[For text of subd 6, see M.S.1986]

History: 1987 c 384 art 1 s 7

97A.445 EXEMPTIONS FROM LICENSE REQUIREMENT.

Subdivision 1. **Angling; take a kid fishing weekend.** A resident over age 18 may take fish by angling without a license during one Saturday and Sunday of the angling season designated by order of the commissioner if accompanied by a child who is under age 16. The commissioner shall publicize the Saturday and Sunday as "Take a Kid Fishing Weekend."

[For text of subd 2, see M.S.1986]

Subd. 3. **Angling and spearing; disabled railroad and postal retirees.** A license is not required to take fish by angling or spearing for a resident that is:

(1) receiving aid under the federal Railroad Retirement Act of 1937, United States Code, title 45, section 228b(a)5; or

(2) a former employee of the United States Postal Service receiving disability pay under United States Code, title 5, section 8337.

History: 1987 c 149 art 1 s 29; 1987 c 384 art 1 s 8; 1987 c 404 s 120

NOTE: Subdivision 1, as amended by Laws 1987, chapter 404, section 120, is effective for the licensing year beginning March 1, 1988, and for each licensing year after that date. See Laws 1987, chapter 404, section 192, subdivision 3.

97A.451 LICENSE REQUIREMENTS AND EXEMPTIONS RELATING TO AGE.

Subdivision 1. **Residents over age 65; fishing.** A resident age 65 or over may take fish by angling or spearing without a license if the resident has a valid driver's license, Minnesota identification card, or other document showing age and residency in possession while taking fish and while traveling from the location where fish are taken. The person must exhibit the proof of age at the request of a conservation officer or peace officer.

[For text of subs 2 to 4, see M.S.1986]

Subd. 5. **Nonresidents under age 16.** A nonresident under the age of 16 may take fish by angling without a license if a parent or guardian has a fishing license. Fish taken by a nonresident under the age of 16 without a license must be included in the limit of the parent or guardian. A nonresident under age 16 may purchase a nonresident fishing license, take fish by angling, and possess a limit of fish.

[For text of subd 6, see M.S.1986]

History: 1987 c 149 art 1 s 30,31

97A.455 NONRESIDENT STUDENTS; FISHING, SMALL GAME, AND DEER.

(a) A nonresident that is a full-time student at an educational institution in the state and resides in the state during the school year may obtain a resident license to take fish or small game by providing proof of student status as prescribed by the commissioner.

(b) A nonresident that is a full-time foreign exchange student at a high school in the state and resides with persons in the state may obtain a resident license to take deer by archery by providing proof of foreign exchange student status as prescribed by the commissioner.

History: 1987 c 47 s 1

97A.465 MILITARY PERSONNEL; FISHING AND HUNTING.

Subdivision 1. **Residents on leave.** A resident that is in the armed forces of the United States, stationed outside of the state, and in the state on leave, may hunt and fish without a license if the resident possesses official military leave papers. The resident must obtain the seals, tags, and coupons required of a licensee, which must be furnished without charge. This subdivision does not apply to the taking of moose or elk.

[For text of subd 2, see M.S.1986]

Subd. 3. **Nonresidents stationed in the state.** The commissioner may issue a resident license to take fish or game to a person in the armed forces of the United States that is stationed in the state. This subdivision does not apply to the taking of moose or elk.

Subd. 4. **Discharged resident; obtaining deer license during season.** Notwithstanding section 97A.485, subdivision 9, a resident who is discharged from the United States armed forces during, or within ten days before, the firearms deer season may, upon showing the official discharge paper, obtain a firearm deer license during the season.

History: 1987 c 373 s 6-7; 1987 c 384 art 1 s 9

97A.471 NONRESIDENT COURTESY LICENSES.

[For text of subds 1 and 2, see M.S.1986]

Subd. 3. **Nonapplicability to moose or elk hunting.** This section does not apply to taking moose or elk.

History: 1987 c 373 s 8

97A.472 PLACE OF SALE OF NONRESIDENT LICENSES; RESTRICTION.

The commissioner shall not sell or issue in any place outside this state a nonresident license to take fish in this state.

History: 1987 c 404 s 121

NOTE: This section, as added by Laws 1987, chapter 404, section 121, is effective for the licensing year beginning March 1, 1988, and for each licensing year after that date. See Laws 1987, chapter 404, section 192, subdivision 3.

97A.475 LICENSE FEES.

[For text of subd 1, see M.S.1986]

Subd. 2. **Resident hunting.** Fees for the following licenses, to be issued to residents only, are:

- (1) for persons under age 65 to take small game, \$9;
- (2) for persons age 65 or over, \$4.50;
- (3) to take turkey, \$12.50;
- (4) to take deer with firearms, \$20;

- (5) to take deer by archery, \$20;
- (6) to take moose, for a party of not more than four persons, \$250;
- (7) to take bear, \$30; and
- (8) to take elk, for a party of not more than two persons, \$200.

