

## CHAPTER 97B

### HUNTING

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#### 97B.001 TRESPASS.

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

Subd. 3. **Entering land prohibited after notice.** Except as provided in subdivision 6, a person may not enter any land to take a wild animal after being notified not to do so orally by the owner, occupant, or lessee.

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

Subd. 5. **Retrieving wounded game from agricultural land.** Except as provided in subdivision 3, a hunter, on foot, may retrieve wounded game, during the open season for the game, from agricultural land that is not posted under subdivision 4, without permission of the landowner. The hunter must leave the land immediately after retrieving the wounded game.

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

Subd. 7. **Taking with firearms in certain areas.** (a) A person may not take a wild animal with a firearm within 500 feet of a building occupied by a human or livestock without the written permission of the owner or occupant:

- (1) on another person's private agricultural land; or
- (2) on a public right-of-way.

(b) A person may not take a wild animal with a firearm without the permission of the owner within 500 feet of a stockade or corral containing livestock.

(c) A person may not take a wild animal with a firearm on land other than agricultural land within 200 feet of a building occupied by a human without the oral permission of the owner or occupant of the building.

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

**History:** 1987 c 149 art 1 s 40-42

#### 97B.035 RESTRICTIONS ON ARCHERY EQUIPMENT.

Subdivision 1. **Hunting with bows released by mechanical devices.** (a) A person may not hunt with a bow drawn, held, or released by a mechanical device, except with a disabled hunter permit issued under section 97B.315 or as provided in paragraph (b).

(b) A person may use a mechanical device attached to the bowstring if the person's own strength draws, holds, and releases the bowstring.

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

**History:** 1987 c 170 s 1

**97B.041 POSSESSION OF FIREARMS AND AMMUNITION RESTRICTED IN DEER ZONES.**

A person may not possess a firearm or ammunition outdoors during the period beginning the tenth day before the open firearms season and ending the second day after the close of the season within an area where deer may be taken by a firearm, except:

(1) during the open season and in an area where big game may be taken, a firearm and ammunition authorized for taking big game in that area may be used to take big game in that area if the person has a valid big game license in possession;

(2) an unloaded firearm that is in a case or in a closed trunk of a motor vehicle;

(3) a shotgun and shells containing No. 4 buckshot or smaller diameter lead shot or steel shot;

(4) a handgun or rifle and only short, long, and long rifle cartridges that are caliber of .22 inches;

(5) handguns possessed by a person authorized to carry a handgun under sections 624.714 and 624.715 for the purpose authorized; and

(6) on a target range operated under a permit from the commissioner.

**History:** 1987 c 149 art 1 s 43

**97B.061 REPORTS AND RECORDS.**

If requested by the commissioner, a person who has taken game must submit a report to the commissioner on a furnished form before March 15, stating the number and kind of each game animal taken during the preceding license year.

**History:** 1987 c 149 art 1 s 44

**97B.065 HUNTING WHILE UNDER THE INFLUENCE OF ALCOHOL OR A CONTROLLED SUBSTANCE.**

A person may not take protected wild animals with a firearm or by archery while under the influence of alcohol or a controlled substance.

**History:** 1987 c 149 art 1 s 45

**97B.081 USING ARTIFICIAL LIGHTS TO LOCATE ANIMALS.**

**Subdivision 1. With firearms and bows.** (a) A person may not cast the rays of a spotlight, headlight, or other artificial light on a highway, or in a field, woodland, or forest, to spot, locate, or take a wild animal, except while taking raccoons in accordance with section 97B.621, subdivision 3, or tending traps in accordance with section 97B.931, while having in possession, either individually or as one of a group of persons, a firearm, bow, or other implement that could be used to kill big game.

(b) This subdivision does not apply to a firearm that is:

(1) unloaded;

(2) in a gun case expressly made to contain a firearm that fully encloses the firearm by being zipped, snapped, buckled, tied, or otherwise fastened without any portion of the firearm exposed; and

(3) in the closed trunk of a motor vehicle.

(c) This subdivision does not apply to a bow that is:

(1) completely encased or unstrung; and

(2) in the closed trunk of a motor vehicle.

(d) If the motor vehicle under paragraph (b) or (c) does not have a trunk, the firearm or bow must be placed in the rearmost location of the vehicle.

(e) This subdivision does not apply to persons taking raccoons under section 97B.621, subdivision 3.

**Subd. 2. Without firearms.** Between the hours of 10:00 p.m. and 6:00 a.m. from September 1 to December 31, a person may not cast the rays of a spotlight, headlight,

or other artificial light in a field, woodland, or forest to spot, locate, or take a wild animal except to take raccoons under section 97B.621, subdivision 3, or to tend traps under section 97B.931. It is not a violation of this subdivision for a person to carry out any agricultural, occupational, or recreational practice, including snowmobiling that is not related to spotting, locating, or taking a wild animal.

**History:** 1987 c 131 s 1; 1987 c 149 art 1 s 46

#### **97B.201 NO OPEN SEASON FOR CARIBOU OR ANTELOPE.**

There may not be an open season on caribou or antelope.

**History:** 1987 c 373 s 12

#### **97B.211 HUNTING BIG GAME BY ARCHERY.**

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

Subd. 2. **Arrowhead requirements.** Arrowheads used for taking big game must be sharp, have a minimum of two metal cutting edges, be of a barbless broadhead design, and must have a diameter of at least seven-eighths inch.

