

## CHAPTER 97C

### FISHING

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#### 97C.203 DISPOSAL OF STATE HATCHERY EGGS OR FRY.

(a) The commissioner shall dispose of game fish eggs and fry according to the following order of priorities:

(1) distribution of fish eggs and fry to state hatcheries to hatch fry or raise fingerlings for stocking waters of the state for recreational fishing;

(2) sale of fish eggs and fry to private fish hatcheries to hatch fry or raise fingerlings to stock waters of this state with fingerlings for recreational fishing at a price not less than the fair market value, established as the average price charged at the state's private hatcheries; and

(3) sale at a price not less than the fair market value, established as the average price charged at the state's private hatcheries of fish eggs and fry to private fish hatcheries and fish farms to hatch fry or raise fingerlings for sale.

(b) Until July 1, 1990, the commissioner must make at least two percent of the game fish eggs collected available to private hatcheries.

**History:** 1987 c 318 s 3

#### 97C.209 FISH FARMS.

Subdivision 1. **License required.** A person may not operate a fish farm without a fish farm license. A fish farm is a facility for commercially raising fish for sale to be commercially processed for human consumption. A fish farm licensee may operate a private hatchery without obtaining a private hatchery license.

Subd. 2. **Acquisition of fish.** (a) A person operating a fish farm may not obtain fish or fish eggs outside of the state unless approved by the commissioner. The commissioner must either approve or deny the acquisition within 30 days after receiving a written request for approval.

(b) If the commissioner denies approval, a written notice must be submitted to the applicant stating the reasons for the denial and the commissioner must:

(1) designate approved sources to obtain the desired fish or fish eggs; or

(2) sell the fish or fish eggs from state fish hatcheries at fair market value.

Subd. 3. **Rules for operation.** The commissioner shall prescribe rules that allow a person to maintain and operate a fish farm to raise and dispose of fish. The commissioner shall prescribe and assess a fee to cover the cost of inspection and disease certification of fish farms.

**History:** 1987 c 318 s 4

#### 97C.211 PRIVATE FISH HATCHERIES.

Subdivision 1. **License required.** A person may not operate a private fish hatchery without a private fish hatchery license. A private fish hatchery is a facility for raising fish for sale for stocking waters or for angling.

Subd. 2. **Rules for operation.** The commissioner shall prescribe rules that allow a person to maintain and operate a private fish hatchery to raise and dispose of fish. The commissioner shall establish and assess a fee to cover the cost of inspection and disease certification of private hatcheries.

Subd. 2a. **Acquisition of fish.** (a) A private fish hatchery may not obtain fish

outside of the state unless the fish are approved by the commissioner. The commissioner must either approve or deny the acquisition within 30 days after receiving a written request for approval.

(b) If the commissioner denies approval, a written notice must be submitted to the applicant stating the reasons for the denial and the commissioner must:

- (1) designate approved sources to obtain the desired fish or fish eggs; or
- (2) sell the fish or fish eggs from state fish hatcheries at fair market value.

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

Subd. 5. **Price of walleye fry.** The commissioner may not sell walleye fry for less than fair market value, defined as the average price charged by private walleye fry wholesalers located in Minnesota.

**History:** 1987 c 318 s 5-7; 1987 c 404 s 134

### 97C.345 RESTRICTIONS ON USE AND POSSESSION OF NETS AND SPEARS.

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

Subd. 2. **Possession.** (a) Except as specifically authorized, a person may not possess a spear, fish trap, net, dip net, seine, or other device capable of taking fish on or near any waters. Possession includes personal possession and in a vehicle.

(b) A person may possess spears, dip nets, bows and arrows, and spear guns allowed under section 97C.381 on or near waters between sunrise and sunset between May 1 and February 15.

Subd. 3. **Dip nets.** A person may possess and use a dip net between one hour before sunrise and one hour after sunset between May 1 and February 15.

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

**History:** 1987 c 149 art 1 s 52,53

### 97C.391 BUYING AND SELLING FISH.

Subdivision 1. **General restrictions.** A person may not buy or sell fish taken from the waters of this state, except:

- (1) minnows;
- (2) rough fish excluding ciscoes;
- (3) fish taken under licensed commercial fishing operations;
- (4) fish raised in a fish farm that are identified as prescribed by the commissioner;
- (5) fish raised in a private hatchery that are tagged or labeled or otherwise identified as prescribed by the commissioner; and
- (6) fish lawfully taken and subject to sale from other states and countries.

Subd. 2. **Restrictions on certain game fish.** Largemouth bass, smallmouth bass, rock bass, muskellunge, and sunfish may not be bought or sold, unless bought or sold by a private hatchery or fish farm to stock waters for recreational fishing, or as prescribed by the commissioner.

**History:** 1987 c 318 s 8

### 97C.402 RAINY RIVER SEASON.

The fishing season on the Minnesota side of the Rainy River ends on February 28.

**History:** 1987 c 404 s 135