Subd. 3. **Nonresident hunting.** Fees for the following licenses, to be issued to nonresidents, are:

- (1) to take small game, \$51;
- (2) to take deer with firearms, \$100;
- (3) to take deer by archery, \$100;
- (4) to take bear, \$150;
- (5) to take turkey, \$30; and
- (6) to take raccoon, bobcat, fox, coyote, or lynx, \$125.

[For text of subds 4 and 5, see M.S.1986]

Subd. 6. **Resident fishing.** Fees for the following licenses, to be issued to residents only, are:

- (1) to take fish by angling, for persons under age 65, \$9.50;
- (2) to take fish by angling, for persons age 65 and over, \$4;
- (3) to take fish by angling, for a combined license for a married couple, \$13.50;
- (4) to take fish by spearing from a dark house, \$12; and
- (5) to take fish by angling for a period of 24 hours from the time of issuance, \$4.50.

No trout stamp is required when angling for trout or salmon under this 24-hour angling license.

Subd. 7. **Nonresident fishing.** Fees for the following licenses, to be issued to nonresidents, are:

- (1) to take fish by angling, \$18;
- (2) to take fish by angling limited to seven consecutive days, \$15;
- (3) to take fish by angling for three consecutive days, \$12;
- (4) to take fish by angling for a combined license for a family, \$30.50;
- (5) to take fish by angling for a period of 24 hours from the time of issuance, \$4.50.

No trout stamp is required when angling for trout or salmon under this 24-hour angling license; and

(6) to take fish by angling for a combined license for a married couple, limited to 14 consecutive days, \$22.50.

Subd. 8. **Minnesota sporting.** The commissioner shall issue Minnesota sporting licenses to residents only. The licensee may take fish by angling and small game. The fee for the license is:

- (1) for an individual, \$13.50; and
- (2) for a combined license for a married couple to take fish and for one spouse to take small game, \$19.50.

Subd. 9. **Fishing surcharge.** The fees for the following licenses must be increased by a surcharge of \$2.50:

- (1) resident angling, under subdivision 6, clauses (1), (3), and (5);
- (2) nonresident angling, under subdivision 7;
- (3) Minnesota sporting, under subdivision 8;
- (4) nonresident fish houses, under subdivision 12; and
- (5) to net fish for domestic use, under subdivision 13.

[For text of subd 10, see M.S.1986]

Subd. 11. **Fish houses and dark houses; residents.** Fees for the following licenses are:

- (1) for a fish house or dark house that is not rented, \$8; and
- (2) for a fish house or dark house that is rented, \$18.

Subd. 12. **Fish houses; nonresident.** The fee for a fish house license for a nonresident is \$19.50.

Subd. 13. **Netting whitefish and ciscoes for personal consumption.** The fee for a license to net whitefish and ciscoes in inland lakes and international waters for personal consumption is, for each net, \$5.

[For text of subs 14 to 19, see M.S.1986]

- Subd. 20. **Trapping license.** The fee for a license to trap fur-bearing animals is:
- (1) for persons over age 13 and under age 18, \$5; and
 - (2) for persons age 18 and older, \$16.

[For text of subs 21 to 29, see M.S.1986]

Subd. 29a. **Fish farms.** The fees for the following licenses to be issued to residents and nonresidents are:

- (1) for a fish farm, \$250; and
- (2) to take sucker eggs from public waters for a fish farm, \$150, plus \$3 for each quart in excess of 100 quarts.

[For text of subs 30 to 42, see M.S.1986]

History: 1987 c 149 art 1 s 32; 1987 c 318 s 2; 1987 c 373 s 9; 1987 c 404 s 122-131

NOTE: Subdivisions 2, 3, 6, 7, 8, 9, 11, 12, 13, and 20, as amended by Laws 1987, chapter 404, sections 122 to 131, are effective for the licensing year beginning March 1, 1988, and for each licensing year after that date. See Laws 1987, chapter 404, section 192, subdivision 3.

97A.481 LICENSE APPLICATIONS UNDER OATH.

All information required on a license application form must be furnished. The application must be made in writing and under oath.

History: 1987 c 149 art 1 s 33

97A.485 ISSUANCE OF LICENSES.

[For text of subs 1 to 5, see M.S.1986]

Subd. 6. **Licenses to be sold and issuing fees.** (a) Persons authorized to sell licenses under this section must sell the following licenses for the license fee and the following issuing fees:

- (1) to take deer with firearms and by archery, the issuing fee is \$1;
- (2) Minnesota sporting, the issuing fee is \$1; and
- (3) to take bear and small game, for a person under age 65 to take fish by angling or for a person of any age to take fish by spearing, and to trap fur-bearing animals, the issuing fee is \$1.

(b) An issuing fee may not be collected for a stamp.

(c) The auditor or subagent shall keep the issuing fee as a commission for selling the licenses.

(d) The commissioner shall collect the issuing fee on licenses sold by the commissioner.

(e) A license, except stamps, must state the amount of the issuing fee and that the issuing fee is kept by the seller as a commission for selling the licenses.

(f) The fee for an angling license paid by a resident 65 years of age or over must be refunded to the licensee upon request to the commissioner, if the request is made within 30 days of the sale. The commissioner shall design a system on the license for this purpose.