**History:** 1987 c 183 s 1

#### **97B.301 DEER LICENSES AND LIMITS.**

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

Subd. 4. **Taking two deer.** The commissioner may, by order, allow a person to take two deer. The commissioner shall prescribe the conditions for taking the second deer including:

- (1) taking by firearm or archery;
- (2) obtaining an additional license; and
- (3) payment of a fee not more than the fee for a firearms deer license.

**History:** 1987 c 35 s 1

#### **97B.315 CROSSBOW PERMITS.**

The commissioner may issue a special permit, without a fee, to take deer with a crossbow to a person that is unable to hunt in another manner because of a permanent physical disability. The disability, established by medical evidence, and the inability to hunt in another manner must be verified in writing by a licensed physician. The person must obtain an archery deer license. The crossbow must:

- (1) be fired from the shoulder;
- (2) deliver at least 42 foot-pounds of energy at a distance of ten feet;
- (3) have a stock at least 30 inches long;
- (4) have a working safety; and
- (5) be used with arrows or bolts at least ten inches long with a broadhead.

**History:** 1987 c 384 art 1 s 12

### **ELK**

#### **97B.515 ELK; LICENSE REQUIRED, SEASONS, RESTRICTIONS.**

Subdivision 1. **License required.** A person may not take an elk without an elk license.

Subd. 2. **Season and restrictions.** The commissioner may, by order, prescribe the open season and the areas and conditions for the taking of elk when the precalving population exceeds 20 animals.

Subd. 3. **Stand restrictions.** A person may not take elk from a constructed platform

or other structure higher than nine feet above the ground. The restriction does not apply to a portable stand that is chained, belted, clamped, or tied with rope.

**History:** 1987 c 373 s 13

#### **97B.516 ELK MANAGEMENT PLAN.**

The commissioner of natural resources must adopt an elk management plan that:

- (1) recognizes the value and uniqueness of elk;
- (2) provides for integrated management of an elk population in harmony with the environment;
- (3) affords optimum recreational opportunities; and
- (4) restricts elk to nonagricultural land in the state.

**History:** 1987 c 373 s 14

#### **97B.601 SMALL GAME LICENSES.**

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

Subd. 4. **Exception to license requirements.** (a) A resident under age 16 may take small game without a small game license, and a resident under age 13 may trap without a trapping license, as provided in section 97A.451, subdivision 3.

(b) A person may take small game without a small game license on land occupied by the person as a principal residence.

(c) An owner or occupant may take certain small game causing damage without a small game or trapping license as provided in section 97B.655.

(d) A person may use dogs to pursue and tree raccoons under section 97B.621, subdivision 2, during the closed season without a license.

**History:** 1987 c 149 art 1 s 47

#### **97B.605 COMMISSIONER MAY RESTRICT TAKING OF CERTAIN SMALL GAME ANIMALS.**

The commissioner may prescribe restrictions on and designate areas where gray and fox squirrels, cottontail and jack rabbits, snowshoe hare, raccoon, lynx, bobcat, red fox and gray fox, fisher, pine marten, opossum, and badger may be taken and possessed.

**History:** 1987 c 149 art 1 s 48

#### **97B.621 RACCOONS.**

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

Subd. 2. **Period for treeing raccoons.** Notwithstanding subdivision 1, a person may use dogs to pursue and tree raccoons without killing or capturing the raccoons:

- (1) from January 1 to April 15 and from July 15 to October 14; and
- (2) from April 16 to July 14 in raccoon dog field trials under special permit issued by the commissioner under section 97B.005, subdivision 1.

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

**History:** 1987 c 81 s 1

#### **97B.635 FISHER; BADGER; OPOSSUM; AND PINE MARTEN.**

Based upon population estimates, the commissioner may set the open season for fisher, badger, opossum, and pine marten.

**History:** 1987 c 149 art 1 s 49

**97B.655 TAKING ANIMALS CAUSING DAMAGE.**

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

**Subd. 2. Special permit for taking protected wild animals.** The commissioner may issue special permits under section 97A.401, subdivision 5, to take protected wild animals that are damaging property.

**History:** 1987 c 149 art 1 s 50

**97B.701 PROTECTED BIRDS.**

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

**Subd. 2. Prohibited methods of taking.** A person may not take protected birds:

- (1) with a trap, net, or snare;
- (2) using bird lime;
- (3) with a swivel or set gun;
- (4) by dragging a rope, wire, or other device across a field; or
- (5) by using fire.

**History:** 1987 c 149 art 1 s 51

**97B.921 OTTER SEASONS.**

The commissioner may establish open seasons for otter between October 25 and April 30. Otter may be taken only by trapping and the taking is subject to restrictions prescribed by the commissioner.

**History:** 1987 c 131 s 2; 1987 c 384 art 1 s 13

**97B.925 BEAVER SEASONS.**

The commissioner may establish open seasons for beaver between October 25 and April 30. Beaver may be taken only by trapping and the taking is subject to restrictions prescribed by the commissioner.

**History:** 1987 c 384 art 1 s 14

**97B.931 TENDING TRAPS RESTRICTED.**

A person may not tend a trap set for wild animals between 7:00 p.m. and 5:00 a.m. Between 5:00 a.m. and 7:00 p.m. a person on foot may use a portable artificial light to tend traps. While using a light in the field, the person may not possess or use a firearm other than a handgun of .22 caliber.

**History:** 1987 c 131 s 3

**97B.945 SETTING OF TRAPS NEAR WATER RESTRICTED.**

A person may not set a trap within 50 feet of any water other than temporary surface water within 30 days before the open season for mink and muskrat without a special permit by the commissioner.

**History:** 1987 c 131 s 4