[For text of subds 7 to 11, see M.S.1986]

History: 1987 c 404 s 132

NOTE: Subdivision 6, as amended by Laws 1987, chapter 404, section 132, is effective for the licensing year beginning March 1, 1988, and for each licensing year after that date. See Laws 1987, chapter 404, section 192, subdivision 3.

97A.501 WILD ANIMALS; GENERAL RESTRICTIONS.

[For text of subd 1, see M.S.1986]

Subd. 2. **Endangered species.** A person may not take, import, transport, or sell an endangered species of wild animal, or sell, or possess with intent to sell an article made from the parts of a wild animal, except as provided in section 84.0895.

History: 1987 c 384 art 1 s 10

97A.502 DEER KILLED BY MOTOR VEHICLES.

Notwithstanding section 97A.055, any deer killed by a motor vehicle on a public road must be removed by the road authority, as defined by section 160.02, subdivision 9. The commissioner of natural resources must provide to all road authorities standard forms for statistical purposes and the tracking of wild animals.

History: 1987 c 404 s 133

97A.505 POSSESSION OF WILD ANIMALS.

Subdivision 1. [Repealed, 1987 c 149 art 1 s 54]

[For text of subd 2, see M.S.1986]

Subd. 3. [Repealed, 1987 c 149 art 1 s 54]

Subd. 4. **Storage of protected wild animals.** A person that stores protected wild animals for others must plainly mark the package, in ink, with the name and address of the owner, the license number of the person taking the animal, and the number and species in the package. A person may not use a commercial cold storage warehouse for protected wild animals, except lawfully taken fish and furs.

Subd. 5. **License not required for animals acquired by gift.** Lawfully taken protected wild animals may be transferred by gift. A person is not required to have a license to possess and transport protected wild animals acquired by gift if the person has written proof as prescribed by the commissioner.

Subd. 6. [Repealed, 1987 c 149 art 1 s 54]

[For text of subd 7, see M.S.1986]

History: 1987 c 149 art 1 s 34,35

97A.525 TRANSPORTATION OF WILD ANIMALS BY COMMON CARRIER.

Subdivision 1. **Residents.** A resident may transport wild animals within the state by common carrier without being in the vehicle if the resident has the license required to take the animals and they are shipped to the resident. The wild animals that may be transported by common carrier are:

- (1) deer, bear, elk, and moose;
- (2) undressed game birds; and
- (3) fish.

[For text of subds 2 to 7, see M.S.1986]

History: 1987 c 373 s 10

97A.535 POSSESSION AND TRANSPORTATION OF DEER, BEAR, ELK, AND MOOSE.

Subdivision 1. **Tags required.** A person may not possess or transport deer, bear, elk, or moose taken in the state unless a tag is attached to the carcass in a manner prescribed by the commissioner. The commissioner must prescribe the type of tag that has the license number of the owner, the year of its issue, and other information prescribed by the commissioner. The tag must be attached to the deer, bear, elk, or moose when:

(1) the animal is in a camp, or a place occupied overnight or the yard surrounding the place; or

(2) the animal is on a motor vehicle.

Subd. 2. **Deer taken by archery, elk, and moose must have additional tag.** Deer taken by archery, elk, and moose must be tagged as prescribed by the commissioner, in addition to the tag required in subdivision 1.

Subd. 3. **Transportation period restricted.** A person may transport deer, bear, one elk, or moose during the open season and the two days following the season, and afterwards as prescribed by the commissioner.

Subd. 4. **Transportation by person other than licensee.** A person other than the licensee may transport deer, bear, elk, or moose that the licensee has registered as prescribed by the commissioner. A tag must be attached to the animal and marked in ink with the address, license number, signature of the licensee, and the locations from which and to which the animal is being transported.

Subd. 5. **Heads, hides, and claws.** A resident that has a license to take deer, bear, elk, or moose may transport the head or hide of the animal within or out of the state for mounting or tanning. The hides of deer, bear, elk, and moose, and the claws of bear legally taken and with the tags that are required by this section, may be bought, sold, and transported at any time.

History: 1987 c 149 art 1 s 36,37; 1987 c 373 s 11

97A.545 TRANSPORTATION OF GAME BIRDS.

[For text of subds 1 to 3, see M.S.1986]

Subd. 4. **Undressed game birds taken outside of this state.** (a) A person may transport into the state undressed game birds that are lawfully taken and possessed outside of this state.

(b) A resident may ship the undressed game birds by common carrier within the state. A nonresident may ship the undressed game birds out of the state by common carrier. Each shipment must be tagged or sealed by a conservation officer as prescribed by the commissioner.

History: 1987 c 149 art 1 s 38; 1987 c 384 art 1 s 11

97A.551 TRANSPORTATION OF FISH.

Subdivision 1. [Repealed, 1987 c 149 art 1 s 54]

[For text of subd 2, see M.S.1986]

Subd. 3. **Shipping fish.** A person that has a license to take fish may make three shipments of fish in a license year to any person within or out of the state after obtaining a permit for each shipment from the commissioner. A shipment may not contain more than a possession limit of one species of fish per licensee.

History: 1987 c 149 art 1 s 39